

RED-LINE VERSION

SHOWING PROPOSED CHANGES TO TITLE II (RESEARCH AND NIDRR)
OF THE REHABILITATION ACT
INCLUDED IN THE SENATE STAFF DISCUSSION DRAFT

TITLE II--RESEARCH AND TRAINING

Declaration of Purpose

Sec. 200.

The purpose of this title is to--

(1) provide for research, demonstration projects, training, technical assistance, and related activities to maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social of individuals with disabilities of all ages, with particular emphasis on improving the effectiveness of services authorized under this Act;

(2) provide for a comprehensive and coordinated approach to the support and conduct of such research, demonstration projects, training, technical assistance, and related activities and to ensure that the approach is in accordance with the 5-year plan developed under section 202(h);

(3) promote the transfer, use, and adoption of rehabilitation technology to individuals with disabilities in a timely manner through research and demonstration projects relating to--

(A) the procurement process for the purchase of rehabilitation technology;

(B) the utilization of rehabilitation technology on a national basis;

(C) specific adaptations or customizations of products to enable individuals with disabilities to live more independently; and

(D) the development or transfer of assistive technology and dissemination of research findings to individuals with disabilities and other interested entities;

(4) ensure the widespread distribution, in usable formats, of practical scientific and technological information--

(A) generated by research, demonstration projects, training, and related activities; and

(B) regarding state-of-the-art practices, improvements in the services authorized under this Act, rehabilitation technology, and new knowledge regarding disabilities,

to rehabilitation professionals, individuals with disabilities, and other interested parties, including the general public;

(5) identify effective strategies that enhance the opportunities of individuals with disabilities to engage in employment, including employment involving telecommuting and self-employment;

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(6) increase opportunities for researchers who are members of traditionally underserved populations, including researchers who are members of minority groups and researchers who are individuals with disabilities;

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(7) identify effective strategies for supporting the employment of individuals with disabilities in competitive integrated employment.

Authorization of Appropriations

Sec. 201. (a) There are authorized to be appropriated--

(1) for the purpose of providing for the expenses of the National Institute on Disability and Rehabilitation Research under section 202, which shall include the expenses of the Rehabilitation Research Advisory Council under section 205, and shall not include the expenses of such Institute to carry out section 204, such sums as may be necessary for each of fiscal years 2012 through 2016;

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(2) to carry out section 204, such sums as may be necessary for each of fiscal years 2012 through 2016.

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(b) Funds appropriated under this title shall remain available until expended.

National Institute on Disability and Rehabilitation Research

Sec. 202. (a)(1)

There is established within the Department of Education a National Institute on Disability and Rehabilitation Research (hereinafter in this title referred to as the "Institute"), which shall be headed by a Director (hereinafter in this title referred to as the "Director"), in order to--

(A) promote, coordinate, and provide for--

(i) research;

(ii) demonstration projects and training, and technical assistance;

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(iii) knowledge translation and dissemination;

(iv) related activities, with respect to individuals with disabilities;

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(B) more effectively carry out activities through the programs under section 204 and activities under this section;

(C) widely disseminate information from the activities described in subparagraphs (A) and (B); and

(D) provide leadership in advancing the quality of life of individuals with disabilities.

(2) In the performance of the functions of the office, the Director shall be directly responsible to the Secretary or to the same Under Secretary or Assistant Secretary of the Department of Education to whom the Commissioner is responsible under section 3(a).

