

of the Senior Executive Service Schedule under section 5382 of title 5. Such an expert or consultant may be allowed travel and transportation expenses in accordance with section 5703 of title 5.

(3) In-service training of rehabilitation personnel

(A) Projects

Subject to subparagraph (B), at least 15 percent of the sums appropriated to carry out this section shall be allocated to designated State agencies to be used, directly or indirectly, for projects for in-service training for rehabilitation personnel, consistent with the needs identified through the comprehensive system for personnel development required by section 721(a)(7) of this title, including projects designed—

- (i) to address recruitment and retention of qualified rehabilitation professionals;
- (ii) to provide for succession planning;
- (iii) to provide for leadership development and capacity building; and
- (iv) for fiscal years 1999 and 2000, to provide training regarding the Workforce Investment Act of 1998 and the amendments to this chapter made by the Rehabilitation Act Amendments of 1998.

(B) Limitation

If the allocation to designated State agencies required by subparagraph (A) would result in a lower level of funding for projects being carried out on August 7, 1998, by other recipients of funds under this section, the Commissioner may allocate less than 15 percent of the sums described in subparagraph (A) to designated State agencies for such in-service training.

(h) Provision of information

The Commissioner, subject to the provisions of section 776 of this title, may require that recipients of grants or contracts under this section provide information, including data, with regard to the impact of activities funded under this section.

(i) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1999 through 2003.

(Pub. L. 93-112, title III, §302, as added Pub. L. 105-220, title IV, §406, Aug. 7, 1998, 112 Stat. 1184; amended Pub. L. 108-446, title III, §305(h)(4), Dec. 3, 2004, 118 Stat. 2805.)

REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in subsec. (a)(3), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, as amended. Title I of the Act is classified generally to subchapter I (§12111 et seq.) of chapter 126 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The Social Security Act, referred to in subsec. (a)(3), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Titles II and XVI of the Act are classified generally to subchapters II (§401 et seq.) and XVI (§1381 et seq.), respectively, of chapter 7 of Title 42, The Public Health

and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Workforce Investment Act of 1998, referred to in subsecs. (a)(4), (5) and (g)(3)(A)(iv), 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.

The Rehabilitation Act Amendments of 1998, referred to in subsec. (g)(3)(A)(iv), is title IV of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 1092. For complete classification of this Act to the Code, see Short Title of 1998 Amendment note set out under section 701 of this title and Tables.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 771a of this title prior to the general amendment of this subchapter by Pub. L. 105-220.

A prior section 772, Pub. L. 93-112, title III, §303, formerly §302, Sept. 26, 1973, 87 Stat. 378; Pub. L. 93-516, title I, §105, Dec. 7, 1974, 88 Stat. 1619; Pub. L. 93-651, title I, §105, Nov. 21, 1974, 89 Stat. 2-4; Pub. L. 94-230, §§5, 11(b)(8), Mar. 15, 1976, 90 Stat. 212, 213; Pub. L. 95-602, title I, §§112(b), 122(c)(3), Nov. 6, 1978, 92 Stat. 2968, 2987; Pub. L. 98-221, title I, §132, Feb. 22, 1984, 98 Stat. 24; Pub. L. 99-506, title I, §103(d)(2)(C), title IV, §402, title X, §1001(d)(1), Oct. 21, 1986, 100 Stat. 1810, 1824, 1842; Pub. L. 100-630, title II, §204(b), Nov. 7, 1988, 102 Stat. 3308; Pub. L. 102-52, §4(b), June 6, 1991, 105 Stat. 261; renumbered §303 and amended Pub. L. 102-569, title I, §102(p)(16), title III, §§301(b)(3), 303, Oct. 29, 1992, 106 Stat. 4358, 4411, 4416, related to vocational rehabilitation services for individuals with disabilities, prior to the general amendment of this subchapter by Pub. L. 105-220.

A prior section 302 of Pub. L. 93-112 was classified to section 771a of this title prior to the general amendment of this subchapter by Pub. L. 105-220.

AMENDMENTS

2004—Subsec. (f)(1)(D)(ii). Pub. L. 108-446 made technical amendment to reference in original act which appears in text as reference to section 1402 of title 20.

