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GENERAL PROVISIONS

§ 701. Findings; purpose; policy

(a) Findings

Congress finds that—

(1) millions of Americans have one or more physical or mental disabilities and the number of Americans with such disabilities is increasing;

(2) individuals with disabilities constitute one of the most disadvantaged groups in society;

(3) disability is a natural part of the human experience and in no way diminishes the right of individuals to—

- (A) live independently;
- (B) enjoy self-determination;
- (C) make choices;
- (D) contribute to society;
- (E) pursue meaningful careers; and
- (F) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society;

(4) increased employment of individuals with disabilities can be achieved through implementation of statewide workforce development systems defined in section 3102 of this title that provide meaningful and effective participation for individuals with disabilities in workforce investment activities and activities carried out under the vocational rehabilitation program established under subchapter I, and through the provision of independent living services, support services, and meaningful opportunities for employment in integrated work settings through the provision of reasonable accommodations;

(5) individuals with disabilities continually encounter various forms of discrimination in such critical areas as employment, housing, public accommodations, education, transpor-

tation, communication, recreation, institutionalization, health services, voting, and public services;

(6) the goals of the Nation properly include the goal of providing individuals with disabilities with the tools necessary to—

(A) make informed choices and decisions; and

(B) achieve equality of opportunity, full inclusion and integration in society, employment, independent living, and economic and social self-sufficiency, for such individuals; and

(7)(A) a high proportion of students with disabilities is leaving secondary education without being employed in competitive integrated employment, or being enrolled in postsecondary education; and

(B) there is a substantial need to support such students as they transition from school to postsecondary life.

(b) Purpose

The purposes of this chapter are—

(1) to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society, through—

(A) statewide workforce development systems defined in section 3102 of this title that include, as integral components, comprehensive and coordinated state-of-the-art programs of vocational rehabilitation;

(B) independent living centers and services;

(C) research;

(D) training;

(E) demonstration projects; and

(F) the guarantee of equal opportunity;

(2) to maximize opportunities for individuals with disabilities, including individuals with significant disabilities, for competitive integrated employment;

(3) to ensure that the Federal Government plays a leadership role in promoting the employment of individuals with disabilities, especially individuals with significant disabilities, and in assisting States and providers of services in fulfilling the aspirations of such individuals with disabilities for meaningful and gainful employment and independent living;

(4) to increase employment opportunities and employment outcomes for individuals with disabilities, including through encouraging meaningful input by employers and vocational rehabilitation service providers on successful and prospective employment and placement strategies; and

(5) to ensure, to the greatest extent possible, that youth with disabilities and students with disabilities who are transitioning from receipt of special education services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and receipt of services under section 794 of this title have opportunities for postsecondary success.

(c) Policy

It is the policy of the United States that all programs, projects, and activities receiving assistance under this chapter shall be carried out in a manner consistent with the principles of—

(1) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

(2) respect for the privacy, rights, and equal access (including the use of accessible formats), of the individuals;

(3) inclusion, integration, and full participation of the individuals;

(4) support for the involvement of an individual's representative if an individual with a disability requests, desires, or needs such support; and

(5) support for individual and systemic advocacy and community involvement.

(Pub. L. 93-112, §2, as added Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1095; amended Pub. L. 105-277, div. A, §101(f) [title VIII, §402(b)(2)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-413; Pub. L. 113-128, title IV, §402, July 22, 2014, 128 Stat. 1631.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (b)(5), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§1400 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

PRIOR PROVISIONS

A prior section 701, Pub. L. 93-112, §2, Sept. 26, 1973, 87 Stat. 357; Pub. L. 95-602, title I, §122(a)(1), Nov. 6, 1978, 92 Stat. 2984; Pub. L. 99-506, title I, §101, Oct. 21, 1986, 100 Stat. 1808; Pub. L. 102-569, title I, §101, Oct. 29, 1992, 106 Stat. 4346, related to findings, purpose, and policy, prior to repeal by Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1093.

AMENDMENTS

2014—Subsec. (a)(4). Pub. L. 113-128, §402(a)(1), substituted “workforce development systems defined in section 3102 of this title” for “workforce investment systems under title I of the Workforce Investment Act of 1998”.

Subsec. (a)(7). Pub. L. 113-128, §402(a)(2)-(4), added par. (7).

Subsec. (b)(1)(A). Pub. L. 113-128, §402(b)(1)(A), substituted “workforce development systems defined in section 3102 of this title” for “workforce investment systems implemented in accordance with title I of the Workforce Investment Act of 1998”.

Subsec. (b)(2) to (5). Pub. L. 113-128, §402(b)(1)(B), (2)-(5), added par. (2), redesignated former par. (2) as (3), and added pars. (4) and (5).

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

SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-213, §1, July 29, 2010, 124 Stat. 2343, provided that: “This Act [enacting provisions set out as notes under sections 796f-1 and 796f-2 of this title] may be cited as the ‘Independent Living Centers Technical Adjustment Act’.”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-220, title IV, §401, Aug. 7, 1998, 112 Stat. 1092, provided that title IV of Pub. L. 105-220 could be cited as the “Rehabilitation Act Amendments of 1998”, prior to repeal by Pub. L. 113-128, title V, §511(a), July 22, 2014, 128 Stat. 1705.

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-73, §1, Aug. 11, 1993, 107 Stat. 718, provided that: “This Act [enacting sections 753 and 753a of this

title, amending sections 706, 718 to 718b, 721 to 723, 725, 730 to 732, 744, 761a, 762, 771a, 777, 777a, 777f, 783, 791, 792, 794e, 795f, 796, 796c, 796d to 796e-2, 796f to 796f-4, and 796k of this title, sections 1431, 4301 to 4305, 4331, 4332, 4351, 4353 to 4357, 4359, 4359a, and 4360 of Title 20, Education, and section 46 of Title 41, Public Contracts, enacting provisions set out as notes under section 725 of this title and section 4301 of Title 20, and amending provisions set out as a note under this section] may be cited as the 'Rehabilitation Act Amendments of 1993'."

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-569, §1(a), Oct. 29, 1992, 106 Stat. 4344, provided that: "This Act [see Tables for classification] may be cited as the 'Rehabilitation Act Amendments of 1992'."

SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102-52, §1, June 6, 1991, 105 Stat. 260, provided that: "This Act [amending sections 720, 732, 741, 761, 771, 772, 774, 775, 777, 777a, 777f, 785, 792, 795f, 795i, 795q, 796i, and 1904 of this title and section 1475 of Title 20, Education] may be cited as the 'Rehabilitation Act Amendments of 1991'."

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-506, §1(a), Oct. 21, 1986, 100 Stat. 1807, provided that: "This Act [enacting sections 716, 717, 752, 794d, 795j to 795q, and 796d-1 of this title and section 2000d-7 of Title 42, The Public Health and Welfare, amending this section and sections 702, 705, 706, 711 to 715, 720 to 724, 730 to 732, 740, 741, 750, 751, 760 to 761b, 762, 762a, 770 to 777b, 777f, 780, 781, 783, 785, 791 to 794, 794c, 795, 795d to 795i, 796a, 796b, 796d to 796i, and 1904 of this title, and section 155a of former Title 36, Patriotic Societies and Observances, repealing section 751 of this title, and enacting provisions set out as notes under this section and sections 706, 730, 761a, and 795m of this title and section 1414 of Title 20, Education] may be cited as the 'Rehabilitation Act Amendments of 1986'."

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-221, §1, Feb. 22, 1984, 98 Stat. 17, provided: "That this Act [enacting sections 780a and 1901 to 1906 of this title, amending sections 706, 712 to 714, 720 to 722, 730, 732, 741, 761 to 762a, 771, 772, 774, 775, 777, 777a, 777f, 780, 781, 783, 791, 792, 794c, 795a, 795c, 795f, 795g, 795i, 796e, and 796i of this title and sections 6001, 6012, 6033, 6061, and 6081 of Title 42, The Public Health and Welfare, repealing section 777c of this title, enacting provisions set out as a note under section 1901 of this title and amending provisions set out as a note under section 713 of this title] may be cited as the 'Rehabilitation Amendments of 1984'."

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-602, §1, Nov. 6, 1978, 92 Stat. 2955, provided that: "This Act [enacting sections 710 to 715, 751, 761a, 761b, 762a, 775, 777 to 777f, 780 to 785, 794a to 794c, 795 to 795i, and 796 to 796i of this title and section 6000 of Title 42, The Public Health and Welfare, amending this section, sections 702, 706, 709, 720 to 724, 730 to 732, 740, 741, 750, 760 to 762, 770 to 774, 776, and 792 to 794 of this title, section 1904 [now 3904] of Title 38, Veterans' Benefits, and sections 6001, 6008 to 6012, 6031 to 6033, 6061 to 6065, 6067, 6081, and 6862 of Title 42, repealing sections 764, 786, and 787 of this title and section 6007 of Title 42, omitting sections 6041 to 6043 of Title 42, enacting provisions set out as notes under sections 713 and 795 of this title and sections 6000 and 6001 of Title 42, and repealing a provision set out as a note under section 6001 of Title 42] may be cited as the 'Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978'."

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-230, §1, Mar. 15, 1976, 90 Stat. 211, provided that: "This Act [amending sections 720, 732, 741, 761, 771,

772, 774, 775, 783, 785, and 792 of this title and enacting provisions set out as a note under section 720 of this title] may be cited as the 'Rehabilitation Act Extension of 1976'."

SHORT TITLE OF 1974 AMENDMENT

Pub. L. 93-516, title I, §100, Dec. 7, 1974, 88 Stat. 1617, provided that: "This title [amending sections 702, 706, 720 to 722, 732, 741, 750, 761, 762, 771, 772, 774 to 776, 783, 785, and 792 of this title and enacting provisions set out as a note under section 702 of this title] shall be known as the 'Rehabilitation Act Amendments of 1974'."

An identical provision is contained in Pub. L. 93-651, title I, §100, Nov. 21, 1974, 89 Stat. 2-3.

SHORT TITLE

Pub. L. 93-112, §1(a), as added by Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1093, and amended by Pub. L. 105-277, div. A, §101(f) [title VIII, §402(b)(1)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412, provided that: "This Act [enacting this chapter] may be cited as the 'Rehabilitation Act of 1973'."

Pub. L. 93-112, title VI, §601, as added by Pub. L. 105-220, title IV, §409, Aug. 7, 1998, 112 Stat. 1210, provided that: "This title [enacting subchapter VI of this chapter] may be cited as the 'Employment Opportunities for Individuals With Disabilities Act'."

Pub. L. 93-112, §1, Sept. 26, 1973, 87 Stat. 355, provided in part that Pub. L. 93-112, which enacted this chapter and repealed sections 31 to 41c and 42-1 to 42b of this title, could be cited as the "Rehabilitation Act of 1973", prior to repeal by Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1093.

Pub. L. 93-112, title VI, §601, as added by Pub. L. 95-602, title II, §201, Nov. 6, 1978, 92 Stat. 2989, and amended by Pub. L. 102-569, title I, §102(p)(34), Oct. 29, 1992, 106 Stat. 4360, provided that title VI of Pub. L. 93-112, enacting former subchapter VI of this chapter, could be cited as the "Employment Opportunities for Handicapped Individuals Act", prior to the general amendment of title VI of Pub. L. 93-112 by Pub. L. 105-220, title IV, §409, Aug. 7, 1998, 112 Stat. 1210.

EX. ORD. NO. 11758. DELEGATION OF AUTHORITY OF THE PRESIDENT

Ex. Ord. No. 11758, Jan. 15, 1974, 39 F.R. 2075, as amended by Ex. Ord. No. 11784, May 30, 1974, 39 F.R. 19443; Ex. Ord. No. 11867, June 19, 1975, 40 F.R. 26253; Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617, provided:

By virtue of the authority vested in me by section 301 of title 3 of the United States Code and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. The Director of the Office of Management and Budget is hereby designated and empowered to exercise, without approval, ratification, or other action of the President, the authority of the President under section 500(a) of the Rehabilitation Act of 1973 (87 Stat. 390, 29 U.S.C. 790) with respect to the transfer of unexpended appropriations.

SEC. 2. The Secretary of Labor is hereby designated and empowered to exercise, without approval, ratification, or other action of the President, the authority of the President (1) under section 503(a) of the Rehabilitation Act of 1973 [29 U.S.C. 793(a)] to prescribe regulations, after consultation with the Secretary of Defense and the Administrator of General Services, with respect to the employment of qualified handicapped individuals under Federal procurement contracts, and (2) under section 503(c) of that act [29 U.S.C. 793(c)] with respect to prescribing, by regulation, guidelines for waiving the requirements of section 503 of the act [29 U.S.C. 793]. Changes in any regulations prescribed by the Secretary pursuant to the preceding sentence shall be made only after consultation with the Secretary of Defense and the Administrator of General Services.

SEC. 3. The head of a Federal agency may, in conformity with the provisions of section 503(c) of the Rehabilitation Act of 1973 [29 U.S.C. 793(c)], and regula-

tions issued by the Secretary of Labor pursuant to section 2 of this order, exempt any contract and, following consultation with the Secretary of Labor, any class of contracts, from the requirements of section 503 of the act [29 U.S.C. 793].

SEC. 4. The Federal Acquisition Regulations and, to the extent necessary, any supplemental or comparable regulation issued by any agency of the executive branch shall, following consultation with the Secretary of Labor, be amended to require, as a condition of entering into, renewing or extending any contract subject to the provisions of section 503 of the Rehabilitation Act of 1973 [29 U.S.C. 793], inclusion of a provision requiring compliance with that section and regulations issued by the Secretary pursuant to section 2 of this order.

EX. ORD. NO. 13078. INCREASING EMPLOYMENT OF ADULTS WITH DISABILITIES

Ex. Ord. No. 13078, Mar. 13, 1998, 63 F.R. 13111, as amended by Ex. Ord. No. 13172, Oct. 25, 2000, 65 F.R. 64577; Ex. Ord. No. 13187, §4(b), Jan. 10, 2001, 66 F.R. 3858, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to increase the employment of adults with disabilities to a rate that is as close as possible to the employment rate of the general adult population and to support the goals articulated in the findings and purpose section of the Americans with Disabilities Act of 1990 [42 U.S.C. 12101 et seq.], it is hereby ordered as follows:

SECTION 1. Establishment of National Task Force on Employment of Adults with Disabilities.

(a) There is established the "National Task Force on Employment of Adults with Disabilities" ("Task Force"). The Task Force shall comprise the Secretary of Labor, Secretary of Education, Secretary of Veterans Affairs, Secretary of Health and Human Services, Commissioner of Social Security, Secretary of the Treasury, Secretary of Commerce, Secretary of Transportation, Director of the Office of Personnel Management, Administrator of the Small Business Administration, the Chair of the Equal Employment Opportunity Commission, the Chairperson of the National Council on Disability, the Chairperson of the President's Disability Employment Partnership Board., [sic] and such other senior executive branch officials as may be determined by the Chair of the Task Force.

(b) The Secretary of Labor shall be the Chair of the Task Force; the Chairperson of the President's Disability Employment Partnership Board. [sic] shall be the Vice Chair of the Task Force.

(c) The purpose of the Task Force is to create a coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general adult population. The Task Force shall develop and recommend to the President, through the Chair of the Task Force, a coordinated Federal policy to reduce employment barriers for persons with disabilities. Policy recommendations may cover such areas as discrimination, reasonable accommodations, inadequate access to health care, lack of consumer-driven, long-term supports and services, transportation, accessible and integrated housing, telecommunications, assistive technology, community services, child care, education, vocational rehabilitation, training services, job retention, on-the-job supports, and economic incentives to work. Specifically, the Task Force shall:

(1) analyze the existing programs and policies of Task Force member agencies to determine what changes, modifications, and innovations may be necessary to remove barriers to work faced by people with disabilities;

(2) develop and recommend options to address health insurance coverage as a barrier to employment for people with disabilities;

(3) subject to the availability of appropriations, analyze State and private disability systems (e.g.,

workers' compensation, unemployment insurance, private insurance, and State mental health and mental retardation systems) and their effect on Federal programs and employment of adults with disabilities;

(4) consider statistical and data analysis, cost data, research, and policy studies on public subsidies, employment, employment discrimination, and rates of return-to-work for individuals with disabilities;

(5) evaluate and, where appropriate, coordinate and collaborate on, research and demonstration priorities of Task Force member agencies related to employment of adults with disabilities;

(6) evaluate whether Federal studies related to employment and training can, and should, include a statistically significant sample of adults with disabilities;

(7) subject to the availability of appropriations, analyze youth programs related to employment (e.g., Employment and Training Administration programs, special education, vocational rehabilitation, school-to-work transition, vocational education, and Social Security Administration work incentives and other programs, as may be determined by the Chair and Vice Chair of the Task Force) and the outcomes of those programs for young people with disabilities;

(8) evaluate whether a single governmental entity or program should be established to provide computer and electronic accommodations for Federal employees with disabilities;

(9) consult with the President's Committee on Mental Retardation on policies to increase the employment of people with mental retardation and cognitive disabilities; and

(10) recommend to the President any additional steps that can be taken to advance the employment of adults with disabilities, including legislative proposals, regulatory changes, and program and budget initiatives.

(d)(1) The members of the Task Force shall make the activities and initiatives set forth in this order a high priority within their respective agencies within the levels provided in the President's budget.

(2) The Task Force shall issue its first report to the President by November 15, 1998. The Task Force shall issue a report to the President on November 15, 1999, November 15, 2000, and a final report on July 26, 2002, the 10th anniversary of the initial implementation of the employment provisions of the Americans with Disabilities Act of 1990 [42 U.S.C. 12101 et seq.]. The reports shall describe the actions taken by, and progress of, each member of the Task Force in carrying out this order. The Task Force shall terminate 30 days after submitting its final report.

(e) As used herein, an adult with a disability is a person with a physical or mental impairment that substantially limits at least one major life activity.

SEC. 2. Specific activities by Task Force members and other agencies.

(a) To ensure that the Federal Government is a model employer of adults with disabilities, by November 15, 1998, the Office of Personnel Management, the Department of Labor, and the Equal Employment Opportunity Commission shall submit to the Task Force a review of Federal Government personnel laws, regulations, and policies and, as appropriate, shall recommend or implement changes necessary to improve Federal employment policy for adults with disabilities. This review shall include personnel practices and actions such as: hiring, promotion, benefits, retirement, workers' compensation, retention, accessible facilities, job accommodations, layoffs, and reductions in force.

(b) The Departments of Justice, Labor, Education, and Health and Human Services shall report to the Task Force by November 15, 1998, on their work with the States and others to ensure that the Personal Responsibility and Work Opportunity Reconciliation Act [probably means the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104-193, see Tables for classification] is carried out in accordance with section 504 of the Rehabilitation Act of 1973

[29 U.S.C. 794], as amended, and the Americans with Disabilities Act of 1990 [42 U.S.C. 12101 et seq.], so that individuals with disabilities and their families can realize the full promise of welfare reform by having an equal opportunity for employment.

(c) The Departments of Education, Labor, Commerce, and Health and Human Services, the Small Business Administration, and the President's Committee on Employment of People with Disabilities shall work together and report to the Task Force by November 15, 1998, on their work to develop small business and entrepreneurial opportunities for adults with disabilities and strategies for assisting low-income adults, including those with disabilities[,] to create small businesses and micro-enterprises. These same agencies, in consultation with the Committee for Purchase from People Who Are Blind or Severely Disabled, shall assess the impact of the Randolph-Sheppard Act [20 U.S.C. 107 et seq.] vending program and the Javits-Wagner-O'Day Act [now 41 U.S.C. 8501 et seq.] on employment and small business opportunities for people with disabilities.

(d) The Departments of Transportation and Housing and Urban Development shall report to the Task Force by November 15, 1998, on their examination of their programs to see if they can be used to create new work incentives and to remove barriers to work for adults with disabilities.

(e) The Departments of Justice, Education, and Labor, the Equal Employment Opportunity Commission, and the Social Security Administration shall work together and report to the Task Force by November 15, 1998, on their work to propose remedies to the prevention of people with disabilities from successfully exercising their employment rights under the Americans with Disabilities Act of 1990 [42 U.S.C. 12101 et seq.] because of the receipt of monetary benefits based on their disability and lack of gainful employment.

(f) The Bureau of Labor Statistics of the Department of Labor and the Census Bureau of the Department of Commerce, in cooperation with the Departments of Education and Health and Human Services, the National Council on Disability, and the President's Committee on Employment of People with Disabilities shall design and implement a statistically reliable and accurate method to measure the employment rate of adults with disabilities as soon as possible, but no later than the date of termination of the Task Force. Data derived from this methodology shall be published on as frequent a basis as possible.

(g) All executive agencies that are not members of the Task Force shall: (1) coordinate and cooperate with the Task Force; and (2) review their programs and policies to ensure that they are being conducted and delivered in a manner that facilitates and promotes the employment of adults with disabilities. Each agency shall file a report with the Task Force on the results of its review on November 15, 1998.

(h) To improve employment outcomes for persons with disabilities by addressing, among other things, the education, transition, employment, health and rehabilitation, and independent living issues affecting young people with disabilities, executive departments and agencies shall coordinate and cooperate with the Task Force to: (1) strengthen interagency research, demonstration, and training activities relating to young people with disabilities; (2) create a public awareness campaign focused on access to equal opportunity for young people with disabilities; (3) promote the views of young people with disabilities through collaboration with the Youth Councils authorized under the Workforce Investment Act of 1998 [Pub. L. 105-220, repealed by Pub. L. 113-128, title V, §§ 506, 511(a), July 22, 2014, 128 Stat. 1703, 1705, effective July 1, 2015]; (4) increase access to and utilization of health insurance and health care for young people with disabilities through the formalization of the Federal Healthy and Ready to Work Interagency Council; (5) increase participation by young people with disabilities in postsecondary education and training programs; and (6) create a nation-

ally representative Youth Advisory Council, to be funded and chaired by the Department of Labor, to advise the Task Force in conducting these and other appropriate activities.

SEC. 3. Cooperation. All efforts taken by executive departments and agencies under sections 1 and 2 of this order shall, as appropriate, further partnerships and cooperation with public and private sector employers, organizations that represent people with disabilities, organized labor, veteran service organizations, and State and local governments whenever such partnerships and cooperation are possible and would promote the employment and gainful economic activities of individuals with disabilities.

SEC. 4. Judicial Review. This order does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

WILLIAM J. CLINTON.

EX. ORD. NO. 13187. THE PRESIDENT'S DISABILITY EMPLOYMENT PARTNERSHIP BOARD

Ex. Ord. No. 13187, Jan. 10, 2001, 66 F.R. 3857, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App.), and in order to promote the employment of people with disabilities, it is hereby ordered as follows:

SECTION 1. *Establishment and Composition of the Board.*

(a) There is hereby established the President's Disability Employment Partnership Board (Board).

(b) The Board shall be composed of not more than 15 members who shall be appointed by the President for terms of 2 years. The membership shall include individuals who are representatives of business (including small business), labor organizations, State or local government, disabled veterans, people with disabilities, organizations serving people with disabilities, and researchers or academicians focusing on issues relating to the employment of people with disabilities, and may include other individuals representing entities involved in issues relating to the employment of people with disabilities as the President finds appropriate.

(c) The President shall designate a Chairperson from among the members of the Board to serve a term of two years.

(d) Members and the Chairperson may be reappointed for subsequent terms and may continue to serve until their successors have been appointed.

SEC. 2. *Functions.* (a) The Board shall provide advice and information to the President, the Vice President, the Secretary of Labor, and other appropriate Federal officials with respect to facilitating the employment of people with disabilities, and shall assist in other activities that promote the formation of public-private partnerships, the use of economic incentives, the provision of technical assistance regarding entrepreneurship, and other actions that may enhance employment opportunities for people with disabilities.

(b) In carrying out paragraph (a) of this section, the Board shall:

(i) develop and submit to the Office of Disability Employment Policy in the Department of Labor a comprehensive written plan for joint public-private efforts to promote employment opportunities for people with disabilities and improve their access to financial institutions and commercial and business enterprises;

(ii) identify strategies that may be used by employers, labor unions, national and international organizations, and Federal, State, and local officials to increase employment opportunities for people with disabilities; and

(iii) coordinate with the Office of Disability Employment Policy in the Department of Labor in promoting the collaborative use of public and private resources to assist people with disabilities in forming and expanding small business concerns and in en-

hancing their access to Federal procurement and other relevant business opportunities. Public resources include those of the Department of Labor, the Small Business Administration, the Department of Commerce, the Department of Education, the Department of Defense, the Department of Treasury, the Department of Veterans Affairs, the Federal Communications Commission, and of executive departments and agency offices responsible for small, disadvantaged businesses utilization.

(c) The Board shall submit annual written reports to the President, who may apprise the Congress and other interested organizations and individuals on its activities, progress, and problems relating to maximizing employment opportunities for people with disabilities.

(d) The Chairperson of the Board shall serve as a member and Vice Chair of the National Task Force on Employment of Adults with Disabilities established under Executive Order 13078 of March 13, 1998 [set out above].

SEC. 3. *Administration.* (a) The Board shall meet when called by the Chairperson, at a time and place designated by the Chairperson. The Chairperson shall call at least two meetings per calendar year. The Chairperson may form subcommittees or working groups within the Board to address particular matters.

(b) The Chairperson may from time to time prescribe such rules, procedures, and policies relating to the activities of the Board as are not inconsistent with law or with the provisions of this order.

(c) Members of the Board shall serve without compensation but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Federal service (5 U.S.C. 5701-5707).

(d) The Department of Labor shall provide funding and appropriate support to assist the Board in carrying out the activities described in section 2 of this order, including necessary office space, equipment, supplies, services, and staff. The functions of the President under the Federal Advisory Committee Act, as amended, except that of reporting to the Congress, that are applicable to the Commission, shall be performed by the Department of Labor in accordance with guidelines that have been issued by the Administrator of General Services.

(e) The heads of executive departments and agencies shall, to the extent permitted by law, provide the Board such information as it may need for purposes of carrying out the functions described in section 2 of this order.

SEC. 4. *Prior Orders and Transition.* (a) Executive Order 12640 of May 10, 1988, as amended, relating to the establishment of the President's Committee on Employment of People with Disabilities, is hereby revoked. The employees, records, property, and funds of the Committee shall become the employees, records, property, and funds of the Department of Labor.

(b) Executive Order 13078 of March 13, 1998 [set out above], is amended in sections 1(a) and (b) by striking "Chair of the President's Committee on Employment of People with Disabilities" and inserting "Chairperson of the President's Disability Employment Partnership Board."

WILLIAM J. CLINTON.

§ 702. Rehabilitation Services Administration

(a) There is established in the Office of the Secretary in the Department of Education a Rehabilitation Services Administration which shall be headed by a Commissioner (hereinafter in this chapter referred to as the "Commissioner") appointed by the President by and with the advice and consent of the Senate. Such Administration shall be the principal agency, and the Commissioner shall be the principal officer, of the Department for purposes of carrying out subchapters I, III, VI, and part B of subchapter

VII. The Commissioner shall be an individual with substantial experience in rehabilitation and in rehabilitation program management. In the performance of the functions of the office, the Commissioner shall be directly responsible to the Secretary of Education or to the Under Secretary or an appropriate Assistant Secretary of such Department, as designated by the Secretary. The functions of the Commissioner shall not be delegated to any officer not directly responsible, both with respect to program operation and administration, to the Commissioner. Any reference in this chapter to duties to be carried out by the Commissioner shall be considered to be a reference to duties to be carried out by the Secretary of Education acting through the Commissioner. In carrying out any of the functions of the office under this chapter, the Commissioner shall be guided by general policies of the National Council on Disability established under subchapter IV of this chapter.

(b) The Secretary of Education shall take whatever action is necessary to ensure that funds appropriated pursuant to this chapter are expended only for the programs, personnel, and administration of programs carried out under this chapter.

(Pub. L. 93-112, § 3, as added Pub. L. 105-220, title IV, § 403, Aug. 7, 1998, 112 Stat. 1096; amended Pub. L. 113-128, title IV, § 403, July 22, 2014, 128 Stat. 1632.)

PRIOR PROVISIONS

A prior section 702, Pub. L. 93-112, § 3, Sept. 26, 1973, 87 Stat. 357; Pub. L. 93-516, title I, § 101(a), Dec. 7, 1974, 88 Stat. 1617; Pub. L. 93-651, title I, § 101(a), Nov. 21, 1974, 89 Stat. 2-3; Pub. L. 95-602, title I, § 122(a)(2), (3), Nov. 6, 1978, 92 Stat. 2984; Pub. L. 99-506, title I, § 102, title X, § 1001(a)(1), Oct. 21, 1986, 100 Stat. 1808, 1841; Pub. L. 100-630, title II, § 201(a), Nov. 7, 1988, 102 Stat. 3303, related to the Rehabilitation Services Administration, prior to repeal by Pub. L. 105-220, title IV, § 403, Aug. 7, 1998, 112 Stat. 1093.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-128, § 403(1), inserted "in the Department of Education" after "Secretary" in first sentence, substituted "Such Administration shall be the principal agency, and the Commissioner shall be the principal officer, of the Department for purposes of carrying out subchapters I, III, VI, and part B of subchapter VII." for "Except for subchapters IV and V and as otherwise specifically provided in this chapter, such Administration shall be the principal agency, and the Commissioner shall be the principal officer, of such Department for carrying out this chapter." in second sentence, and inserted "of Education" after "to the Secretary" in fourth sentence and after "by the Secretary" in sixth sentence.

Subsec. (b). Pub. L. 113-128, § 403(2), inserted "of Education" after "Secretary".

ADDITIONAL PERSONNEL FOR OFFICE FOR THE BLIND AND VISUALLY HANDICAPPED

Pub. L. 93-516, title II, § 208(a), Dec. 7, 1974, 88 Stat. 1629, provided that: "The Secretary of Health, Education, and Welfare [now Secretary of Education] is directed to assign to the Office for the Blind and Visually Handicapped of the Rehabilitation Services Administration of the Department of Health, Education, and Welfare [now Department of Education] ten additional full-time personnel (or their equivalent), five of whom shall be supportive personnel, to carry out duties related to the administration of the Randolph-Sheppard Act [section 107 et seq. of Title 20, Education]."

An identical provision is contained in Pub. L. 93-651, title II, §208(a), Nov. 21, 1974, 89 Stat. 2-14.

PREFERENCE TO BLIND IN SELECTING PERSONNEL

Pub. L. 93-516, title II, §208(c), Dec. 7, 1974, 88 Stat. 1629, provided that: "In selecting personnel to fill any position under this section [authorizing assignment of 11 additional full-time personnel to the Office for the Blind and Visually Handicapped of the Rehabilitation Service Administration of the Department of Health, Education, and Welfare under subsecs. (a) and (b) of Pub. L. 93-516], the Secretary of Health, Education, and Welfare [now Secretary of Education] shall give preference to blind individuals."

An identical provision is contained in Pub. L. 93-651, title II, §208(c), Nov. 21, 1974, 89 Stat. 2-14.

§ 703. Advance funding

(a) For the purpose of affording adequate notice of funding available under this chapter, appropriations under this chapter are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the authority provided by subsection (a) of this section shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

(Pub. L. 93-112, §4, as added Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1097.)

PRIOR PROVISIONS

A prior section 703, Pub. L. 93-112, §4, Sept. 26, 1973, 87 Stat. 358, related to advance funding, prior to repeal by Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1093.

§ 704. Joint funding

Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this chapter, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this chapter, the Federal agency principally involved may be designated to act for all in administering the funds provided, and, in such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency. When the principal agency involved is the Rehabilitation Services Administration, it may waive any grant or contract requirement (as defined by such regulations) under or pursuant to any law other than this chapter, which requirement is inconsistent with the similar requirements of the administering agency under or pursuant to this chapter.

(Pub. L. 93-112, §5, as added Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1097.)

PRIOR PROVISIONS

A prior section 704, Pub. L. 93-112, §5, Sept. 26, 1973, 87 Stat. 359, related to joint funding, prior to repeal by Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1093.

DELEGATION OF FUNCTIONS

Authority of the President under this section delegated to Director of Office of Management and Budget

by section 1 of Ex. Ord. No. 11893, Dec. 31, 1975, 41 F.R. 1040, set out as a note under section 7103 of Title 31, Money and Finance.

§ 705. Definitions

For the purposes of this chapter:

(1) Administrative costs

The term "administrative costs" means expenditures incurred in the performance of administrative functions under the vocational rehabilitation program carried out under subchapter I, including expenses related to program planning, development, monitoring, and evaluation, including expenses for—

(A) quality assurance;

(B) budgeting, accounting, financial management, information systems, and related data processing;

(C) providing information about the program to the public;

(D) technical assistance and support services to other State agencies, private non-profit organizations, and businesses and industries, except for technical assistance and support services described in section 723(b)(5) of this title;

(E) the State Rehabilitation Council and other advisory committees;

(F) professional organization membership dues for designated State unit employees;

(G) the removal of architectural barriers in State vocational rehabilitation agency offices and State operated rehabilitation facilities;

(H) operating and maintaining designated State unit facilities, equipment, and grounds;

(I) supplies;

(J) administration of the comprehensive system of personnel development described in section 721(a)(7) of this title, including personnel administration, administration of affirmative action plans, and training and staff development;

(K) administrative salaries, including clerical and other support staff salaries, in support of these administrative functions;

(L) travel costs related to carrying out the program, other than travel costs related to the provision of services;

(M) costs incurred in conducting reviews of rehabilitation counselor or coordinator determinations under section 722(c) of this title; and

(N) legal expenses required in the administration of the program.

(2) Assessment for determining eligibility and vocational rehabilitation needs

The term "assessment for determining eligibility and vocational rehabilitation needs" means, as appropriate in each case—

(A)(i) a review of existing data—

(I) to determine whether an individual is eligible for vocational rehabilitation services; and

(II) to assign priority for an order of selection described in section 721(a)(5)(A) of this title in the States that use an order of selection pursuant to section 721(a)(5)(A) of this title; and

(ii) to the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make such determination and assignment;

(B) to the extent additional data is necessary to make a determination of the employment outcomes, and the nature and scope of vocational rehabilitation services, to be included in the individualized plan for employment of an eligible individual, a comprehensive assessment to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment, of the eligible individual, which comprehensive assessment—

(i) is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the individualized plan for employment of the eligible individual;

(ii) uses, as a primary source of such information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements—

(I) existing information obtained for the purposes of determining the eligibility of the individual and assigning priority for an order of selection described in section 721(a)(5)(A) of this title for the individual; and

(II) such information as can be provided by the individual and, where appropriate, by the family of the individual;

(iii) may include, to the degree needed to make such a determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual, and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors, that affect the employment and rehabilitation needs of the individual;

(iv) may include, to the degree needed, an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the utilization of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment; and

(v) to the maximum extent possible, relies on information obtained from experiences in integrated employment settings in the community, and other integrated community settings;

(C) referral, for the provision of rehabilitation technology services to the individual, to assess and develop the capacities of the individual to perform in a work environment; and

(D) an exploration of the individual's abilities, capabilities, and capacity to perform in work situations, which shall be assessed periodically during trial work experiences, including experiences in which the individual is provided appropriate supports and training.

(3) Assistive technology terms

(A) Assistive technology

The term "assistive technology" has the meaning given such term in section 3002 of this title.

(B) Assistive technology device

The term "assistive technology device" has the meaning given such term in section 3002 of this title, except that the reference in such section to the term "individuals with disabilities" shall be deemed to mean more than 1 individual with a disability as defined in paragraph (20)(A)).¹

(C) Assistive technology service

The term "assistive technology service" has the meaning given such term in section 3002 of this title, except that the reference in such section—

(i) to the term "individual with a disability" shall be deemed to mean an individual with a disability, as defined in paragraph (20)(A); and

(ii) to the term "individuals with disabilities" shall be deemed to mean more than 1 such individual.

(4) Community rehabilitation program

The term "community rehabilitation program" means a program that provides directly or facilitates the provision of vocational rehabilitation services to individuals with disabilities, and that provides, singly or in combination, for an individual with a disability to enable the individual to maximize opportunities for employment, including career advancement—

(A) medical, psychiatric, psychological, social, and vocational services that are provided under one management;

(B) testing, fitting, or training in the use of prosthetic and orthotic devices;

(C) recreational therapy;

(D) physical and occupational therapy;

(E) speech, language, and hearing therapy;

(F) psychiatric, psychological, and social services, including positive behavior management;

(G) assessment for determining eligibility and vocational rehabilitation needs;

(H) rehabilitation technology;

(I) job development, placement, and retention services;

(J) evaluation or control of specific disabilities;

(K) orientation and mobility services for individuals who are blind;

(L) extended employment;

(M) psychosocial rehabilitation services;

(N) supported employment services and extended services;

¹So in original. The second closing parenthesis probably should not appear.

- (O) customized employment;
- (P) services to family members when necessary to the vocational rehabilitation of the individual;
- (Q) personal assistance services; or
- (R) services similar to the services described in one of subparagraphs (A) through (Q).

(5) Competitive integrated employment

The term “competitive integrated employment” means work that is performed on a full-time or part-time basis (including self-employment)—

- (A) for which an individual—
 - (i) is compensated at a rate that—
 - (I)(aa) shall be not less than the higher of the rate specified in section 206(a)(1) of this title or the rate specified in the applicable State or local minimum wage law; and
 - (bb) is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; or
 - (II) in the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and
 - (ii) is eligible for the level of benefits provided to other employees;
- (B) that is at a location where the employee interacts with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons; and
- (C) that, as appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

(6) Construction; cost of construction

(A) Construction

- The term “construction” means—
- (i) the construction of new buildings;
 - (ii) the acquisition, expansion, remodeling, alteration, and renovation of existing buildings; and
 - (iii) initial equipment of buildings described in clauses (i) and (ii).

(B) Cost of construction

The term “cost of construction” includes architects’ fees and the cost of acquisition of land in connection with construction but does not include the cost of offsite improvements.

(7) Customized employment

The term “customized employment” means competitive integrated employment, for an in-

dividual with a significant disability, that is based on an individualized determination of the strengths, needs, and interests of the individual with a significant disability, is designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer, and is carried out through flexible strategies, such as—

- (A) job exploration by the individual;
- (B) working with an employer to facilitate placement, including—
 - (i) customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;
 - (ii) developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location;
 - (iii) representation by a professional chosen by the individual, or self-representation of the individual, in working with an employer to facilitate placement; and
 - (iv) providing services and supports at the job location.

(8) Designated State agency; designated State unit

(A) Designated State agency

The term “designated State agency” means an agency designated under section 721(a)(2)(A) of this title.

(B) Designated State unit

- The term “designated State unit” means—
- (i) any State agency unit required under section 721(a)(2)(B)(ii) of this title; or
 - (ii) in cases in which no such unit is so required, the State agency described in section 721(a)(2)(B)(i) of this title.

(9) Disability

- The term “disability” means—
- (A) except as otherwise provided in subparagraph (B), a physical or mental impairment that constitutes or results in a substantial impediment to employment; or
 - (B) for purposes of sections 701, 711, and 712 of this title, and subchapters II, IV, V, and VII, the meaning given it in section 12102 of title 42.

(10) Drug and illegal use of drugs

(A) Drug

The term “drug” means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

(B) Illegal use of drugs

The term “illegal use of drugs” means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act [21 U.S.C. 801 et seq.]. Such term does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

(11) Employment outcome

The term “employment outcome” means, with respect to an individual—

(A) entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market;

(B) satisfying the vocational outcome of supported employment; or

(C) satisfying any other vocational outcome the Secretary of Education may determine to be appropriate (including satisfying the vocational outcome of customized employment, self-employment, telecommuting, or business ownership),

in a manner consistent with this chapter.