(b) The Director, through the Institute, shall be responsible for--

(1) administering the programs described in section 204 and activities under this section;

(2) widely disseminating findings, conclusions, and recommendations, resulting from research, demonstration projects, training, and related activities (referred to in this title as "covered activities") funded by the Institute, to--

- (A) representatives;
- (B) Other federal , state, tribal, and local public agencies;
- (C) Private organizations engaged in research relating to rehabilitation or providing rehabilitation services;
- (D) Rehabilitation practitioners;
- (E) International organizations;

(3) coordinating, through the Interagency Committee established by section 203 of this Act, all Federal programs and policies relating to research on disability and rehabilitation;

(4) widely disseminating educational materials and research results, concerning ways to maximize the full inclusion and integration into society, employment, independent living, education, health and health care, family support, and economic and social self-sufficiency of individuals with disabilities, to--

- (A) public and private entities, including
 - (i) elementary schools and secondary schools (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)'
 - (ii) institutions of higher education; and nongovernmental agencies and organizations;
- (B) rehabilitation practitioners;
- (C) employers and organizations representing employers with respect to employment-based educational materials or research;
- (D) individuals with disabilities (especially such individuals who are members of minority groups or underserved by programs under this Act);
- (E) the individuals' representatives for the individuals described in subparagraph (D); and

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(F) the Committee on Health, Education, Labor and Pensions of the Senate, the Committee on Appropriations of the Senate, the Committee on Education and the Workforce of the House of Representatives and the National Council on Disability.

(5)(A) conducting an education program to inform the public about ways of providing for the rehabilitation of individuals with disabilities, including information relating to--

(i) family care;

(ii) self-care; and

(iii) assistive technology devices and assistive technology services; and

(B) as part of the program, disseminating engineering information about assistive technology devices;

(6) conducting conferences, seminars, and workshops (including in-service training programs and programs for individuals with disabilities) concerning advances in disability and rehabilitation research and rehabilitation technology (including advances concerning the selection and use of assistive technology devices and assistive technology services), pertinent to the full inclusion and integration into society, employment, independent living, education, health and health care, family support, and economic and social self-sufficiency of individuals with disabilities;

(7) reporting to Congress on a continuing and ongoing bases with respect to the implementation and conduct of programs and activities carried out under this title, including dissemination activities;

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(8) producing, in conjunction with the Department of Labor, the National Center for Health Statistics, the Bureau of the Census, the Social Security Administration, the Bureau of Indian Affairs, the Indian Health Service, and other Federal departments and agencies, as may be appropriate, statistical reports and studies on the employment, self-employment, telecommuting, health, and health care, income, education, and other demographic characteristics of individuals with disabilities, including information on individuals with disabilities who live in rural or inner-city settings, with particular attention given to underserved populations, and widely disseminating such reports and studies to rehabilitation professionals, individuals with disabilities, the individuals' representatives, and others to assist in the planning, assessment, and evaluation of vocational and other rehabilitation services for individuals with disabilities;

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(9) conducting research on consumer satisfaction with vocational rehabilitation services for the purpose of identifying effective rehabilitation programs and policies that promote the independence of individuals with disabilities and achievement of long-term vocational goals;

(10) conducting research to examine the relationship between the provision of specific services and successful, sustained employment outcomes, including employment outcomes involving self-employment, self-employment (including customized employment), and telecommuting; and

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(11) coordinating activities with the Attorney General regarding the provision of information, training, or technical assistance regarding the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) to ensure consistency with the plan for technical assistance required under section 506 of such Act (42 U.S.C. 12206); ~~and~~

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~~(12) ensuring that the research activities and findings, demonstration projects, reports, evaluations, studies, information described in this section as well as information about any reports in progress, will be made publicly available in a timely manner, including through electronic means (such as the website of the Department of Education and other relevant government agency websites) in order to inform the public about the research and activities performed under this title.~~

(c)(1) The Director, acting through the Institute or 1 or more entities funded by the Institute, shall provide for the development and dissemination of models to address consumer-driven information needs related to assistive technology devices and assistive technology services.

(2) The development and dissemination of models may include--

(A) convening groups of individuals with disabilities, family members and advocates of such individuals, commercial producers of assistive technology, and entities funded by the Institute to develop, assess, and disseminate knowledge about information needs related to assistive technology;

(B) identifying the types of information regarding assistive technology devices and assistive technology services that individuals with disabilities find especially useful;

(C) evaluating current models, and developing new models, for transmitting the information described in subparagraph (B) to consumers and to commercial producers of assistive technology; and

(D) disseminating through 1 or more entities funded by the Institute, the models described in subparagraph (C) and findings regarding the information described in subparagraph (B) to consumers and commercial producers of assistive technology.

