

Title note set out under section 12101 of Title 42 and Tables.

#### PRIOR PROVISIONS

Prior sections 732 and 740 were omitted in the general amendment of this subchapter by Pub. L. 105-220.

Section 732, Pub. L. 93-112, title I, §112, Sept. 26, 1973, 87 Stat. 371; Pub. L. 93-516, title I, §§102(b), 111(f), Dec. 7, 1974, 88 Stat. 1618, 1620; Pub. L. 93-651, title I, §§102(b), 111(f), Nov. 21, 1974, 89 Stat. 2-3, 2-5; Pub. L. 94-230, §§2(b), 11(b)(4), Mar. 15, 1976, 90 Stat. 211, 213; Pub. L. 95-602, title I, §§105, 122(b)(1), Nov. 6, 1978, 92 Stat. 2960, 2987; Pub. L. 97-375, title I, §105, Dec. 21, 1982, 96 Stat. 1820; Pub. L. 98-221, title I, §113(a), Feb. 22, 1984, 98 Stat. 20; Pub. L. 99-506, title I, §103(d)(2)(C), title II, §209, title X, §1001(b)(7), Oct. 21, 1986, 100 Stat. 1810, 1818, 1842; Pub. L. 100-630, title II, §202(f), Nov. 7, 1988, 102 Stat. 3306; Pub. L. 102-52, §2(c), June 6, 1991, 105 Stat. 260; Pub. L. 102-569, title I, §§102(p)(10), 133, Oct. 29, 1992, 106 Stat. 4357, 4391; Pub. L. 103-73, title I, §107(g), Aug. 11, 1993, 107 Stat. 723; Pub. L. 104-66, title I, §1041(c), Dec. 21, 1995, 109 Stat. 714, related to client assistance program.

Section 740, Pub. L. 93-112, title I, §120, as added Pub. L. 102-569, title I, §134(a), Oct. 29, 1992, 106 Stat. 4392, related to State eligibility for grants.

Another prior section 740, Pub. L. 93-112, title I, §120, Sept. 26, 1973, 87 Stat. 372; Pub. L. 95-602, title I, §§101(e)(1), 122(b)(1), Nov. 6, 1978, 92 Stat. 2957, 2987; Pub. L. 99-506, title X, §1001(b)(8), Oct. 21, 1986, 100 Stat. 1842; Pub. L. 100-630, title II, §202(g), Nov. 7, 1988, 102 Stat. 3306, provided for State allotments to assist in meeting the cost of vocational rehabilitation services, prior to the general amendment of part C of former subchapter I of this chapter by Pub. L. 102-569.

#### AMENDMENTS

1998—Pub. L. 105-277 made technical amendment to section designation and catchline in original.

#### PART C—AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES

### § 741. Vocational rehabilitation services grants

#### (a) Governing bodies of Indian tribes; amount; non-Federal share

The Commissioner, in accordance with the provisions of this part, may make grants to the governing bodies of Indian tribes located on Federal and State reservations (and consortia of such governing bodies) to pay 90 percent of the costs of vocational rehabilitation services for American Indians who are individuals with disabilities residing on or near such reservations. The non-Federal share of such costs may be in cash or in kind, fairly valued, and the Commissioner may waive such non-Federal share requirement in order to carry out the purposes of this chapter.

#### (b) Application; effective period; continuation of programs and services; separate service delivery systems

(1) No grant may be made under this part for any fiscal year unless an application therefor has been submitted to and approved by the Commissioner. The Commissioner may not approve an application unless the application—

(A) is made at such time, in such manner, and contains such information as the Commissioner may require;

(B) contains assurances that the rehabilitation services provided under this part to American Indians who are individuals with disabilities residing on or near a reservation

in a State shall be, to the maximum extent feasible, comparable to rehabilitation services provided under this subchapter to other individuals with disabilities residing in the State and that, where appropriate, may include services traditionally used by Indian tribes; and

(C) contains assurances that the application was developed in consultation with the designated State unit of the State.

(2) The provisions of sections 450c, 450d, 450e, and 450f(a) of title 25 shall be applicable to any application submitted under this part. For purposes of this paragraph, any reference in any such provision to the Secretary of Education or to the Secretary of the Interior shall be considered to be a reference to the Commissioner.