(12) Establishment of a community rehabilitation program

The term “establishment of a community rehabilitation program” includes the acquisition, expansion, remodeling, or alteration of existing buildings necessary to adapt them to community rehabilitation program purposes or to increase their effectiveness for such purposes (subject, however, to such limitations as the Secretary of Education may determine, in accordance with regulations the Secretary of Education shall prescribe, in order to prevent impairment of the objectives of, or duplication of, other Federal laws providing Federal assistance in the construction of facilities for community rehabilitation programs), and may include such additional equipment and staffing as the Commissioner considers appropriate.

(13) Extended services

The term “extended services” means ongoing support services and other appropriate services, needed to support and maintain an individual with a most significant disability in supported employment, that—

(A) are provided singly or in combination and are organized and made available in such a way as to assist an eligible individual in maintaining supported employment;

(B) are based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment; and

(C) are provided by a State agency, a nonprofit private organization, employer, or any other appropriate resource, after an individual has made the transition from support provided by the designated State unit.

(14) Federal share

(A) In general

Subject to subparagraph (B), the term “Federal share” means 78.7 percent.

(B) Exception

The term “Federal share” means the share specifically set forth in section 731(a)(3) of this title, except that with respect to payments pursuant to part B of subchapter I to any State that are used to meet the costs of construction of those rehabilitation facilities identified in section 723(b)(2) of this title in such State, the Federal share shall be the percentages determined in accordance with the provisions of section 731(a)(3) of this title applicable with respect to the State.

(C) Relationship to expenditures by a political subdivision

For the purpose of determining the non-Federal share with respect to a State, expenditures by a political subdivision thereof or by a local agency shall be regarded as expenditures by such State, subject to such limitations and conditions as the Secretary of Education shall by regulation prescribe.

(15) Governor

The term “Governor” means a chief executive officer of a State.

(16) Impartial hearing officer

(A) In general

The term “impartial hearing officer” means an individual—

(i) who is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education);

(ii) who is not a member of the State Rehabilitation Council described in section 725 of this title;

(iii) who has not been involved previously in the vocational rehabilitation of the applicant or eligible individual;

(iv) who has knowledge of the delivery of vocational rehabilitation services, the State plan under section 721 of this title, and the Federal and State rules governing the provision of such services and training with respect to the performance of official duties; and

(v) who has no personal or financial interest that would be in conflict with the objectivity of the individual.

(B) Construction

An individual shall not be considered to be an employee of a public agency for purposes of subparagraph (A)(i) solely because the individual is paid by the agency to serve as a hearing officer.

(17) Independent living core services

The term “independent living core services” means—

(A) information and referral services;

(B) independent living skills training;

(C) peer counseling (including cross-disability peer counseling);

(D) individual and systems advocacy; and

(E) services that—

(i) facilitate the transition of individuals with significant disabilities from nursing homes and other institutions to home and community-based residences, with the requisite supports and services;

(ii) provide assistance to individuals with significant disabilities who are at risk of entering institutions so that the individuals may remain in the community; and

(iii) facilitate the transition of youth who are individuals with significant disabilities, who were eligible for individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)), and who have completed their secondary education

or otherwise left school, to postsecondary life.

(18) Independent living services

The term “independent living services” includes—

(A) independent living core services; and
 (B)(i) counseling services, including psychological, psychotherapeutic, and related services;

(ii) services related to securing housing or shelter, including services related to community group living, and supportive of the purposes of this chapter and of the subchapters of this chapter, and adaptive housing services (including appropriate accommodations to and modifications of any space used to serve, or occupied by, individuals with disabilities);

(iii) rehabilitation technology;

(iv) mobility training;

(v) services and training for individuals with cognitive and sensory disabilities, including life skills training, and interpreter and reader services;

(vi) personal assistance services, including attendant care and the training of personnel providing such services;

(vii) surveys, directories, and other activities to identify appropriate housing, recreation opportunities, and accessible transportation, and other support services;

(viii) consumer information programs on rehabilitation and independent living services available under this chapter, especially for minorities and other individuals with disabilities who have traditionally been unserved or underserved by programs under this chapter;

(ix) education and training necessary for living in a community and participating in community activities;

(x) supported living;

(xi) transportation, including referral and assistance for such transportation and training in the use of public transportation vehicles and systems;

(xii) physical rehabilitation;

(xiii) therapeutic treatment;

(xiv) provision of needed prostheses and other appliances and devices;

(xv) individual and group social and recreational services;

(xvi) training to develop skills specifically designed for youths who are individuals with disabilities to promote self-awareness and esteem, develop advocacy and self-empowerment skills, and explore career options;

(xvii) services for children;

(xviii) services under other Federal, State, or local programs designed to provide resources, training, counseling, or other assistance, of substantial benefit in enhancing the independence, productivity, and quality of life of individuals with disabilities;

(xix) appropriate preventive services to decrease the need of individuals assisted under this chapter for similar services in the future;

(xx) community awareness programs to enhance the understanding and integration

into society of individuals with disabilities; and

(xxi) such other services as may be necessary and not inconsistent with the provisions of this chapter.

(19) Indian; American Indian; Indian American; Indian tribe

(A) In general

The terms “Indian”, “American Indian”, and “Indian American” mean an individual who is a member of an Indian tribe and includes a Native and a descendant of a Native, as such terms are defined in subsections (b) and (r) of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(B) Indian tribe

The term “Indian tribe” means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaskan native village or regional village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.]) and a tribal organization (as defined in section 450b(l) of title 25).

(20) Individual with a disability

(A) In general

Except as otherwise provided in subparagraph (B), the term “individual with a disability” means any individual who—

(i) has a physical or mental impairment which for such individual constitutes or results in a substantial impediment to employment; and

(ii) can benefit in terms of an employment outcome from vocational rehabilitation services provided pursuant to subchapter I, III, or VI.

(B) Certain programs; limitations on major life activities

Subject to subparagraphs (C), (D), (E), and (F), the term “individual with a disability” means, for purposes of sections 701, 711, and 712 of this title, and subchapters II, IV, V, and VII of this chapter, any person who has a disability as defined in section 12102 of title 42.

(C) Rights and advocacy provisions

(i) In general; exclusion of individuals engaging in drug use

For purposes of subchapter V, the term “individual with a disability” does not include an individual who is currently engaging in the illegal use of drugs, when a covered entity acts on the basis of such use.

(ii) Exception for individuals no longer engaging in drug use

Nothing in clause (i) shall be construed to exclude as an individual with a disability an individual who—

(I) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabili-

tated successfully and is no longer engaging in such use;

(II) is participating in a supervised rehabilitation program and is no longer engaging in such use; or

(III) is erroneously regarded as engaging in such use, but is not engaging in such use;

except that it shall not be a violation of this chapter for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in subclause (I) or (II) is no longer engaging in the illegal use of drugs.

(iii) Exclusion for certain services

Notwithstanding clause (i), for purposes of programs and activities providing health services and services provided under subchapters I, II, and III, an individual shall not be excluded from the benefits of such programs or activities on the basis of his or her current illegal use of drugs if he or she is otherwise entitled to such services.

(iv) Disciplinary action

For purposes of programs and activities providing educational services, local educational agencies may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student who is an individual with a disability and who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not individuals with disabilities. Furthermore, the due process procedures at section 104.36 of title 34, Code of Federal Regulations (or any corresponding similar regulation or ruling) shall not apply to such disciplinary actions.

(v) Employment; exclusion of alcoholics

For purposes of sections 793 and 794 of this title as such sections relate to employment, the term “individual with a disability” does not include any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others.

(D) Employment; exclusion of individuals with certain diseases or infections

For the purposes of sections 793 and 794 of this title, as such sections relate to employment, such term does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job.

(E) Rights provisions; exclusion of individuals on basis of homosexuality or bisexuality

For the purposes of sections 791, 793, and 794 of this title—

(i) for purposes of the application of subparagraph (B) to such sections, the term “impairment” does not include homosexuality or bisexuality; and

(ii) therefore the term “individual with a disability” does not include an individual on the basis of homosexuality or bisexuality.

(F) Rights provisions; exclusion of individuals on basis of certain disorders

For the purposes of sections 791, 793, and 794 of this title, the term “individual with a disability” does not include an individual on the basis of—

(i) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(ii) compulsive gambling, kleptomania, or pyromania; or

(iii) psychoactive substance use disorders resulting from current illegal use of drugs.

(G) Individuals with disabilities

The term “individuals with disabilities” means more than one individual with a disability.

(21) Individual with a significant disability

(A) In general

Except as provided in subparagraph (B) or (C), the term “individual with a significant disability” means an individual with a disability—

(i) who has a severe physical or mental impairment which seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;

(ii) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

(iii) who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, intellectual disability, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs described in subpara-

graphs (A) and (B) of paragraph (2) to cause comparable substantial functional limitation.

(B) Independent living services and centers for independent living

For purposes of subchapter VII, the term “individual with a significant disability” means an individual with a severe physical or mental impairment whose ability to function independently in the family or community or whose ability to obtain, maintain, or advance in employment is substantially limited and for whom the delivery of independent living services will improve the ability to function, continue functioning, or move toward functioning independently in the family or community or to continue in employment, respectively.

(C) Research and training

For purposes of subchapter II, the term “individual with a significant disability” includes an individual described in subparagraph (A) or (B).

(D) Individuals with significant disabilities

The term “individuals with significant disabilities” means more than one individual with a significant disability.

(E) Individual with a most significant disability

(i) In general

The term “individual with a most significant disability”, used with respect to an individual in a State, means an individual with a significant disability who meets criteria established by the State under section 721(a)(5)(C) of this title.

(ii) Individuals with the most significant disabilities

The term “individuals with the most significant disabilities” means more than one individual with a most significant disability.

(22) Individual’s representative; applicant’s representative

The terms “individual’s representative” and “applicant’s representative” mean a parent, a family member, a guardian, an advocate, or an authorized representative of an individual or applicant, respectively.

(23) Institution of higher education

The term “institution of higher education” has the meaning given the term in section 1002 of title 20.

(24) Local agency

The term “local agency” means an agency of a unit of general local government or of an Indian tribe (or combination of such units or tribes) which has an agreement with the designated State agency to conduct a vocational rehabilitation program under the supervision of such State agency in accordance with the State plan approved under section 721 of this title. Nothing in the preceding sentence of this paragraph or in section 721 of this title shall be construed to prevent the local agency from

arranging to utilize another local public or nonprofit agency to provide vocational rehabilitation services if such an arrangement is made part of the agreement specified in this paragraph.

(25) Local workforce development board

The term “local workforce development board” means a local board, as defined in section 3 of the Workforce Innovation and Opportunity Act [29 U.S.C. 3102].

(26) Nonprofit

The term “nonprofit”, when used with respect to a community rehabilitation program, means a community rehabilitation program carried out by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under section 501(c)(3) of title 26.

(27) Ongoing support services

The term “ongoing support services” means services—

(A) provided to individuals with the most significant disabilities;

(B) provided, at a minimum, twice monthly—

(i) to make an assessment, regarding the employment situation, at the worksite of each such individual in supported employment, or, under special circumstances, especially at the request of the client, off site; and

(ii) based on the assessment, to provide for the coordination or provision of specific intensive services, at or away from the worksite, that are needed to maintain employment stability; and

(C) consisting of—

(i) a particularized assessment supplementary to the comprehensive assessment described in paragraph (2)(B);

(ii) the provision of skilled job trainers who accompany the individual for intensive job skill training at the worksite;

(iii) job development, job retention, and placement services;

(iv) social skills training;

(v) regular observation or supervision of the individual;

(vi) followup services such as regular contact with the employers, the individuals, the individuals’ representatives, and other appropriate individuals, in order to reinforce and stabilize the job placement;

(vii) facilitation of natural supports at the worksite;

(viii) any other service identified in section 723 of this title; or

(ix) a service similar to another service described in this subparagraph.

(28) Personal assistance services

The term “personal assistance services” means a range of services, provided by one or more persons, designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform if the individual did

not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

(30)² Pre-employment transition services

The term “pre-employment transition services” means services provided in accordance with section 733 of this title.

(31) Public or nonprofit

The term “public or nonprofit”, used with respect to an agency or organization, includes an Indian tribe.

(32) Rehabilitation technology

The term “rehabilitation technology” means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with disabilities in areas which include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

(33) Secretary

Unless where the context otherwise requires, the term “Secretary”—

(A) used in subchapter I, III, IV, V, VI, or part B of subchapter VII, means the Secretary of Education; and

(B) used in subchapter II or part A of subchapter VII, means the Secretary of Health and Human Services.

(34) State

The term “State” includes, in addition to each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(35) State workforce development board

The term “State workforce development board” means a State board, as defined in section 3 of the Workforce Innovation and Opportunity Act [29 U.S.C. 3102].

(36) Statewide workforce development system

The term “statewide workforce development system” means a workforce development system, as defined in section 3 of the Workforce Innovation and Opportunity Act [29 U.S.C. 3102].

(37) Student with a disability

(A) In general

The term “student with a disability” means an individual with a disability who—

(i)(I)(aa) is not younger than the earliest age for the provision of transition services under section 614(d)(1)(A)(i)(VIII) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)(i)(VIII)); or

(bb) if the State involved elects to use a lower minimum age for receipt of pre-em-

ployment transition services under this chapter, is not younger than that minimum age; and

(II)(aa) is not older than 21 years of age; or

(bb) if the State law for the State provides for a higher maximum age for receipt of services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), is not older than that maximum age; and

(ii)(I) is eligible for, and receiving, special education or related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or

(II) is an individual with a disability, for purposes of section 794 of this title.