(d)(1) The Director of the Institute shall be appointed by the Secretary. The Director shall be an individual with substantial experience in rehabilitation and in research administration, ~~and shall not be an employee of the Department of Education during the 90-day period before such appointment.~~

(2) The Director, subject to the approval of the President, may appoint, for terms not to exceed three years, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and may compensate, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, such technical and professional employees of the Institute as the Director determines to be necessary to accomplish the functions of the Institute and also appoint and

compensate without regard to such provisions, in a number not to exceed one-fifth of the number of full-time, regular technical and professional employees of the Institute.

(3) The Director may obtain the services of consultants, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(e) The Director, pursuant to regulations which the Secretary shall prescribe, may establish and maintain fellowships with such stipends and allowances, including travel and subsistence expenses provided for under title 5, United States Code, as the Director considers necessary to procure the assistance of highly qualified research fellows, including individuals with disabilities, from the United States and foreign countries.

(f)(1) The Director shall provide for scientific peer review of all applications for financial assistance for research, training, and demonstration projects over which the Director has authority. The scientific peer review shall be conducted by individuals who are not Department of Education employees, who are scientists or other experts in the disability and rehabilitation field (including the independent living field), including individuals with disabilities and the individuals' representatives, and who have sufficient knowledge to review applications for the financial assistance. Such panel shall include a member of the covered school community (for any activity resulting in educational materials or a product to be used in a covered school), a member of the business community (for an activity resulting in a product to be used in an employment activity), a member of the assistive technology community (for an activity relating to assistive technology), and an accessible electronic and information technology vendor or manufacturer (for an activity relating to accessible electronic and information technology). The peer review panel shall include a director of a designated State unit for a panel that considers research related to the operation or administration of the vocational rehabilitation program."

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(2) In providing for such scientific peer review, the Secretary shall provide for training, as necessary and appropriate, to facilitate the effective participation of those individuals selected to participate in such review.

(g) Not less than 90 percent of the funds appropriated under this title for any fiscal year shall be expended by the Director to carry out activities under this title through grants, contracts, or cooperative agreements. Up to 10 percent of the funds appropriated under this title for any fiscal year may be expended directly for the purpose of carrying out the functions of the Director under this section.

(h)(1) The Director shall--

(A) by October 1, 1998 and every fifth October 1 thereafter, prepare and publish in the Federal Register for public comment a draft of a 5-year plan that outlines priorities for disability and rehabilitation research, demonstration projects, training dissemination, and related activities and explains the basis for such priorities;

(B) by June 1, 1999, and every fifth June 1 thereafter, after considering public comments, submit the plan in final form to the appropriate committees of Congress;

(C) at appropriate intervals, prepare and submit revisions in the plan to the appropriate committees of Congress; and

(D) annually prepare and submit progress reports on the plan to the appropriate committees of Congress.

(2) Such plan shall--

(A) identify any covered activity that should be conducted under this section and section 204 respecting the full inclusion and integration into society of individuals with disabilities.;

(B) determine the funding priorities for covered activities to be conducted under this section and section 204;

(C) specify appropriate goals and timetables for covered activities to be conducted under this section and section 204;

(D) be developed by the Director--

(i) after consultation with the Rehabilitation Research Advisory Council established under section 205;

(ii) in coordination with the Commissioner;

(iii) after consultation with the National Council on Disability established under title IV, the Secretary of Education, officials responsible for the administration of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, and the Interagency Committee on Disability Research established under section 203; and

(iv) after full consideration of the input of individuals with disabilities and the individuals' representatives, organizations representing individuals with disabilities, providers of services furnished under this Act, researchers in the rehabilitation field, and any other persons or entities the Director considers to be appropriate;

(E) specify plans for widespread dissemination of the results of covered activities, in accessible formats, to rehabilitation practitioners, individuals with disabilities, and the individuals' representatives; and

(F) specify plans for widespread dissemination of the results of covered activities that concern individuals with disabilities who are members of minority groups or of populations that are unserved or underserved by programs carried out under this Act.