(3) Any application approved under this part shall be effective for not more than 60 months, except as determined otherwise by the Commissioner pursuant to prescribed regulations. The State shall continue to provide vocational rehabilitation services under its State plan to American Indians residing on or near a reservation whenever such State includes any such American Indians in its State population under section 730(a)(1) of this title.

(4) In making grants under this part, the Secretary shall give priority consideration to applications for the continuation of programs which have been funded under this part.

(5) Nothing in this section may be construed to authorize a separate service delivery system for Indian residents of a State who reside in non-reservation areas.

#### (c) “Reservation” defined

The term “reservation” includes Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.].

(Pub. L. 93-112, title I, §121, as added Pub. L. 105-220, title IV, §404, Aug. 7, 1998, 112 Stat. 1166; amended Pub. L. 105-277, div. A, §101(f) [title VIII, §402(b)(10)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-413.)

#### REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in subsec. (c), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

#### PRIOR PROVISIONS

Prior sections 741 to 744 and 750 were omitted in the general amendment of this subchapter by Pub. L. 105-220.

Section 741, Pub. L. 93-112, title I, §121, as added Pub. L. 102-569, title I, §134(a), Oct. 29, 1992, 106 Stat. 4392, related to contents of strategic plans.

Another prior section 741, Pub. L. 93-112, title I, §121, Sept. 26, 1973, 87 Stat. 373; Pub. L. 93-516, title I, §102(c), Dec. 7, 1974, 88 Stat. 1618; Pub. L. 93-651, title I, §102(c), Nov. 21, 1974, 89 Stat. 2-3; Pub. L. 94-230, §2(c), Mar. 15, 1976, 90 Stat. 211; Pub. L. 95-602, title I, §§101(e)(2), 122(b), Nov. 6, 1978, 92 Stat. 2957, 2987; Pub. L. 98-221, title I, §114, Feb. 22, 1984, 98 Stat. 23; Pub. L. 99-506, title I, §103(d)(2)(C), title II, §210, Oct. 21, 1986, 100 Stat.

1810, 1819; Pub. L. 100-630, title II, §202(h), Nov. 7, 1988, 102 Stat. 3306; Pub. L. 102-52, §2(b)(2), June 6, 1991, 105 Stat. 260, related to payments to States for planning, preparing, and initiating special programs under approved State plans and payments for the costs of constructing facilities to be used in providing services under such State plans, prior to the general amendment of part C of former subchapter I of this chapter by Pub. L. 102-569.

Section 742, Pub. L. 93-112, title I, §122, as added Pub. L. 102-569, title I, §134(a), Oct. 29, 1992, 106 Stat. 4393, related to process for developing strategic plans.

Section 743, Pub. L. 93-112, title I, §123, as added Pub. L. 102-569, title I, §134(a), Oct. 29, 1992, 106 Stat. 4393, related to use of funds.

Section 744, Pub. L. 93-112, title I, §124, as added Pub. L. 102-569, title I, §134(a), Oct. 29, 1992, 106 Stat. 4395; amended Pub. L. 103-73, title I, §107(h), Aug. 11, 1993, 107 Stat. 723, related to allotments among States.

Section 750, Pub. L. 93-112, title I, §130, Sept. 26, 1973, 87 Stat. 374; Pub. L. 93-516, title I, §111(g), Dec. 7, 1974, 88 Stat. 1621; Pub. L. 93-651, title I, §111(g), Nov. 21, 1974, 89 Stat. 2-6; Pub. L. 95-602, title I, §106, Nov. 6, 1978, 92 Stat. 2960; Pub. L. 99-506, title I, §103(d)(2)(C), title II, §211, title X, §1002(b)(1), Oct. 21, 1986, 100 Stat. 1810, 1819, 1844; Pub. L. 100-630, title II, §202(i), Nov. 7, 1988, 102 Stat. 3306; Pub. L. 102-569, title I, §102(p)(11), Oct. 29, 1992, 106 Stat. 4357, related to American Indian vocational rehabilitation services grants.

#### AMENDMENTS

1998—Pub. L. 105-277 made technical amendment to section designation and catchline in original.