(B) Students with disabilities

The term “students with disabilities” means more than 1 student with a disability.

(38) Supported employment

The term “supported employment” means competitive integrated employment, including customized employment, or employment in an integrated work setting in which individuals are working on a short-term basis toward competitive integrated employment, that is individualized and customized consistent with the strengths, abilities, interests, and informed choice of the individuals involved, for individuals with the most significant disabilities—

(A)(i) for whom competitive integrated employment has not historically occurred; or

(ii) for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and

(B) who, because of the nature and severity of their disability, need intensive supported employment services and extended services after the transition described in paragraph (13)(C), in order to perform the work involved.

(39) Supported employment services

The term “supported employment services” means ongoing support services, including customized employment, needed to support and maintain an individual with a most significant disability in supported employment, that—

(A) are provided singly or in combination and are organized and made available in such a way as to assist an eligible individual to achieve competitive integrated employment;

(B) are based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment; and

(C) are provided by the designated State unit for a period of not more than 24 months, except that period may be extended, if necessary, in order to achieve the employment outcome identified in the individualized plan for employment.

(40) Vocational rehabilitation services

The term “vocational rehabilitation services” means those services identified in sec-

² So in original. There is no par. (29).

tion 723 of this title which are provided to individuals with disabilities under this chapter.

(41) Workforce investment activities

The term “workforce investment activities” means workforce investment activities, as defined in section 3 of the Workforce Innovation and Opportunity Act [29 U.S.C. 3102], that are carried out under that Act.

(42) Youth with a disability

(A) In general

The term “youth with a disability” means an individual with a disability who—

- (i) is not younger than 14 years of age; and
- (ii) is not older than 24 years of age.

(B) Youth with disabilities

The term “youth with disabilities” means more than 1 youth with a disability.

(Pub. L. 93–112, § 7, formerly § 6, as added Pub. L. 105–220, title IV, § 403, Aug. 7, 1998, 112 Stat. 1097; amended Pub. L. 105–244, title I, § 102(a)(9)(A), Oct. 7, 1998, 112 Stat. 1619; renumbered § 7 and amended Pub. L. 105–277, div. A, § 101(f) [title VIII, § 402(a)(1), (b)(3), (c)(1)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–412, 2681–413, 2681–415; Pub. L. 105–394, title IV, § 402(a), Nov. 13, 1998, 112 Stat. 3661; Pub. L. 110–325, § 7, Sept. 25, 2008, 122 Stat. 3558; Pub. L. 111–256, § 2(d)(1), Oct. 5, 2010, 124 Stat. 2643; Pub. L. 113–128, title IV, § 404, July 22, 2014, 128 Stat. 1632.)

REFERENCES IN TEXT

The Controlled Substances Act, referred to in par. (10)(B), is title II of Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (§ 801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

The Alaska Native Claims Settlement Act, referred to in par. (19)(B), 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.

The Individuals with Disabilities Education Act, referred to in par. (37)(A)(i)(II)(bb), (ii)(I), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§ 1400 et seq.) of Title 20, Education. Part B of the Act is classified generally to subchapter II (§ 1411 et seq.) of chapter 33 of Title 20. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

The Workforce Innovation and Opportunity Act, referred to in par. (41), is Pub. L. 113–128, July 22, 2014, 128 Stat. 1425, which enacted chapter 32 (§ 3101 et seq.) of this title, repealed chapter 30 (§ 2801 et seq.) of this title and chapter 73 (§ 9201 et seq.) of Title 20, Education, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 706 of this title prior to repeal by Pub. L. 105–220.

A prior section 705, Pub. L. 93–112, § 6, Sept. 26, 1973, 87 Stat. 359; Pub. L. 99–506, title X, § 1001(a)(2), Oct. 21, 1986, 100 Stat. 1841; Pub. L. 100–630, title II, § 201(b), Nov. 7, 1988, 102 Stat. 3303; Pub. L. 102–569, title I, § 128(b)(1),

Oct. 29, 1992, 106 Stat. 4388, related to consolidated rehabilitation plan, prior to repeal by Pub. L. 105–220, title IV, § 403, Aug. 7, 1998, 112 Stat. 1093.

A prior section 7 of Pub. L. 93–112 was renumbered section 8 and is classified to section 706 of this title.

Another prior section 7 of Pub. L. 93–112 was classified to section 706 of this title prior to repeal by Pub. L. 105–220.

AMENDMENTS

2014—Par. (2)(B)(v). Pub. L. 113–128, § 404(1), added cl. (v).

Par. (3). Pub. L. 113–128, § 404(2), added par. (3) and struck out former par. (3) which defined “assistive technology device”.

Par. (4). Pub. L. 113–128, § 404(3), redesignated par. (5) as (4).

Pub. L. 113–128, § 404(2), struck out par. (4) which defined “assistive technology service”.

Par. (4)(O). Pub. L. 113–128, § 404(4)(B), added subpar. (O). Former subpar. (O) redesignated (P).

Par. (4)(P), (Q). Pub. L. 113–128, § 404(4)(A), redesignated subpars. (O) and (P) as (P) and (Q), respectively. Former subpar. (Q) redesignated (R).

Par. (4)(R). Pub. L. 113–128, § 404(4)(C), substituted “(Q)” for “(P)”.

Pub. L. 113–128, § 404(4)(A), redesignated subpar. (Q) as (R).

Par. (5). Pub. L. 113–128, § 404(5), added par. (5). Former par. (5) redesignated (4).

Par. (6)(B). Pub. L. 113–128, § 404(6), substituted “includes architects’ fees” for “includes architects’ fees”.

Par. (7). Pub. L. 113–128, § 404(7), added par. (7).

Par. (11)(C). Pub. L. 113–128, § 404(8), inserted “of Education” after “Secretary” and “customized employment,” after “vocational outcome of”.

Par. (12). Pub. L. 113–128, § 404(9), inserted “of Education” after “Secretary” in two places.

Par. (14)(C). Pub. L. 113–128, § 404(10), inserted “of Education” after “Secretary”.

Par. (17)(E). Pub. L. 113–128, § 404(11), added subpar. (E).

Par. (18). Pub. L. 113–128, § 404(12), substituted “term ‘independent living services’ includes—” for “term ‘independent living services’ includes—” in introductory provisions.

Par. (19)(A). Pub. L. 113–128, § 404(13)(A), inserted “and includes a Native and a descendant of a Native, as such terms are defined in subsections (b) and (r) of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)” before period at end.

Par. (19)(B). Pub. L. 113–128, § 404(13)(B), inserted “and a tribal organization (as defined in section 450b(l) of title 25)” before period at end.

Par. (23). Pub. L. 113–128, § 404(14), substituted “section 1002” for “section 1001”.

Par. (25). Pub. L. 113–128, § 404(15), added par. (25) and struck out former par. (25) which defined “local workforce investment board”.

Par. (29). Pub. L. 113–128, § 404(17), redesignated par. (29) as (31).

Par. (30). Pub. L. 113–128, § 404(18), added par. (30). Former par. (30) redesignated (32).

Pars. (31), (32). Pub. L. 113–128, § 404(17), redesignated pars. (29) and (30) as (31) and (32), respectively. Former pars. (31) and (32) redesignated (33) and (34), respectively.

Par. (33). Pub. L. 113–128, § 404(19), added par. (33) and struck out former par. (33) which defined “Secretary”.

Pub. L. 113–128, § 404(17), redesignated par. (31) as (33). Former par. (33) redesignated (35).

Par. (34). Pub. L. 113–128, § 404(17), redesignated par. (32) as (34). Former par. (34) redesignated (36).

Pars. (35), (36). Pub. L. 113–128, § 404(20), added pars. (35) and (36) and struck out former pars. (35) and (36), which defined “State workforce investment board” and “statewide workforce investment system”, respectively.

Pub. L. 113–128, § 404(17), redesignated pars. (33) and (34) as (35) and (36), respectively. Former pars. (35) and (36) redesignated (38) and (39), respectively.

Par. (37). Pub. L. 113-128, § 404(16), (21), added par. (37) and struck out former par. (37) which defined “transition services”.

Pars. (38), (39). Pub. L. 113-128, § 404(22), added pars. (38) and (39) and struck out former pars. (38) and (39) which defined “supported employment” and “supported employment services”, respectively.

Pub. L. 113-128, § 404(17), redesignated pars. (35) and (36) as (38) and (39), respectively. Former pars. (38) and (39) redesignated (40) and (41), respectively.

Par. (40). Pub. L. 113-128, § 404(17), redesignated par. (38) as (40).

Par. (41). Pub. L. 113-128, § 404(23), substituted “as defined in section 3 of the Workforce Innovation and Opportunity Act” for “as defined in section 101 of the Workforce Investment Act of 1998”.

Pub. L. 113-128, § 404(17), redesignated par. (39) as (41). Par. (42). Pub. L. 113-128, § 404(24), added par. (42).

2010—Par. (21)(A)(iii). Pub. L. 111-256 substituted “intellectual disability,” for “mental retardation.”.

2008—Par. (9)(B). Pub. L. 110-325, § 7(1), substituted “the meaning given it in section 12102 of title 42” for “a physical or mental impairment that substantially limits one or more major life activities”.

Par. (20)(B). Pub. L. 110-325, § 7(2), substituted “any person who has a disability as defined in section 12102 of title 42.” for “any person who—

“(i) has a physical or mental impairment which substantially limits one or more of such person’s major life activities;

“(ii) has a record of such an impairment; or

“(iii) is regarded as having such an impairment.”

1998—Pub. L. 105-277, § 101(f) [title VIII, § 402(b)(3)], made technical amendment to section designation and catchline in the original and inserted par. (1) heading.

Par. (2)(B). Pub. L. 105-277, § 101(f) [title VIII, § 402(c)(1)(A)], substituted “nature” for “objectives, nature,”.

Par. (3). Pub. L. 105-394, § 402(a)(1), which directed the amendment of section 6 of the Rehabilitation Act of 1973 by substituting “3002” for “2202(2)”, was executed to this section, which is section 7 of that act, to reflect the probable intent of Congress and the renumbering of section 6 as 7 by Pub. L. 105-277, § 101(f) [title VIII, § 402(a)(1)].

Par. (4). Pub. L. 105-394, § 402(a)(2), which directed the amendment of section 6 of the Rehabilitation Act of 1973 by substituting “3002” for “2202(3)”, was executed to this section, which is section 7 of that act, to reflect the probable intent of Congress and the renumbering of section 6 as 7 by Pub. L. 105-277, § 101(f) [title VIII, § 402(a)(1)].

Par. (7). Pub. L. 105-277, § 101(f) [title VIII, § 402(c)(1)(B)], struck out heading and text of par. (7). Text read as follows: “The term ‘criminal act’ means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government, which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, or intoxication or otherwise the person engaging in the act, omission, or possession was legally incapable of committing a crime.”

Par. (16)(A)(iii). Pub. L. 105-277, § 101(f) [title VIII, § 402(c)(1)(C)], substituted “eligible individual” for “client”.

Par. (23). Pub. L. 105-244 substituted “section 1001 of title 20” for “section 1141(a) of title 20”.

Par. (36)(C). Pub. L. 105-277, § 101(f) [title VIII, § 402(c)(1)(D)], substituted “employment outcome” for “rehabilitation objectives”.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-325, § 8, Sept. 25, 2008, 122 Stat. 3559, provided that: “This Act [enacting sections 12103 and 12205a of Title 42, The Public Health and Welfare, amending this section, former section 706 of this title, and sections 12101, 12102, 12111 to 12114, 12201, and 12206 to 12213 of Title 42, and enacting provisions set out as notes under section 12101 of Title 42] and the amendments made by this Act shall become effective on January 1, 2009.”

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

DEFINITIONS

For meaning of references to an intellectual disability and to individuals with intellectual disabilities in provisions amended by section 2 of Pub. L. 111-256, see section 2(k) of Pub. L. 111-256, set out as a note under section 1400 of Title 20, Education.

§ 706. Allotment percentage

(a)(1) For purposes of section 730 of this title, the allotment percentage for any State shall be 100 per centum less than percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that—

(A) the allotment percentage shall in no case be more than 75 per centum or less than 33½ per centum; and

(B) the allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be 75 per centum.

(2) The allotment percentages shall be promulgated by the Secretary of Education between October 1 and December 31 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the 2 fiscal years in the period beginning on the October 1 next succeeding such promulgation.

(3) The term “United States” means (but only for purposes of this subsection) the 50 States and the District of Columbia.

(b) The population of the several States and of the United States shall be determined on the basis of the most recent data available, to be furnished by the Department of Commerce by October 1 of the year preceding the fiscal year for which funds are appropriated pursuant to statutory authorizations.

(Pub. L. 93-112, § 8, formerly § 7, as added Pub. L. 105-220, title IV, § 403, Aug. 7, 1998, 112 Stat. 1110; renumbered § 8, Pub. L. 105-277, div. A, § 101(f) [title VIII, § 402(a)(1)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412; amended Pub. L. 113-128, title IV, § 405(a), July 22, 2014, 128 Stat. 1637.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 707 of this title prior to repeal by Pub. L. 105-220.