§ 773. Demonstration and training programs

(a) Demonstration projects to increase client choice

(1) Grants

The Commissioner may make grants to States and public or nonprofit agencies and organizations to pay all or part of the costs of projects to demonstrate ways to increase client choice in the rehabilitation process, including the selection of providers of vocational rehabilitation services.

(2) Use of funds

An entity that receives a grant under this subsection shall use the grant only—

- (A) for activities that are directly related to planning, operating, and evaluating the demonstration projects; and
- (B) to supplement, and not supplant, funds made available from Federal and non-Federal sources for such projects.

(3) Application

Any eligible entity that desires to receive a grant under this subsection shall submit an application at such time, in such manner, and containing such information and assurances as the Commissioner may require, including—

- (A) a description of—

(i) how the entity intends to promote increased client choice in the rehabilitation process, including a description, if appropriate, of how an applicant will determine the cost of any service or product offered to an eligible client;

(ii) how the entity intends to ensure that any vocational rehabilitation service or related service is provided by a qualified provider who is accredited or meets such other quality assurance and cost-control criteria as the State may establish; and

(iii) the outreach activities to be conducted by the applicant to obtain eligible clients; and

(B) assurances that a written plan will be established with the full participation of the client, which plan shall, at a minimum, include—

(i) a statement of the vocational rehabilitation goals to be achieved;

(ii) a statement of the specific vocational rehabilitation services to be provided, the projected dates for their initiation, and the anticipated duration of each such service; and

(iii) objective criteria, an evaluation procedure, and a schedule, for determining whether such goals are being achieved.

(4) Award of grants

In selecting entities to receive grants under paragraph (1), the Commissioner shall take into consideration—

(A) the diversity of strategies used to increase client choice, including selection among qualified service providers;

(B) the geographic distribution of projects; and

(C) the diversity of clients to be served.

(5) Records

Entities that receive grants under paragraph (1) shall maintain such records as the Commissioner may require and comply with any request from the Commissioner for such records.

(6) Direct services

At least 80 percent of the funds awarded for any project under this subsection shall be used for direct services, as specifically chosen by eligible clients.

(7) Evaluation

The Commissioner may conduct an evaluation of the demonstration projects with respect to the services provided, clients served, client outcomes obtained, implementation issues addressed, the cost-effectiveness of the project, and the effects of increased choice on clients and service providers. The Commissioner may reserve funds for the evaluation for a fiscal year from the amounts appropriated to carry out projects under this section for the fiscal year.

(8) Definitions

For the purposes of this subsection:

(A) Direct services

The term “direct services” means vocational rehabilitation services, as described in section 723(a) of this title.

(B) Eligible client

The term “eligible client” means an individual with a disability, as defined in section 705(20)(A) of this title, who is not currently receiving services under an individualized plan for employment established through a designated State unit.

(b) Special demonstration programs

(1) Grants; contracts

The Commissioner, subject to the provisions of section 776 of this title, may provide grants to, or enter into contracts with, eligible entities to pay all or part of the cost of programs that expand and improve the provision of rehabilitation and other services authorized under this chapter or that further the purposes of the chapter, including related research and evaluation activities.

(2) Eligible entities; terms and conditions

(A) Eligible entities

To be eligible to receive a grant, or enter into a contract, under paragraph (1), an entity shall be a State vocational rehabilitation agency, community rehabilitation program, Indian tribe or tribal organization, or other public or nonprofit agency or organization, or as the Commissioner determines appropriate, a for-profit organization. The Commissioner may limit competitions to one or more types of organizations described in this subparagraph.

(B) Terms and conditions

A grant or contract under paragraph (1) shall contain such terms and conditions as the Commissioner may require.

(3) Application

An eligible entity that desires to receive a grant, or enter into a contract, under paragraph (1) shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Commissioner may require, including, if the Commissioner determines appropriate, a description of how the proposed project or demonstration program—

(A) is based on current research findings, which may include research conducted by the National Institute on Disability and Rehabilitation Research, the National Institutes of Health, and other public or private organizations; and

(B) is of national significance.