#### PART D—VOCATIONAL REHABILITATION SERVICES CLIENT INFORMATION

### § 751. Data sharing

#### (a) In general

##### (1) Memorandum of understanding

The Secretary of Education and the Secretary of Health and Human Services shall enter into a memorandum of understanding for the purposes of exchanging data of mutual importance—

(A) that concern clients of designated State agencies; and

(B) that are data maintained either by—

(i) the Rehabilitation Services Administration, as required by section 710 of this title; or

(ii) the Social Security Administration, from its Summary Earnings and Records and Master Beneficiary Records.

##### (2) Employment statistics

The Secretary of Labor shall provide the Commissioner with employment statistics specified in section 491-2 of this title, that facilitate evaluation by the Commissioner of the program carried out under part B of this subchapter, and allow the Commissioner to compare the progress of individuals with disabilities who are assisted under the program in securing, retaining, regaining, and advancing in employment with the progress made by individuals who are assisted under title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.].

#### (b) Treatment of information

For purposes of the exchange described in subsection (a)(1) of this section, the data described in subsection (a)(1)(B)(ii) of this section shall

not be considered return information (as defined in section 6103(b)(2) of title 26) and, as appropriate, the confidentiality of all client information shall be maintained by the Rehabilitation Services Administration and the Social Security Administration.

(Pub. L. 93-112, title I, §131, as added Pub. L. 105-220, title IV, §404, Aug. 7, 1998, 112 Stat. 1167.)

#### REFERENCES IN TEXT

The Workforce Investment Act of 1998, referred to in subsec. (a)(2), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended. Title I of the Act is classified principally to chapter 30 (§2801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

#### PRIOR PROVISIONS

A prior section 751, Pub. L. 93-112, title I, §131, as added Pub. L. 95-602, title I, §106, Nov. 6, 1978, 92 Stat. 2961, and amended Pub. L. 99-506, title I, §103(d)(2)(C), Oct. 21, 1986, 100 Stat. 1810, directed Secretary to submit to Congress, not less than thirty months after Nov. 6, 1978, an evaluation of programs conducted under part D of former subchapter I of this chapter, prior to repeal by Pub. L. 99-506, title X, §1002(b)(2)(A), Oct. 21, 1986, 100 Stat. 1844.

A prior section 752, Pub. L. 93-112, title I, §131, formerly §132, as added Pub. L. 99-506, title II, §212(a), Oct. 21, 1986, 100 Stat. 1820; renumbered §132, Pub. L. 100-630, title II, §202(j), Nov. 7, 1988, 102 Stat. 3307, provided for study on special problems and needs of Indians with handicaps both on and off the reservation, prior to repeal by Pub. L. 102-569, title I, §135(a), Oct. 29, 1992, 106 Stat. 4396.

Prior sections 753 and 753a were omitted in the general amendment of this subchapter by Pub. L. 105-220.

Section 753, Pub. L. 93-112, title I, §140, as added Pub. L. 103-73, title I, §108, Aug. 11, 1993, 107 Stat. 724, related to review of data collection and reporting system.

Section 753a, Pub. L. 93-112, title I, §141, as added Pub. L. 103-73, title I, §108, Aug. 11, 1993, 107 Stat. 725, related to exchange of data.

#### SUBCHAPTER II—RESEARCH AND TRAINING

#### CODIFICATION

Title II of the Rehabilitation Act of 1973, comprising this subchapter, was originally enacted by Pub. L. 93-112, title II, Sept. 26, 1973, 87 Stat. 374, 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. 95-602, Nov. 6, 1978, 92 Stat. 2955; Pub. L. 96-88, Oct. 17, 1979, 93 Stat. 668; 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. 102-54, June 13, 1991, 105 Stat. 267; 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. 103-382, Oct. 20, 1994, 108 Stat. 3518. Title II is shown herein, however, as having been added by Pub. L. 105-220, title IV, §405, Aug. 7, 1998, 112 Stat. 1167, without reference to those intervening amendments because of the extensive revision of title II by Pub. L. 105-220.

### § 760. Declaration of purpose

The purpose of this subchapter is to—

(1) provide for research, demonstration projects, training, and related activities to maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities of