

**§ 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

be provided in settings with peers who are not individuals with disabilities.

**(C) Design of program**

Programs and activities carried out under this section shall be designed to demonstrate ways in which such programs assist in maximizing the independence and integration of individuals with disabilities.

**(2) Maximum term of grant**

A grant under this section shall be made for a period of not more than 3 years.

**(3) Availability of nongrant resources**

**(A) In general**

A grant may not be made to an applicant under this section unless the applicant provides assurances that, with respect to costs of the recreation program to be carried out under the grant, the applicant, to the maximum extent practicable, will make available non-Federal resources (in cash or in-kind) to pay the non-Federal share of such costs.

**(B) Federal share**

The Federal share of the costs of the recreation programs carried out under this section shall be—

(i) with respect to the first year in which assistance is provided under a grant under this section, 100 percent;

(ii) with respect to the second year in which assistance is provided under a grant under this section, 75 percent; and

(iii) with respect to the third year in which assistance is provided under a grant under this section, 50 percent.

**(4) Application**

To be eligible to receive a grant under this section, a State, 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, including a description of—

(A) the manner in which the findings and results of the project to be funded under the grant, particularly information that facilitates the replication of the results of such projects, will be made generally available; and

(B) the manner in which the service program funded under the grant will be continued after Federal assistance ends.

**(5) Level of services**

Recreation programs funded under this section shall maintain, at a minimum, the same level of services over a 3-year project period.

**(6) Reports by grantees**

**(A) Requirement**

The Commissioner shall require that each recipient of a grant under this section annually prepare and submit to the Commissioner a report concerning the results of the activities funded under the grant.

**(B) Limitation**

The Commissioner may not make financial assistance available to a grant recipient for a subsequent year until the Commissioner

has received and evaluated the annual report of the recipient under subparagraph (A) for the current year.

**(b) 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, §305, as added Pub. L. 105-220, title IV, §406, Aug. 7, 1998, 112 Stat. 1196.)

PRIOR PROVISIONS

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

A prior section 775, Pub. L. 93-112, title III, §305, as added Pub. L. 95-602, title I, §115(a), Nov. 6, 1978, 92 Stat. 2971; amended Pub. L. 98-221, title I, §134, Feb. 22, 1984, 98 Stat. 25; Pub. L. 99-506, title I, §103(d)(2)(C), title IV, §404, title X, §1002(d)(3), Oct. 21, 1986, 100 Stat. 1810, 1825, 1844; Pub. L. 100-630, title II, §204(d), Nov. 7, 1988, 102 Stat. 3309; Pub. L. 102-52, §4(d), June 6, 1991, 105 Stat. 261; Pub. L. 102-569, title I, §102(p)(19), title III, §305, Oct. 29, 1992, 106 Stat. 4358, 4417, related to comprehensive rehabilitation centers, prior to the general amendment of this subchapter by Pub. L. 105-220.

Another prior section 775, Pub. L. 93-112, title III, §305, Sept. 26, 1973, 87 Stat. 383, as amended, which authorized appropriations for fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, Sept. 30, 1977, and Sept. 30, 1978, for the establishment of the Helen Keller National Center for Deaf-Blind Youths and Adults, was renumbered section 313 of Pub. L. 93-112 by Pub. L. 95-602, title I, §109(1), Nov. 6, 1978, 92 Stat. 2962, transferred to section 777c of this title, and subsequently repealed by Pub. L. 100-630.

**§ 776. Measuring of project outcomes and performance**

The Commissioner may require that recipients of grants under this subchapter submit information, including data, as determined by the Commissioner to be necessary to measure project outcomes and performance, including any data needed to comply with the Government Performance and Results Act.

(Pub. L. 93-112, title III, §306, as added Pub. L. 105-220, title IV, §406, Aug. 7, 1998, 112 Stat. 1197.)

REFERENCES IN TEXT

The Government Performance and Results Act, referred to in text, probably means the Government Performance and Results Act of 1993, Pub. L. 103-62, Aug. 3, 1993, 107 Stat. 285, which enacted section 306 of Title 5, Government Organization and Employees, sections 1115 to 1119, 9703, and 9704 of Title 31, Money and Finance, and sections 2801 to 2805 of Title 39, Postal Service, amended section 1105 of Title 31, and enacted provisions set out as notes under sections 1101 and 1115 of Title 31. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 1101 of Title 31 and Tables.

PRIOR PROVISIONS

Prior sections 776 to 777b were omitted in the general amendment of this subchapter by Pub. L. 105-220.

Section 776, Pub. L. 93-112, title III, §306, Sept. 26, 1973, 87 Stat. 384; Pub. L. 93-516, title I, §111(l), Dec. 7, 1974, 88 Stat. 1621; Pub. L. 93-651, title I, §111(l), Nov. 21, 1974, 89 Stat. 2-6; Pub. L. 95-602, title I, §§115(b), 122(c)(4)-(6), Nov. 6, 1978, 92 Stat. 2972, 2987; Pub. L. 99-506, title I, §103(d)(2)(C), title X, §1002(d)(4), Oct. 21, 1986, 100 Stat. 1810, 1844; Pub. L. 100-630, title II, §204(e), Nov. 7, 1988, 102 Stat. 3309; Pub. L. 102-569, title I,