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(i)(1) The Director shall determine if entities that received financial assistance under this title are complying with the applicable requirements of this Act and achieving measurable goals, described in section 204(d)(2), that are consistent with the requirements of the programs under which the entities received the financial assistance.

(2) To assist the Director in carrying out the responsibilities described in paragraph (1), the Director shall require recipients of financial assistance under this title to submit relevant information to evaluate program outcomes with respect to the measurable goals described in section 204(d)(2) pursuant to section 75.118 of title 34, Code of Federal Regulations.”;

(j) In order to promote cooperation among Federal departments and agencies conducting research programs, the Director shall consult with the administrators of such programs, and with the Interagency Committee established by section 203, regarding the design of research projects conducted by such entities and the results and applications of such research.

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(k)(1) The Director shall take appropriate actions to provide for a comprehensive and coordinated research program under this title. In providing such a program, the Director may undertake joint activities with other Federal entities engaged in research and with appropriate private entities. Any Federal entity proposing to establish any research project related to the purposes of this Act shall consult, through the Interagency Committee established by section 203, with the Director as Chairperson of such Committee and provide the Director with sufficient prior opportunity to comment on such project.

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(2) Any person responsible for administering any program of the National Institutes of Health, the Department of Veterans Affairs, the National Science Foundation, the National Aeronautics and Space Administration, the Office of Special Education and Rehabilitative Services, or of any other Federal entity, shall, through the Interagency Committee established by section 203, consult and cooperate with the Director in carrying out such program if the program is related to the purposes of this title.

(1) The Director shall make grants to institutions of higher education for the training of rehabilitation researchers, including individuals with disabilities and traditionally underserved populations of individuals with disabilities, as described in section 21, with particular attention to research areas that—

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(1) support the implementation and objectives of this Act; and

(2) improve the effectiveness of services authorized under this Act.

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(m)(1) Not later than December 31 of each year, the Director shall prepare, and submit to the Secretary, the Committee on Health, Education, Labor and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives, a report on the activities funded under this title.

(2) The report under paragraph (1) shall include—

(A) a compilation and summary of the information provided by recipients of financial assistance for such activities under this title;

(B) a summary of recipients of financial assistance received under this title and the progress of the recipients of financial assistance in achieving the measurable goals described in section 204(d)(2); and

(C) a summary of practical implications of research outcomes and anticipated next steps.

(n)(1) If the Director determines that an entity that receives financial assistance under this title fails to comply with the applicable requirements of this Act, or to make progress toward achieving the measurable goals described in section 204(d)(2), with respect to the covered activities involved, the Director shall enact monitoring and enforcement measures pursuant to section 75.253 of title 34, Code of Federal Regulations.

(2) As part of the annual report required under subsection (m), the Secretary shall describe each action taken by the Secretary under paragraph (1) and the outcomes of such action.”

Interagency Committee

Sec. 203. (a)(1) In order to promote coordination, cooperation, and collaboration among Federal departments and agencies conducting disability and rehabilitation research programs, there is established within the Federal Government an Interagency Committee on Disability Research (hereinafter in this section referred to as the "Committee"), chaired by the Director and comprised of such members as the President may designate, including the following (or their designees): the Director, the Commissioner of the Rehabilitation Services Administration, the Assistant Secretary for Special Education and Rehabilitative Services, the Chairman of the National Council on Disability, the Assistant Secretary for Disability Employment Policy, the Secretary of Defense, the Director of the Office on Disability of the Department of Health and Human Services, the Secretary of Education, the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Director of the National Institute of Mental Health, the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation, the Assistant Secretary of the Interior for Indian Affairs, the Director of the Indian Health Service, the Director of the National Science Foundation, the Secretary of Commerce, and the Administrator of the Small Business Administration.