A prior section 706, Pub. L. 93-112, § 7, Sept. 26, 1973, 87 Stat. 359; Pub. L. 93-516, title I, § 111(a), Dec. 7, 1974, 88 Stat. 1619; Pub. L. 93-651, title I, § 111(a), Nov. 21, 1974, 89 Stat. 2-5; Pub. L. 95-602, title I, § 122(a)(4)-(8), Nov. 6, 1978, 92 Stat. 2984, 2985; Pub. L. 98-221, title I, § 101, Feb. 22, 1984, 98 Stat. 17; Pub. L. 99-506, title I, § 103(a), (b), (c)(1), (d)(1), (2)(A), (C), (e)-(h)(1), (i), (j), title X, §§ 1001(a)(3), 1002(a), Oct. 21, 1986, 100 Stat. 1809-1811, 1841, 1844; Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100-259, § 9, Mar. 22, 1988, 102 Stat. 31; Pub. L. 100-630, title II, § 201(c), Nov. 7, 1988, 102 Stat. 3303; Pub. L. 101-336, title V, § 513, formerly § 512, July 26, 1990, 104

Stat. 376, renumbered §513, Pub. L. 110-325, §6(a)(2), Sept. 25, 2008, 122 Stat. 3558; Pub. L. 102-569, title I, §102(a)-(n), (p)(3), Oct. 29, 1992, 106 Stat. 4347-4350, 4356; Pub. L. 103-73, title I, §§102(1), 103, Aug. 11, 1993, 107 Stat. 718; Pub. L. 103-218, title IV, §404, Mar. 9, 1994, 108 Stat. 97, defined terms for purposes of this chapter, prior to repeal by Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1093. See section 705 of this title.

A prior section 8 of Pub. L. 93-112 was renumbered section 10 and is classified to section 707 of this title.

Another prior section 8 of Pub. L. 93-112 was classified to section 707 of this title prior to repeal by Pub. L. 105-220.

AMENDMENTS

2014—Subsec. (a)(2). Pub. L. 113-128 inserted “of Education” after “Secretary”.

§ 707. Nonduplication

In determining the amount of any State’s Federal share of expenditures for planning, administration, and services incurred by it under a State plan approved in accordance with section 721 of this title, there shall be disregarded—

(1) any portion of such expenditures which are financed by Federal funds provided under any other provision of law; and

(2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.

No payment may be made from funds provided under one provision of this chapter relating to any cost with respect to which any payment is made under any other provision of this chapter, except that this section shall not be construed to limit or reduce fees for services rendered by community rehabilitation programs.

(Pub. L. 93-112, §10, formerly §8, as added Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1110; renumbered §10 and amended Pub. L. 105-277, div. A, §101(f) [title VIII, §402(a)(1), (c)(2)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412, 2681-415.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 709 of this title prior to repeal by Pub. L. 105-220.

A prior section 707, Pub. L. 93-112, §8, Sept. 26, 1973, 87 Stat. 362; Pub. L. 94-273, §10, Apr. 21, 1976, 90 Stat. 378; Pub. L. 102-569, title I, §103, Oct. 29, 1992, 106 Stat. 4361, related to allotment percentage, prior to repeal by Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1093. See section 706 of this title.

A prior section 10 of Pub. L. 93-112 was renumbered section 12 and is classified to section 709 of this title.

Another prior section 10 of Pub. L. 93-112 was classified to section 709 of this title prior to repeal by Pub. L. 105-220.

AMENDMENTS

1998—Pub. L. 105-277, §101(f) [title VIII, §402(c)(2)], substituted a dash for a colon after “disregarded” and amended text to set out cls. (1) and (2) as indented pars. and last sentence as flush provision.

§ 708. Application of other laws

(a) The provisions of chapter 71 of title 31 and of title V of the Act of October 15, 1977 (Public Law 95-134) shall not apply to the administration of the provisions of this chapter or to the administration of any program or activity under this chapter.

(b) Section 501 of the Workforce Innovation and Opportunity Act [29 U.S.C. 3341] shall apply, as specified in that section, to amendments to this chapter that were made by the Workforce Innovation and Opportunity Act.

(Pub. L. 93-112, §11, formerly §9, as added Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1110; renumbered §11, Pub. L. 105-277, div. A, §101(f) [title VIII, §402(a)(1)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412; amended Pub. L. 113-128, title IV, §405(b), July 22, 2014, 128 Stat. 1637.)

REFERENCES IN TEXT

Act of October 15, 1977, referred to in subsec. (a), is Pub. L. 95-134, Oct. 15, 1977, 91 Stat. 1159, popularly known as the Omnibus Territories Act of 1977. Title V of the Act enacted section 4368b of Title 42, The Public Health and Welfare, and section 1469a of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Tables.

The Workforce Innovation and Opportunity Act, referred to in subsec. (b), is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425, which enacted chapter 32 (§3101 et seq.) of this title, repealed chapter 30 (§2801 et seq.) of this title and chapter 73 (§9201 et seq.) of Title 20, Education, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

CODIFICATION

“Chapter 71 of title 31” substituted in text for “the Act of December 5, 1974 (Public Law 93-510) on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 710 of this title prior to repeal by Pub. L. 105-220.

A prior section 708, Pub. L. 93-112, §9, Sept. 26, 1973, 87 Stat. 362, related to audit and examination of records, scope of disclosure, and access to representatives, prior to repeal by Pub. L. 103-382, title II, §272, Oct. 20, 1994, 108 Stat. 3931.

A prior section 11 of Pub. L. 93-112 was renumbered section 13 and is classified to section 710 of this title.

Another prior section 11 of Pub. L. 93-112 was classified to section 710 of this title prior to repeal by Pub. L. 105-220.

AMENDMENTS

2014—Pub. L. 113-128 designated existing provisions as subsec. (a) and added subsec. (b).

§ 709. Administration

(a) Technical assistance; short-term traineeships; special projects; dissemination of information; monitoring and evaluations

In carrying out the purposes of this chapter, the Commissioner may—

(1)(A) provide consultative services and technical assistance to public or nonprofit private agencies and organizations, including assistance to enable such agencies and organizations to facilitate meaningful and effective participation by individuals with disabilities in workforce investment activities;

(B) provide technical assistance to the designated State units on developing successful partnerships with local and multi-State businesses in an effort to increase the employment of individuals with disabilities;

(C) provide technical assistance to providers and organizations on developing self-employment opportunities and outcomes for individuals with disabilities; and

(D) provide technical assistance to entities carrying out community rehabilitation programs to build their internal capacity to provide individualized services and supports leading to competitive integrated employment, and to transition individuals with disabilities away from nonintegrated settings;

(2) provide short-term training and technical instruction, including training for the personnel of community rehabilitation programs and other providers of services (including job coaches);

(3) conduct special projects and demonstrations;

(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this chapter; and

(5) provide monitoring and conduct evaluations.

(b) Utilization of services and facilities; information task forces

(1) In carrying out the duties under this chapter, the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Commissioner and the head thereof, and may pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

(2) In carrying out the provisions of this chapter, the Commissioner shall appoint such task forces as may be necessary to collect and disseminate information in order to improve the ability of the Commissioner to carry out the provisions of this chapter.

(c) Regulations to carry out this chapter

(1) The Secretary of Education may promulgate such regulations as are considered appropriate to carry out the Commissioner's duties under this chapter.

(2) In promulgating regulations to carry out this chapter, the Secretary of Education shall promulgate only regulations that are necessary to administer and ensure compliance with the specific requirements of this chapter.

(d) Regulations for implementation

(1) The Secretary of Education shall promulgate regulations regarding the requirements for the implementation of an order of selection for vocational rehabilitation services under section 721(a)(5)(A) of this title if such services cannot be provided to all eligible individuals with disabilities who apply for such services.

(2) Not later than 180 days after July 22, 2014, the Secretary of Education shall receive public comment and promulgate regulations to implement the amendments made by the Workforce Innovation and Opportunity Act.

(e) Authorities and responsibilities of Commissioner and Secretary of Education

(1) The Administrator of the Administration for Community Living (referred to in this sub-

section as the "Administrator") may carry out the authorities and shall carry out the responsibilities of the Commissioner described in paragraphs (1)(A) and (2) through (4) of subsection (a), and subsection (b), except that, for purposes of applying subsections (a) and (b), a reference in those subsections—

(A) to facilitating meaningful and effective participation shall be considered to be a reference to facilitating meaningful and effective collaboration with independent living programs, and promoting a philosophy of independent living for individuals with disabilities in community activities; and

(B) to training for personnel shall be considered to be a reference to training for the personnel of centers for independent living and Statewide Independent Living Councils.

(2) The Secretary of Health and Human Services may carry out the authorities and shall carry out the responsibilities of the Secretary of Education described in subsections (c) and (d).

(f) References to "this chapter"

(1) In subsections (a) through (d), a reference to "this chapter" means a provision of this chapter that the Secretary of Education has authority to carry out; and

(2) In subsection (e), for purposes of applying subsections (a) through (d), a reference in those subsections to "this chapter" means a provision of this chapter that the Secretary of Health and Human Services has authority to carry out.

(g) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary.

(Pub. L. 93-112, §12, formerly §10, as added Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1111; renumbered §12, Pub. L. 105-277, div. A, §101(f) [title VIII, §402(a)(1)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412; amended Pub. L. 113-128, title IV, §405(c), July 22, 2014, 128 Stat. 1637.)

REFERENCES IN TEXT

The Workforce Innovation and Opportunity Act, referred to in subsec. (d)(2), is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425, which enacted chapter 32 (§3101 et seq.) of this title, repealed chapter 30 (§2801 et seq.) of this title and chapter 73 (§9201 et seq.) of Title 20, Education, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 711 of this title prior to repeal by Pub. L. 105-220.

A prior section 709, Pub. L. 93-112, §10, Sept. 26, 1973, 87 Stat. 363; Pub. L. 95-602, title I, §122(a)(9), Nov. 6, 1978, 92 Stat. 2985; Pub. L. 100-630, title II, §201(d), Nov. 7, 1988, 102 Stat. 3304; Pub. L. 102-569, title I, §104, Oct. 29, 1992, 106 Stat. 4361, related to nonduplication prohibition, prior to repeal by Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1093. See section 707 of this title.

A prior section 12 of Pub. L. 93-112 was renumbered section 14 and is classified to section 711 of this title.

Another prior section 12 of Pub. L. 93-112 was classified to section 711 of this title prior to repeal by Pub. L. 105-220.

AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113–128, § 405(c)(1)(A), designated existing provisions as subpar. (A) and added subpars. (B) to (D).

Subsec. (a)(2). Pub. L. 113–128, § 405(c)(1)(B), struck out “, centers for independent living,” after “community rehabilitation programs”.

Subsec. (c). Pub. L. 113–128, § 405(c)(6)(A), (D), (E), designated existing provisions as par. (1) and redesignated subsec. (f) as par. (2).

Pub. L. 113–128, § 405(c)(2), substituted “Secretary of Education” for “Commissioner”.

Subsec. (d). Pub. L. 113–128, § 405(c)(6)(B), (C), designated existing provisions as par. (1) and redesignated subsec. (e) as par. (2).

Pub. L. 113–128, § 405(c)(3), inserted “of Education” after “Secretary”.

Subsec. (e). Pub. L. 113–128, § 405(c)(7), added subsec. (e). Former subsec. (e) redesignated par. (2) of subsec. (d).

Pub. L. 113–128, § 405(c)(4), amended reference in original act which resulted in substitution of “July 22, 2014” for “August 7, 1998” in text, inserted “of Education” after “Secretary”, and substituted “Workforce Innovation and Opportunity Act” for “Rehabilitation Act Amendments of 1998”.

Subsec. (f). Pub. L. 113–128, § 405(c)(7), added subsec. (f). Former subsec. (f) redesignated par. (2) of subsec. (c).

Pub. L. 113–128, § 405(c)(5), inserted “of Education” after “Secretary”.

§ 710. Reports**(a) Annual reports required**

Not later than one hundred and eighty days after the close of each fiscal year, the Commissioner shall prepare and submit to the President and to the Congress a full and complete report on the activities carried out under this chapter, including the activities and staffing of the information clearinghouse under section 712 of this title.

(b) Collection of information

The Commissioner shall collect information to determine whether the purposes of this chapter are being met and to assess the performance of programs carried out under this chapter. The Commissioner shall take whatever action is necessary to assure that the identity of each individual for which information is supplied under this section is kept confidential, except as otherwise required by law (including regulation).

(c) Information to be included in reports

(1)¹ In preparing the report, the Commissioner shall annually collect and include in the report information based on the information submitted by States in accordance with section 721(a)(10) of this title, including information on administrative costs as required by section 721(a)(10)(D) of this title. The Commissioner shall, to the maximum extent appropriate, include in the report all information that is required to be submitted in the reports described in section 3141(d)(2) of this title and that pertains to the employment of individuals with disabilities.

(d) Availability to public

The Commissioner shall ensure that the report described in this section is made publicly avail-

able in a timely manner, including through electronic means, in order to inform the public about the administration and performance of programs under this chapter.

(Pub. L. 93–112, § 13, formerly § 11, as added Pub. L. 105–220, title IV, § 403, Aug. 7, 1998, 112 Stat. 1111; renumbered § 13, Pub. L. 105–277, div. A, § 101(f) [title VIII, § 402(a)(1)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–412; amended Pub. L. 113–128, title IV, § 406, July 22, 2014, 128 Stat. 1638.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 712 of this title prior to repeal by Pub. L. 105–220.

A prior section 710, Pub. L. 93–112, § 11, as added Pub. L. 95–602, title I, § 121, Nov. 6, 1978, 92 Stat. 2984, related to application of other laws, prior to repeal by Pub. L. 105–220, title IV, § 403, Aug. 7, 1998, 112 Stat. 1093. See section 708 of this title.