(4) Types of projects

The programs that may be funded under this subsection may include—

(A) special projects and demonstrations of service delivery;

(B) model demonstration projects;

(C) technical assistance projects;

(D) systems change projects;

(E) special studies and evaluations; and

(F) dissemination and utilization activities.

(5) Priority for competitions

(A) In general

In announcing competitions for grants and contracts under this subsection, the Com-

missioner shall give priority consideration to—

- (i) special projects and demonstration programs of service delivery for adults who are either low-functioning and deaf or low-functioning and hard of hearing;
- (ii) supported employment, including community-based supported employment programs to meet the needs of individuals with the most significant disabilities or to provide technical assistance to States and community organizations to improve and expand the provision of supported employment services; and
- (iii) model transitional planning services for youths with disabilities.

(B) Additional competitions

In announcing competitions for grants and contracts under this subsection, the Commissioner may require that applicants address one or more of the following:

- (i) Age ranges.
- (ii) Types of disabilities.
- (iii) Types of services.
- (iv) Models of service delivery.
- (v) Stage of the rehabilitation process.
- (vi) The needs of underserved populations, unserved and underserved areas, individuals with significant disabilities, low-incidence disability population or individuals residing in federally designated empowerment zones and enterprise communities.
- (vii) Expansion of employment opportunities for individuals with disabilities.
- (viii) Systems change projects to promote meaningful access of individuals with disabilities to employment-related services under title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.] and under other Federal laws.
- (ix) Innovative methods of promoting achievement of high-quality employment outcomes.
- (x) The demonstration of the effectiveness of early intervention activities in improving employment outcomes.
- (xi) Alternative methods of providing affordable transportation services to individuals with disabilities who are employed, seeking employment, or receiving vocational rehabilitation services from public or private organizations and who reside in geographic areas in which public transportation or paratransit service is not available.

(6) Use of funds for continuation awards

The Commissioner may use funds made available to carry out this section for continuation awards for projects that were funded under sections 711 and 777a of this title (as such sections were in effect on the day before August 7, 1998).

(c) Parent information and training program

(1) Grants

The Commissioner is authorized to make grants to private nonprofit organizations for the purpose of establishing programs to provide training and information to enable indi-

viduals with disabilities, and the parents, family members, guardians, advocates, or other authorized representatives of the individuals to participate more effectively with professionals in meeting the vocational, independent living, and rehabilitation needs of individuals with disabilities. Such grants shall be designed to meet the unique training and information needs of the individuals described in the preceding sentence, who live in the area to be served, particularly those who are members of populations that have been unserved or underserved by programs under this chapter.

(2) Use of grants

An organization that receives a grant to establish training and information programs under this subsection shall use the grant to assist individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals—

- (A) to better understand vocational rehabilitation and independent living programs and services;
- (B) to provide followup support for transition and employment programs;
- (C) to communicate more effectively with transition and rehabilitation personnel and other relevant professionals;
- (D) to provide support in the development of the individualized plan for employment;
- (E) to provide support and expertise in obtaining information about rehabilitation and independent living programs, services, and resources that are appropriate; and
- (F) to understand the provisions of this chapter, particularly provisions relating to employment, supported employment, and independent living.

(3) Award of grants

The Commissioner shall ensure that grants under this subsection—

- (A) shall be distributed geographically to the greatest extent possible throughout all States; and
- (B) shall be targeted to individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals, in both urban and rural areas or on a State or regional basis.

(4) Eligible organizations

In order to receive a grant under this subsection, an organization—

- (A) shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including information demonstrating the capacity and expertise of the organization—
 - (i) to coordinate training and information activities with Centers for Independent Living;
 - (ii) to coordinate and work closely with parent training and information centers established pursuant to section 1471 of title 20; and
 - (iii) to effectively conduct the training and information activities authorized under this subsection;

(B)(i) shall be governed by a board of directors—

(I) that includes professionals in the field of vocational rehabilitation; and

(II) on which a majority of the members are individuals with disabilities or the parents, family members, guardians, advocates, or authorized representatives of the individuals; or

(ii)(I) shall have a membership that represents the interests of individuals with disabilities; and

(II) shall establish a special governing committee that meets the requirements specified in subclauses (I) and (II) of clause (i) to operate a training and information program under this subsection; and

(C) shall serve individuals with a full range of disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals.