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(2) The Committee shall meet not less than four times each year.

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(b) Duties

(1) After receiving input individuals with disabilities and their representatives, the Committee shall identify, assess, and seek to coordinate all Federal programs, activities, and projects, and plans for such programs, activities, and projects with respect to the conduct of research (including assistive technology research and research that incorporates the principles of universal design) related to rehabilitation of individuals with disabilities.

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(2) In carrying out its duties with respect to the conduct of Federal research (including assistive technology research and research that incorporates the principles of universal design) related to rehabilitation of individuals with disabilities, the Committee shall -

(A) share information regarding the range of assistive technology research, rehabilitation research, and research that incorporates the principles of universal design, that is being carried out by members of the Committee and other Federal departments and organizations;

(B) identify and make efforts to address, gaps in assistive technology research, rehabilitation research, and research that incorporates the principles of universal design, that are not being adequately addressed;

(C) identify, and establish, clear research priorities related to assistive technology research and research that incorporates the principles of universal design for the Federal Government;

(D) promote interagency collaboration and joint research activities relating to assistive technology research, rehabilitation research, and research that incorporates the principles of universal design at the

Federal level, and reduce unnecessary duplication of effort regarding these types of research within the Federal Government; and

(E) optimize the productivity of Committee members through resource sharing and other cost-saving activities, related to assistive technology research, rehabilitation research, and research that incorporates the

principles of universal design.

(c)(1) Not later than 2 years after the date of enactment of the Workforce Investment Act of 2011, and not later than every 3 years thereafter, the Committee shall host a disability and rehabilitation research summit bringing together policymakers, representatives from Federal agencies conducting disability and rehabilitation research, nongovernmental funders of rehabilitation research, and organizations representing individuals with disabilities, researchers and providers.

(2) Based on the proceedings of the summit described in paragraph (1), the Committee shall develop a comprehensive governmentwide strategic plan for disability and rehabilitation research. The strategic plan shall include measurable goals and objectives, action-oriented measures

(d) Annual report

Not later than December 31 of each year, the Committee shall prepare and submit, to the President and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that

(1) describes the progress of the Committee in fulfilling the

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duties described in subsection (b) of this section;
 (2) makes such recommendations as the Committee determines to be appropriate with respect to coordination of policy and development of objectives and priorities for all Federal programs relating to the conduct of research (including assistive technology research and research that incorporates the principles of universal design) related to rehabilitation of individuals with disabilities; and
 (3) describes the activities that the Committee recommended to be funded through grants, contracts, cooperative agreements, and other mechanisms, for assistive technology research and development and research and development that incorporates the principles of universal design.

(e) Definitions

In this section, the terms "assistive technology", "targeted individuals", and "universal design" have the meanings given the terms in section 3002 of this title.

Research and Other Covered Activities

Sec. 204. (a)(1) To the extent consistent with priorities established in the 5-year plan described in section 202(h), 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 pay 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 real life applications and maximize the full inclusion and integration into society, employment, education, independent living, health and health care, 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 Act.

(2)(A) In carrying out this section, the Director shall emphasize projects that support the implementation of titles I, III, V, VI, and VII, including projects addressing the needs described in the State plans submitted under section 101 or 704 by State agencies and from which the research findings 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 analysis of policies and the interaction of how particular factors (industrial, vocational, educational, employment, social, recreational, psychiatric, psychological, economic,

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 (1) In order to promote coordination and cooperation among .
 Federal departments and agencies conducting assistive technology .
 research programs, to reduce duplication of effort among the .
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 for individuals with disabilities, the Committee may recommend .
 activities to be funded through grants, contracts or cooperative .
 agreements, or other mechanisms - .
 (A) in joint research projects for assistive technology .
 research and research that incorporates the principles of .
 universal design; and .
 (B) in other programs designed to promote a cohesive, strategic .
 Federal program of research described in subparagraph (A). .
 (2) The projects and programs described in paragraph (1) shall be .
 jointly administered by at least 2 agencies or departments with .
 representatives on the Committee. .
 (3) In recommending activities to be funded in the projects and .
 programs, the Committee shall obtain input from targeted .
 individuals, and other organizations and individuals the Committee .
 determines to be appropriate, concerning the availability and .
 potential of technology for individuals with disabilities. .

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and health and health care), including for traditionally underserved populations as described in section 21, affect the rehabilitation of individuals with disabilities.”;

(iii) studies and analysis of special problems of individuals who **have significant challenges attempting to engage with community life outside of their homes** and individuals who are institutionalized;

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(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 promote 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 Act;

(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 7(11), **including self-employment and tele-commuting, of individuals with disabilities.**

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

(A) **dissemination of high quality materials, scientifically valid research results, or findings, conclusions, and recommendations resulting from covered activities, including through electronic means (such as the website of the Department of Education), 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)(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). A research grant made under any of paragraphs (2) through (17) may only be used in a manner consistent with priorities established in the 5-year plan described in section 202(h).

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(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 or providers of rehabilitation services, developers or providers of assistive technology devices, assistive technology services, or information technology devices or services, 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 rehabilitation targeted toward the production of new knowledge that will improve 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) providing training (including graduate, pre-service, and in-service training) to assist individuals to more effectively provide rehabilitation services;

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

(iv) serving as an informational and technical assistance resource to individuals with disabilities, as well as to providers, educators, and researchers, through conferences, workshops, public education programs, in-service training programs, and similar activities and providing knowledge translation to promote the use of research findings through training, technical assistance, and dissemination, including identifying potential new areas of research; and

(v) developing practical applications for the findings of the research of 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 rehabilitation, including disability policy;

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

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Deleted: 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

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Deleted: (iv) serving as an informational and technical assistance resource to providers, individuals with disabilities, and the individuals' representatives, through conferences, workshops, public education programs, in-service training programs, and similar activities.

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Deleted: (iii) research related to vocational rehabilitation; -

(iv) continuation of research that promotes the emotional, social, educational, and functional growth of children who are individuals with disabilities; -

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

(vi) continuation of research 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 mental retardation and other developmental disabilities, to live in their communities.

(iii) improving the evaluation process for determining the assistive technology needs of individuals with disabilities;

(iv) research related to vocational rehabilitation, including the use of assistive technology devices and accessible electronic and information technology devices in employment;

(v) 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;

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

(vii) 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

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

(D) Training of students preparing to be rehabilitative personnel or to provide rehabilitative, assistive, or supportive services (such as rehabilitation counseling, personal care services, direct care, job coaching, aides in school based setting, 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.

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Deleted: (D) Training of students preparing to be rehabilitative personnel shall be an important priority for such a Center.

(E) The Director shall make grants under this paragraph to establish and support both comprehensive 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) 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.

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

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

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(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.

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(M) In conducting scientific peer review under section 202(f) 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.

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(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.

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(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 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 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 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;

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(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 postschool 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 title V.

(IV) Independent living, including transition from institutional to community living, maintenance of community living on leaving the work force, 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. Each such Center conducting an activity relating to assistive technology or relating to accessible electronic and information technology shall include in the advisory committee a member of the assistive technology or accessible electronic and information technology community, respectively. Each such Center conducting an activity resulting in educational materials or a product to be used in a covered school, or resulting in a product to be used in an employment activity, shall include in the advisory committee a member of the covered school community, or a member of the business community, respectively.

(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.

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(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; 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 success 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 vocational 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 follow-up and services;

(ii) demonstrate and evaluate the benefits to individuals with spinal cord injuries served in, and the degree 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

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(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 health care, 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 disabilities 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 the National Institutes of Health, the National Institute of Mental Health, the Health Services Administration, the Administration on Aging, the National Science Foundation, the Department of Veterans Affairs, the Department of Defense, the Substance Abuse and Mental Health Services Administration, the

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Deleted: (8) 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.