A prior section 13 of Pub. L. 93–112 was renumbered section 15 and is classified to section 712 of this title.

Another prior section 13 of Pub. L. 93–112 was classified to section 712 of this title prior to repeal by Pub. L. 105–220.

AMENDMENTS

2014—Subsec. (c)(1). Pub. L. 113–128, § 406(1), designated existing provisions as par. (1) and substituted “section 3141(d)(2) of this title” for “section 2871(d) of this title”.

Subsec. (d). Pub. L. 113–128, § 406(2), added subsec. (d).

EXCHANGE OF DATA

Pub. L. 102–569, title I, § 137, Oct. 29, 1992, 106 Stat. 4397, provided that: “The Secretary of Education and the Secretary of Health and Human Services shall enter into a memorandum of understanding for the purpose of exchanging data of mutual importance, regarding clients of State vocational rehabilitation agencies, that are contained in databases maintained by the Rehabilitation Services Administration, as required under section 13 of the Rehabilitation Act of 1973 ([former] 29 U.S.C. 712), and the Social Security Administration, from its Summary Earnings and Records and Master Beneficiary Records. For purposes of the exchange, the Social Security data shall not be considered tax information and, as appropriate, the confidentiality of all client information shall be maintained by both agencies.”

§ 711. Evaluation**(a) Statement of purpose; standards; persons eligible to conduct evaluations**

For the purpose of improving program management and effectiveness, the Secretary of Education, in consultation with the Commissioner, shall evaluate all the programs authorized by this chapter, their general effectiveness in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, using appropriate methodology and evaluative research designs. The Secretary of Education shall establish and use standards for the evaluations required by this subsection. Such an evaluation shall be conducted by a person not immediately involved in the administration of the program evaluated.

(b) Opinions of participants; data as property of United States; availability of information

(1) In carrying out evaluations under this section, the Secretary of Education shall obtain the opinions of program and project participants

¹ So in original. There is no par. (2).

about the strengths and weaknesses of the programs and projects.

(2) The Secretary of Education shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds under this chapter shall become the property of the United States.

(3) Such information as the Secretary of Education may determine to be necessary for purposes of the evaluations conducted under this section shall be made available upon request of the Secretary of Education, by the departments and agencies of the executive branch.

(c) Longitudinal study

(1) To assess the linkages between vocational rehabilitation services and economic and non-economic outcomes, the Secretary of Education shall continue to conduct a longitudinal study of a national sample of applicants for the services.

(2) The study shall address factors related to attrition and completion of the program through which the services are provided and factors within and outside the program affecting results. Appropriate comparisons shall be used to contrast the experiences of similar persons who do not obtain the services.

(3) The study shall be planned to cover the period beginning on the application of individuals with disabilities for the services, through the eligibility determination and provision of services for the individuals, and a further period of not less than 2 years after the termination of services.

(d) Information on exemplary practices

(1) The Commissioner shall identify and disseminate information on exemplary practices concerning vocational rehabilitation.

(2) To facilitate compliance with paragraph (1), the Commissioner shall conduct studies and analyses that identify exemplary practices concerning vocational rehabilitation, including studies in areas relating to providing informed choice in the rehabilitation process, promoting consumer satisfaction, promoting job placement and retention, providing supported employment, providing services to particular disability populations, financing personal assistance services, providing assistive technology devices and assistive technology services, entering into cooperative agreements, establishing standards and certification for community rehabilitation programs, converting from nonintegrated to competitive integrated employment, and providing caseload management.

(e) Authorities and responsibilities of Secretary of Education and Commissioner

(1) The Secretary of Health and Human Services may carry out the authorities and shall carry out the responsibilities of the Secretary of Education described in subsections (a) and (b).

(2) The Administrator of the Administration for Community Living may carry out the authorities and shall carry out the responsibilities of the Commissioner described in subsections (a) and (d)(1), except that, for purposes of applying those subsections, a reference in those subsections to exemplary practices shall be considered to be a reference to exemplary practices

concerning independent living services and centers for independent living.

(f) References to “this chapter”

(1) In subsections (a) through (d), a reference to “this chapter” means a provision of this chapter that the Secretary of Education has authority to carry out; and

(2) In subsection (e), for purposes of applying subsections (a), (b), and (d), a reference in those subsections to “this chapter” means a provision of this chapter that the Secretary of Health and Human Services has authority to carry out.

(g) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary.

(Pub. L. 93-112, §14, formerly §12, as added Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1110; renumbered §14, Pub. L. 105-277, div. A, §101(f) [title VIII, §402(a)(1)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412; amended Pub. L. 113-128, title IV, §407(a), July 22, 2014, 128 Stat. 1638.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 713 of this title prior to repeal by Pub. L. 105-220.

A prior section 711, Pub. L. 93-112, §12, as added Pub. L. 95-602, title I, §122(a)(10), Nov. 6, 1978, 92 Stat. 2985; amended Pub. L. 99-506, title I, §104, title X, §1001(a)(4), Oct. 21, 1986, 100 Stat. 1811, 1841; Pub. L. 100-630, title II, §201(e), Nov. 7, 1988, 102 Stat. 3304; Pub. L. 102-569, title I, §105, Oct. 29, 1992, 106 Stat. 4361, related to administration of this chapter, prior to repeal by Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1093. See section 709 of this title.

A prior section 14 of Pub. L. 93-112 was renumbered section 16 and is classified to section 713 of this title.

Another prior section 14 of Pub. L. 93-112 was classified to section 713 of this title prior to repeal by Pub. L. 105-220.

AMENDMENTS

2014—Pub. L. 113-128, §407(a)(1), inserted “of Education” after “Secretary” wherever appearing.

Subsec. (b). Pub. L. 113-128, §407(a)(3)(A)–(C), designated existing provisions as par. (1), redesignated subsec. (c) as par. (2), and redesignated subsec. (d) as par. (3).

Subsecs. (c), (d). Pub. L. 113-128, §407(a)(3)(D), redesignated subsecs. (e) and (f) as (c) and (d), respectively. Former subsecs. (c) and (d) redesignated pars. (2) and (3), respectively, of subsec. (b).

Subsecs. (e), (f). Pub. L. 113-128, §407(a)(4), added subsecs. (e) and (f). Former subsecs. (e) and (f) redesignated (c) and (d), respectively.

Subsec. (f)(2). Pub. L. 113-128, §407(a)(2), inserted “competitive” after “nonintegrated to”.

§ 712. Information clearinghouse

(a) Establishment; information and resources for individuals with disabilities

The Secretary of Education shall establish a central clearinghouse for information and resource availability for individuals with disabilities which shall provide information and data regarding—

(1) the location, provision, and availability of services and programs for individuals with disabilities, including such information and data provided by State workforce development boards regarding such services and programs authorized under title I of such Act;¹

¹ See References in Text note below.

(2) research and recent medical and scientific developments bearing on disabilities (and their prevention, amelioration, causes, and cures); and

(3) the current numbers of individuals with disabilities and their needs.

The clearinghouse shall also provide any other relevant information and data which the Secretary of Education considers appropriate.

(b) Information and data retrieval system

The Commissioner may assist the Secretary of Education to develop within the Department of Education a coordinated system of information and data retrieval, which will have the capacity and responsibility to provide information regarding the information and data referred to in subsection (a) of this section to the Congress, public and private agencies and organizations, individuals with disabilities and their families, professionals in fields serving such individuals, and the general public.

(c) Office of Information and Resources for Individuals with Disabilities

The office established to carry out the provisions of this section shall be known as the "Office of Information and Resources for Individuals with Disabilities".

(d) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary.

(Pub. L. 93-112, §15, formerly §13, as added Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1113; renumbered §15, Pub. L. 105-277, div. A, §101(f) [title VIII, §402(a)(1)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412; amended Pub. L. 113-128, title IV, §407(b), July 22, 2014, 128 Stat. 1639.)

REFERENCES IN TEXT

Such Act, referred to in subsec. (a)(1), probably means the Workforce Investment Act of 1998, which is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, and was repealed by Pub. L. 113-128, title V, §§506, 511(a), July 22, 2014, 128 Stat. 1703, 1705, effective July 1, 2015. Title I of the Act was classified principally to former chapter 30 (former §2801 et seq.) of this title. Pursuant to section 3361(a) of this title, references to a provision of the Workforce Investment Act of 1998 are deemed to refer to the corresponding provision of the Workforce Innovation and Opportunity Act, Pub. L. 113-128, July 22, 2014, 128 Stat. 1425. For complete classification of the Workforce Investment Act of 1998 to the Code, see Tables. For complete classification of the Workforce Innovation and Opportunity Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 714 of this title prior to repeal by Pub. L. 105-220.

A prior section 712, Pub. L. 93-112, §13, as added Pub. L. 95-602, title I, §122(a)(10), Nov. 6, 1978, 92 Stat. 2985; amended Pub. L. 98-221, title I, §102, Feb. 22, 1984, 98 Stat. 17; Pub. L. 99-506, title I, §105, Oct. 21, 1986, 100 Stat. 1812; Pub. L. 102-569, title I, §§102(p)(4), 106, Oct. 29, 1992, 106 Stat. 4356, 4362; Pub. L. 104-66, title I, §1042(c), Dec. 21, 1995, 109 Stat. 715, related to reports to President and Congress, prior to repeal by Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1093. See section 710 of this title.

A prior section 15 of Pub. L. 93-112 was renumbered section 17 and is classified to section 714 of this title.

Another prior section 15 of Pub. L. 93-112 was classified to section 714 of this title prior to repeal by Pub. L. 105-220.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-128, §407(b)(1)(A), inserted "of Education" after "Secretary" in introductory and concluding provisions.

Subsec. (a)(1). Pub. L. 113-128, §407(b)(1)(B), substituted "State workforce development boards" for "State workforce investment boards".

Subsec. (b). Pub. L. 113-128, §407(b)(2), substituted "Secretary of Education" for "Secretary".

§ 713. Transfer of funds

(a) Except as provided in subsection (b) of this section, no funds appropriated under this chapter for any program or activity may be used for any purpose other than that for which the funds were specifically authorized.

(b) No more than 1 percent of funds appropriated for discretionary grants, contracts, or cooperative agreements authorized by this chapter may be used for the purpose of providing non-Federal panels of experts to review applications for such grants, contracts, or cooperative agreements.

(Pub. L. 93-112, §16, formerly §14, as added Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1113; renumbered §16, Pub. L. 105-277, div. A, §101(f) [title VIII, §402(a)(1)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 715 of this title prior to repeal by Pub. L. 105-220.

A prior section 713, Pub. L. 93-112, §14, as added Pub. L. 95-602, title I, §122(a)(10), Nov. 6, 1978, 92 Stat. 2986; amended Pub. L. 98-221, title I, §103, Feb. 22, 1984, 98 Stat. 17; Pub. L. 99-506, title I, §§103(d)(2)(C), 106, title X, §1001(a)(5), Oct. 21, 1986, 100 Stat. 1810, 1812, 1841; Pub. L. 100-630, title II, §201(f), Nov. 7, 1988, 102 Stat. 3304; Pub. L. 102-569, title I, §§102(p)(5), 107, Oct. 29, 1992, 106 Stat. 4356, 4362, related to program and project evaluation, prior to repeal by Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1093. See section 711 of this title.

A prior section 16 of Pub. L. 93-112 was renumbered section 18 and is classified to section 715 of this title.

Another prior section 16 of Pub. L. 93-112 was classified to section 715 of this title prior to repeal by Pub. L. 105-220.

§ 714. State administration

The application of any State rule or policy relating to the administration or operation of programs funded by this chapter (including any rule or policy based on State interpretation of any Federal law, regulation, or guideline) shall be identified as a State imposed requirement.

(Pub. L. 93-112, §17, formerly §15, as added Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1114; renumbered §17, Pub. L. 105-277, div. A, §101(f) [title VIII, §402(a)(1)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 716 of this title prior to repeal by Pub. L. 105-220.

A prior section 714, Pub. L. 93-112, §15, as added Pub. L. 95-602, title I, §122(a)(10), Nov. 6, 1978, 92 Stat. 2986;

amended Pub. L. 96-374, title XIII, §1322, Oct. 3, 1980, 94 Stat. 1499; Pub. L. 98-221, title I, §104(a)(1), Feb. 22, 1984, 98 Stat. 18; Pub. L. 99-506, title I, §103(d)(2)(C), Oct. 21, 1986, 100 Stat. 1810; Pub. L. 102-569, title I, §102(p)(6), Oct. 29, 1992, 106 Stat. 4356, related to information clearinghouse, prior to repeal by Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1093. See section 712 of this title.

A prior section 17 of Pub. L. 93-112 was renumbered section 19 and is classified to section 716 of this title.

Another prior section 17 of Pub. L. 93-112 was classified to section 716 of this title prior to repeal by Pub. L. 105-220.

§ 715. Review of applications

Applications for grants in excess of \$100,000 in the aggregate authorized to be funded under this chapter, other than grants primarily for the purpose of conducting dissemination or conferences, shall be reviewed by panels of experts which shall include a majority of non-Federal members. Non-Federal members may be provided travel, per diem, and consultant fees not to exceed the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5.

(Pub. L. 93-112, §18, formerly §16, as added Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1114; renumbered §18, Pub. L. 105-277, div. A, §101(f) [title VIII, §402(a)(1)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 717 of this title prior to repeal by Pub. L. 105-220.