(5) Consultation

Each organization carrying out a program receiving assistance under this subsection shall consult with appropriate agencies that serve or assist individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals, located in the jurisdiction served by the program.

(6) Coordination

The Commissioner shall provide coordination and technical assistance by grant or cooperative agreement for establishing, developing, and coordinating the training and information programs. To the extent practicable, such assistance shall be provided by the parent training and information centers established pursuant to section 1471 of title 20.

(7) Review

(A) Quarterly review

The board of directors or special governing committee of an organization receiving a grant under this subsection shall meet at least once in each calendar quarter to review the training and information program, and each such committee shall directly advise the governing board regarding the views and recommendations of the committee.

(B) Review for grant renewal

If a nonprofit private organization requests the renewal of a grant under this subsection, the board of directors or the special governing committee shall prepare and submit to the Commissioner a written review of the training and information program conducted by the organization during the preceding fiscal year.

(d) Braille training programs

(1) Establishment

The Commissioner shall make grants to, and enter into contracts with, States and public or nonprofit agencies and organizations, including institutions of higher education, to pay all or part of the cost of training in the use of braille for personnel providing vocational rehabilitation services or educational services to youth and adults who are blind.

(2) Projects

Such grants shall be used for the establishment or continuation of projects that may provide—

(A) development of braille training materials;

(B) in-service or pre-service training in the use of braille, the importance of braille literacy, and methods of teaching braille to youth and adults who are blind; and

(C) activities to promote knowledge and use of braille and nonvisual access technology for blind youth and adults through a program of training, demonstration, and evaluation conducted with leadership of experienced blind individuals, including the use of comprehensive, state-of-the-art technology.

(3) Application

To be eligible to receive a grant, or enter into a contract, under paragraph (1), an agency or organization shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

(e) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1999 through 2003.

(Pub. L. 93-112, title III, §303, as added Pub. L. 105-220, title IV, §406, Aug. 7, 1998, 112 Stat. 1190; amended Pub. L. 108-446, title III, §305(h)(5), (6), Dec. 3, 2004, 118 Stat. 2805.)

REFERENCES IN TEXT

The Workforce Investment Act of 1998, referred to in subsec. (b)(5)(B)(viii), 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.

Sections 711 and 777a of this title (as in effect on the day before August 7, 1998), referred to in subsec. (b)(6), means section 711 of this title prior to repeal by Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1093, and section 777a of this title prior to the general amendment of this subchapter by Pub. L. 105-220, title IV, §406, Aug. 7, 1998, 112 Stat. 1183.

PRIOR PROVISIONS

A prior section 773, Pub. L. 93-112, title III, §304, formerly §303, Sept. 26, 1973, 87 Stat. 379; Pub. L. 95-602, title I, §113, Nov. 6, 1978, 92 Stat. 2968; Pub. L. 99-506, title I, §103(d)(2)(C), title X, §1001(d)(2), Oct. 21, 1986, 100 Stat. 1810, 1843; renumbered §304 and amended Pub. L. 102-569, title I, §102(p)(17), title III, §§301(b)(3), 304, Oct. 29, 1992, 106 Stat. 4358, 4411, 4417, related to loan guarantees for community rehabilitation programs, prior to the general amendment of this subchapter by Pub. L. 105-220.

A prior section 303 of Pub. L. 93-112 was classified to section 772 of this title prior to the general amendment of this subchapter by Pub. L. 105-220.

AMENDMENTS

2004—Subsec. (c)(4)(A)(ii). Pub. L. 108-446, §305(h)(6), substituted “section 1471” for “section 1482(a)”.

Subsec. (c)(6). Pub. L. 108-446, §305(h)(5), substituted “section 1471” for “section 1482(a)”.