Federal Communications Commission, the Department of Health and Human Services, the National Aeronautics and Space Administration, the Department of Commerce, 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.

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(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--

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(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;

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Deleted: (11) 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 providing a broad range of educational, cultural, scientific, and vocational programming.

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

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(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 older individuals with disabilities, students with disabilities who are transitioning from school to postsecondary life, including employment, and out of school youth with disabilities, including programs that—

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(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;

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

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(G) develop models and alternatives to help transition sheltered workshops for individuals with disabilities to competitive integrated employment for such individuals, and develop recommendations for decreasing reliance on the special minimum wage certificate program under section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)).

(12) Research grants may be used to conduct a rehabilitation research program under which financial assistance is provided in order to--

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- (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 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 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 rehabilitation needs of American Indian populations and of effective mechanisms for the delivery of rehabilitation services to Indians residing on and off reservations.

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(14) Research grants may be used to conduct a demonstration program under which one or more projects national in scope shall be established 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, equal opportunity, and economic self-sufficiency.

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

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(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 decisionmaking 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--

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(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)(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.

(17) Research grants may be used to provide for research and training concerning the delivery of vocational rehabilitation services. Such projects and activities may include projects and activities designed to—

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(A) identify, develop and evaluate evidence-based practices or policies that are effective in improving employment outcomes for individuals with disabilities;

(B) conduct research related to improving the provision of services for underserved or special populations, such as strategies to enhance employment services and outcomes for middle-aged and older workers with disabilities or American Indians with disabilities;

(C) conduct research on the delivery of vocational rehabilitation services to rural areas;

(D) demonstrate innovative models of service delivery or testing methods of service delivery that have the potential to improve the effectiveness of programs authorized under this Act, including the use of assistive technology devices and accessible electronic and information technology devices in employment;

(E) conduct research on ways to improve the performance of State vocational rehabilitation agencies;

(F) disseminate and promote the implementation of evidence-based practices identified through these activities; and

(G) conduct rigorous evaluations of programs and activities administered by the Rehabilitation Services Administration or supported under this Act;

(d)(1) In awarding grants, contracts, or other financial assistance under this title, the Director shall award financial assistance under this title, the Director shall award the financial assistance on a competitive basis.

(2)(A) To be eligible to receive financial assistance under this section for a covered activity, an entity 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, United States Code, and a timeline and specific plan for meeting the goals, that the applicant has set for addressing priorities related to—

(I) commercialization of a marketable product (including a marketable curriculum or research) resulting from the covered activity;

(II) in the case of a covered activity relating to technology, technology transfer;

(III) in the case of research, dissemination of research results to, as applicable, Government entities, individuals with disabilities, covered schools, the business community, the assistive technology community, and the accessible electronic and information technology community; and

(IV) other priorities as required by the Director; and

(ii) how the applicant with quantifiably measure the goals to determine whether the goals have been accomplished.

(3)(A) In the case of an application for financial assistance 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 financial assistance shall not be used to carry out the commercialization and marketing strategies.

(B) In the case of any other application for financial assistance 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 any covered activity.

Rehabilitation Research Advisory Council

Sec. 205.

(a) Establishment

Subject to the availability of appropriations, the Secretary shall establish in the Department of Education a 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 202(h).

(c) Qualifications.—Members of the Council shall be generally representative of the community of rehabilitation professionals, the community of rehabilitation researchers, the directors of community rehabilitation programs, the business community (including a representative of the small business community) that has experience with the system of vocational rehabilitation services carried out under this Act and with hiring individuals with disabilities, the community of assistive technology developers and manufacturers, the community of information technology vendors and manufacturers, the community of entities carrying out programs under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.), the community of covered school professionals, 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

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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.

(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, United States Code, 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 Education 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.