

(3) Except as specifically prohibited by or as otherwise provided in State law, the Secretary shall pay to the agency designated under subsection (c) of this section the amount specified in the application approved under subsection (f) of this section.

(f) Application by State for grant funds

No grant may be made under this section unless the State submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary to meet the requirements of this section.

(g) Regulations; minimum requirements

The Secretary shall prescribe regulations applicable to the client assistance program which shall include the following requirements:

(1) No employees of such programs shall, while so employed, serve as staff or consultants of any rehabilitation project, program, or facility receiving assistance under this chapter in the State.

(2) Each program shall be afforded reasonable access to policymaking and administrative personnel in the State and local rehabilitation programs, projects, or facilities.

(3)(A) Each program shall contain provisions designed to assure that to the maximum extent possible alternative means of dispute resolution are available for use at the discretion of an applicant or client of the program prior to resorting to litigation or formal adjudication to resolve a dispute arising under this section.

(B) In subparagraph (A), the term “alternative means of dispute resolution” means any procedure, including good faith negotiation, conciliation, facilitation, mediation, factfinding, and arbitration, and any combination of procedures, that is used in lieu of litigation in a court or formal adjudication in an administrative forum, to resolve a dispute arising under this section.

(4) For purposes of any periodic audit, report, or evaluation of the performance of a client assistance program under this section, the Secretary shall not require such a program to disclose the identity of, or any other personally identifiable information related to, any individual requesting assistance under such program.

(h) Authorization of appropriations

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

(Pub. L. 93-112, title I, §112, as added Pub. L. 105-220, title IV, §404, Aug. 7, 1998, 112 Stat. 1163; amended Pub. L. 105-277, div. A, §101(f) [title VIII, §402(b)(9)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-413.)

REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in subsec. (a), 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.

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, §104(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 49f-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