§ 774. Migrant and seasonal farmworkers**(a) Grants****(1) Authority**

The Commissioner, subject to the provisions of section 776 of this title, may make grants to eligible entities to pay up to 90 percent of the cost of projects or demonstration programs for the provision of vocational rehabilitation services to individuals with disabilities who are migrant or seasonal farmworkers, as determined in accordance with rules prescribed by the Secretary of Labor, and to the family members who are residing with such individuals (whether or not such family members are individuals with disabilities).

(2) Eligible entities

To be eligible to receive a grant under paragraph (1), an entity shall be—

- (A) a State designated agency;
- (B) a nonprofit agency working in collaboration with a State agency described in subparagraph (A); or
- (C) a local agency working in collaboration with a State agency described in subparagraph (A).

(3) Maintenance and transportation**(A) In general**

Amounts provided under a grant under this section may be used to provide for the maintenance of and transportation for individuals and family members described in paragraph (1) as necessary for the rehabilitation of such individuals.

(B) Requirement

Maintenance payments under this paragraph shall be provided in a manner consistent with any maintenance payments provided to other individuals with disabilities in the State under this chapter.

(4) Assurance of cooperation

To be eligible to receive a grant under this section an entity shall provide assurances (satisfactory to the Commissioner) that in the provision of services under the grant there will be appropriate cooperation between the grantee and other public or nonprofit agencies and organizations having special skills and experience in the provision of services to migrant or seasonal farmworkers or their families.

(5) Coordination with other programs

The Commissioner shall administer this section in coordination with other programs serving migrant and seasonal farmworkers, including programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), section 254b of title 42, the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.), and the Workforce Investment Act of 1998.

(b) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this section, for each of the fiscal years 1999 through 2003.

(Pub. L. 93-112, title III, §304, as added Pub. L. 105-220, title IV, §406, Aug. 7, 1998, 112 Stat. 1195.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (a)(5), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended. Title I of the Act is classified generally to subchapter I (§6301 et seq.) of chapter 70 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 20 and Tables.

The Migrant and Seasonal Agricultural Worker Protection Act, referred to in subsec. (a)(5), is Pub. L. 97-470, Jan. 14, 1983, 96 Stat. 2584, as amended, which is classified generally to chapter 20 (§1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

The Workforce Investment Act of 1998, referred to in subsec. (a)(5), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended. 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

Provisions similar to this section were contained in section 777b of this title prior to the general amendment of this subchapter by Pub. L. 105-220.

A prior section 774, Pub. L. 93-112, title III, §304, formerly title II, §203, Sept. 26, 1973, 87 Stat. 376, renumbered and amended, which related to Federal grants, contracts, and programs for training in rehabilitation services, was renumbered section 302 of Pub. L. 93-112, by Pub. L. 102-569, title III, §301(b)(3), Oct. 29, 1992, 106 Stat. 4411, and transferred to section 771a of this title, prior to the general amendment of this subchapter by Pub. L. 105-220.

Another prior section 774, Pub. L. 93-112, title III, §304, Sept. 26, 1973, 87 Stat. 381; Pub. L. 93-516, title I, §§106, 111(i)-(k), Dec. 7, 1974, 88 Stat. 1619, 1621; Pub. L. 93-651, title I, §§106, 111(i)-(k), Nov. 21, 1974, 89 Stat. 2-4, 2-6; Pub. L. 94-230, §§6, 11(b)(9), Mar. 15, 1976, 90 Stat. 212, 213, related to special projects and demonstrations, prior to repeal by Pub. L. 95-602, title I, §109(1), Nov. 6, 1978, 92 Stat. 2962.

§ 775. Recreational programs**(a) Grants****(1) Authority****(A) In general**

The Commissioner, subject to the provisions of section 776 of this title, shall make grants to States, public agencies, and nonprofit private organizations to pay the Federal share of the cost of the establishment and operation of recreation programs to provide individuals with disabilities with recreational activities and related experiences to aid in the employment, mobility, socialization, independence, and community integration of such individuals.

(B) Recreation programs

The recreation programs that may be funded using assistance provided under a grant under this section may include vocational skills development, leisure education, leisure networking, leisure resource development, physical education and sports, scouting and camping, 4-H activities, construction of facilities for aquatic rehabilitation therapy, music, dancing, handicrafts, art, and homemaking. When possible and appropriate, such programs and activities should