A prior section 715, Pub. L. 93-112, §16, as added Pub. L. 95-602, title I, §122(a)(10), Nov. 6, 1978, 92 Stat. 2987; amended Pub. L. 99-506, title I, §107, Oct. 21, 1986, 100 Stat. 1812; Pub. L. 102-569, title I, §108(a), Oct. 29, 1992, 106 Stat. 4363, related to transfer of funds, prior to repeal by Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1093. See section 713 of this title.

A prior section 18 of Pub. L. 93-112 was renumbered section 20 and is classified to section 717 of this title.

Another prior section 18 of Pub. L. 93-112 was classified to section 717 of this title prior to repeal by Pub. L. 105-220.

§ 716. Carryover

(a) In general

Except as provided in subsection (b), and notwithstanding any other provision of law—

(1) any funds appropriated for a fiscal year to carry out any grant program under part B of subchapter I, section 794e of this title (except as provided in section 794e(b) of this title), subchapter VI, subpart 2 or 3 of part A of subchapter VII, or part B of subchapter VII (except as provided in section 796k(b) of this title), including any funds reallocated under any such grant program, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year; or

(2) any amounts of program income, including reimbursement payments under the Social Security Act (42 U.S.C. 301 et seq.), received by recipients under any grant program specified in paragraph (1) that are not obligated and expended by recipients prior to the beginning of the fiscal year succeeding the fiscal year in which such amounts were received,

shall remain available for obligation and expenditure by such recipients during such succeeding fiscal year.

(b) Non-Federal share

Such funds shall remain available for obligation and expenditure by a recipient as provided in subsection (a) only to the extent that the recipient complied with any Federal share requirements applicable to the program for the fiscal year for which the funds were appropriated.

(Pub. L. 93-112, §19, formerly §17, as added Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1114; renumbered §19 and amended Pub. L. 105-277, div. A, §101(f) [title VIII, §402(a)(1), (b)(4)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412, 2681-413; Pub. L. 113-128, title IV, §408, July 22, 2014, 128 Stat. 1639.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a)(2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, which is classified generally to chapter 7 (§301 et seq.) 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.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 718 of this title prior to repeal by Pub. L. 105-220.

A prior section 716, Pub. L. 93-112, §17, as added Pub. L. 99-506, title I, §108(a), Oct. 21, 1986, 100 Stat. 1812, related to State administration, prior to repeal by Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1093. See section 714 of this title.

A prior section 19 of Pub. L. 93-112 was renumbered section 21 and is classified to section 718 of this title.

Another prior section 19 of Pub. L. 93-112 was classified to section 718 of this title prior to repeal by Pub. L. 105-220.

AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113-128 substituted “subchapter VI” for “part B of subchapter VI”.

1998—Pub. L. 105-277, §101(f) [title VIII, §402(b)(4)], made technical amendment in the original to section designation and catchline.

§ 717. Client assistance information

All programs, including community rehabilitation programs, and projects, that provide services to individuals with disabilities under this chapter shall advise such individuals who are applicants for or recipients of the services, or the applicants' representatives or individuals' representatives, of the availability and purposes of the client assistance program under section 732 of this title, including information on means of seeking assistance under such program.

(Pub. L. 93-112, §20, formerly §18, as added Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1114; renumbered §20 and amended Pub. L. 105-277, div. A, §101(f) [title VIII, §402(a)(1), (b)(5)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412, 2681-413.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 718a of this title prior to repeal by Pub. L. 105-220.

A prior section 717, Pub. L. 93-112, §18, as added Pub. L. 99-506, title I, §109(a), Oct. 21, 1986, 100 Stat. 1813;

amended Pub. L. 100-630, title II, §201(g), Nov. 7, 1988, 102 Stat. 3304; Pub. L. 102-569, title I, §108(b), Oct. 29, 1992, 106 Stat. 4363, related to review of applications, prior to repeal by Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1093. See section 715 of this title.

A prior section 20 of Pub. L. 93-112 was classified to section 718a of this title prior to repeal by Pub. L. 105-220.

AMENDMENTS

1998—Pub. L. 105-277, §101(f) [title VIII, §402(b)(5)], made technical amendment to section designation and catchline in the original.

§ 718. Traditionally underserved populations

(a) Findings

With respect to the programs authorized in subchapters II through VII, the Congress finds as follows:

(1) Racial profile

The demographic profile of America is rapidly changing. While the percentage increase from 2000 to 2010 for white Americans was 9.7 percent, the percentage increase for racial and ethnic minorities was much higher: 43.0 percent for Latinos, 12.3 percent for African-Americans, and 43.2 percent for Asian-Americans.

(2) Rate of disability

Ethnic and racial minorities tend to have disabling conditions at a disproportionately high rate. In 2011—

(A) among Americans ages 16 through 64, the rate of disability was 12.1 percent;

(B) among African-Americans in that age range, the disability rate was more than twice as high, at 27.1 percent; and

(C) for American Indians and Alaska Natives in the same age range, the disability rate was also more than twice as high, at 27.0 percent.

(3) Inequitable treatment

Patterns of inequitable treatment of minorities have been documented in all major junctures of the vocational rehabilitation process. As compared to white Americans, a larger percentage of African-American applicants to the vocational rehabilitation system is denied acceptance. Of applicants accepted for service, a larger percentage of African-American cases is closed without being rehabilitated. Minorities are provided less training than their white counterparts. Consistently, less money is spent on minorities than on their white counterparts.

(4) Recruitment

Recruitment efforts within vocational rehabilitation at the level of preservice training, continuing education, and in-service training must focus on bringing larger numbers of minorities into the profession in order to provide appropriate practitioner knowledge, role models, and sufficient manpower to address the clearly changing demography of vocational rehabilitation.

(b) Outreach to minorities

(1) In general

For each fiscal year, the Commissioner and the Director of the National Institute on Dis-

ability, Independent Living, and Rehabilitation Research (referred to in this subsection as the “Director”) shall reserve 1 percent of the funds appropriated for the fiscal year for programs authorized under subchapters II, III, VI, and VII to carry out this subsection. The Commissioner and the Director shall use the reserved funds to carry out one or more of the activities described in paragraph (2) through a grant, contract, or cooperative agreement.

(2) Activities

The activities carried out by the Commissioner and the Director shall include one or more of the following:

(A) Making awards to minority entities and Indian tribes to carry out activities under the programs authorized under subchapters II, III, VI, and VII.

(B) Making awards to minority entities and Indian tribes to conduct research, training, technical assistance, or a related activity, to improve services provided under this chapter, especially services provided to individuals from minority backgrounds.

(C) Making awards to entities described in paragraph (3) to provide outreach and technical assistance to minority entities and Indian tribes to promote their participation in activities funded under this chapter, including assistance to enhance their capacity to carry out such activities.

(3) Eligibility

To be eligible to receive an award under paragraph (2)(C), an entity shall be a State or a public or private nonprofit agency or organization, such as an institution of higher education or an Indian tribe.

(4) Report

In each fiscal year, the Commissioner and the Director shall prepare and submit to Congress a report that describes the activities funded under this subsection for the preceding fiscal year.

(5) Definitions

In this subsection:

(A) Historically Black college or university

The term “historically Black college or university” means a part B institution, as defined in section 1061(2) of title 20.

(B) Minority entity

The term “minority entity” means an entity that is a historically Black college or university, a Hispanic-serving institution of higher education, an American Indian tribal college or university, or another institution of higher education whose minority student enrollment is at least 50 percent.

(c) Demonstration

In awarding grants, or entering into contracts or cooperative agreements under subchapters I, II, III, VI, and VII of this chapter, and section 794e of this title, the Commissioner and the Director of the National Institute on Disability, Independent Living, and Rehabilitation Research, in appropriate cases, shall require applicants to demonstrate how the applicants will

address, in whole or in part, the needs of individuals with disabilities from minority backgrounds.

(Pub. L. 93-112, § 21, formerly § 19, as added Pub. L. 105-220, title IV, § 403, Aug. 7, 1998, 112 Stat. 1115; renumbered § 21 and amended Pub. L. 105-277, div. A, § 101(f) [title VIII, § 402(a)(1), (b)(6), (c)(3)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412, 2681-413, 2681-415; Pub. L. 113-128, title IV, § 409, July 22, 2014, 128 Stat. 1639.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 718b of this title prior to repeal by Pub. L. 105-220.

Prior sections 718 to 718b were repealed by Pub. L. 105-220, title IV, § 403, Aug. 7, 1998, 112 Stat. 1093.

Section 718, Pub. L. 93-112, § 19, as added Pub. L. 102-569, title I, § 109(a), Oct. 29, 1992, 106 Stat. 4363; amended Pub. L. 103-73, title I, § 104, Aug. 11, 1993, 107 Stat. 719, related to carryover of funds. See section 716 of this title.

Section 718a, Pub. L. 93-112, § 20, as added Pub. L. 102-569, title I, § 110(a), Oct. 29, 1992, 106 Stat. 4363; amended Pub. L. 103-73, title I, § 105, Aug. 11, 1993, 107 Stat. 719, related to client assistance information. See section 717 of this title.

Section 718b, Pub. L. 93-112, § 21, as added Pub. L. 102-569, title I, § 111(a), Oct. 29, 1992, 106 Stat. 4363; amended Pub. L. 103-73, title I, § 106, Aug. 11, 1993, 107 Stat. 719, related to traditionally underserved populations.

AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113-128, § 409(1)(A), in first sentence, substituted “demographic” for “racial”; in second sentence, substituted “While the percentage increase from 2000 to 2010” for “While the rate of increase”, “was 9.7” for “is 3.2”, “percentage increase for racial” for “rate of increase for racial”, “was much” for “is much”, “43.0” for “38.6”, “12.3” for “14.6”, and “43.2” for “40.1” and struck out “and other ethnic groups” before period at end; and struck out last sentence which read as follows: “By the year 2000, the Nation will have 260,000,000 people, one of every three of whom will be either African-American, Latino, or Asian-American.”

Subsec. (a)(2). Pub. L. 113-128, § 409(1)(B), substituted “In 2011—” and subpars. (A) to (C) for second and third sentences which read as follows: “The rate of work-related disability for American Indians is about one and one-half times that of the general population. African-Americans are also one and one-half times more likely to be disabled than whites and twice as likely to be significantly disabled.”

Subsec. (b)(1). Pub. L. 113-128, § 409(2), substituted “National Institute on Disability, Independent Living, and Rehabilitation Research” for “National Institute on Disability and Rehabilitation Research”.

Subsec. (c). Pub. L. 113-128, § 409(3), substituted “Director of the National Institute on Disability, Independent Living, and Rehabilitation Research” for “Director”.

1998—Pub. L. 105-277, § 101(f) [title VIII, § 402(b)(6)], made technical amendment in original to section designation and catchline.

Subsec. (a)(3). Pub. L. 105-277, § 101(f) [title VIII, § 402(c)(3)], substituted “is denied” for “are denied” and “is closed” for “are closed”.

SUBCHAPTER I—VOCATIONAL REHABILITATION SERVICES

CODIFICATION

Title I of the Rehabilitation Act of 1973, comprising this subchapter, was originally enacted by Pub. L. 93-112, title I, Sept. 26, 1973, 87 Stat. 363, 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. 97-375, Dec. 21, 1982, 96 Stat. 1819; Pub. L. 98-221, Feb. 22, 1984, 98 Stat. 17; Pub. L. 98-524, Oct. 19, 1984, 98 Stat. 2435; 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. 102-119, Oct. 7, 1991, 105 Stat. 587; Pub. L. 102-569, Oct. 29, 1992, 106 Stat. 4344; Pub. L. 103-73, Aug. 11, 1993, 107 Stat. 718; Pub. L. 104-66, Dec. 21, 1995, 109 Stat. 707; Pub. L. 104-106, Feb. 10, 1996, 110 Stat. 186. Title I is shown herein, however, as having been added by Pub. L. 105-220, title IV, § 404, Aug. 7, 1998, 112 Stat. 1116, without reference to those intervening amendments because of the extensive revision of title I by Pub. L. 105-220.

PART A—GENERAL PROVISIONS

§ 720. Declaration of policy; authorization of appropriations

(a) Findings; purpose; policy

(1) Findings

Congress finds that—

(A) work—

(i) is a valued activity, both for individuals and society; and

(ii) fulfills the need of an individual to be productive, promotes independence, enhances self-esteem, and allows for participation in the mainstream of life in the United States;

(B) as a group, individuals with disabilities experience staggering levels of unemployment and poverty;

(C) individuals with disabilities, including individuals with the most significant disabilities, have demonstrated their ability to achieve gainful employment in competitive integrated employment settings if appropriate services and supports are provided;

(D) reasons for significant numbers of individuals with disabilities not working, or working at levels not commensurate with their abilities and capabilities, include—

(i) discrimination;

(ii) lack of accessible and available transportation;

(iii) fear of losing health coverage under the Medicare and Medicaid programs carried out under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq. and 1396 et seq.) or fear of losing private health insurance; and

(iv) lack of education, training, and supports to meet job qualification standards necessary to secure, retain, regain, or advance in employment;

(E) enforcement of subchapter V and of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) holds the promise of ending discrimination for individuals with disabilities;

(F) the provision of workforce development activities and vocational rehabilitation services can enable individuals with disabilities, including individuals with the most significant disabilities, to pursue meaningful careers by securing gainful employment commensurate with their abilities and capabilities; and