

(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; renamed § 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Prior sections 718 to 718b were repealed by Pub.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

(G) linkages between the vocational rehabilitation programs established under this subchapter and other components of the statewide workforce development systems are critical to ensure effective and meaningful participation by individuals with disabilities in workforce development activities.

(2) Purpose

The purpose of this subchapter is to assist States in operating statewide comprehensive, coordinated, effective, efficient, and accountable programs of vocational rehabilitation, each of which is—

- (A) an integral part of a statewide workforce development system; and
- (B) designed to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, informed choice, and economic self-sufficiency, so that such individuals may prepare for and engage in gainful employment.

(3) Policy

It is the policy of the United States that such a program shall be carried out in a manner consistent with the following principles:

- (A) Individuals with disabilities, including individuals with the most significant disabilities, are generally presumed to be capable of engaging in gainful employment and the provision of individualized vocational rehabilitation services can improve their ability to become gainfully employed.
- (B) Individuals with disabilities must be provided the opportunities to obtain competitive integrated employment.
- (C) Individuals who are applicants for such programs or eligible to participate in such programs must be active and full partners in the vocational rehabilitation process, making meaningful and informed choices—
 - (i) during assessments for determining eligibility and vocational rehabilitation needs; and

- (ii) in the selection of employment outcomes for the individuals, services needed to achieve the outcomes, entities providing such services, and the methods used to secure such services.

(D) Families and other natural supports can play important roles in the success of a vocational rehabilitation program, if the individual with a disability involved requests, desires, or needs such supports.

(E) Vocational rehabilitation counselors that are trained and prepared in accordance with State policies and procedures as described in section 721(a)(7)(B) of this title (referred to individually in this subchapter as a “qualified vocational rehabilitation counselor”), other qualified rehabilitation personnel, and other qualified personnel should facilitate the accomplishment of the employment outcomes and objectives of an individual.

(F) Individuals with disabilities and the individuals’ representatives are full partners in a vocational rehabilitation program and must be involved on a regular basis and in a meaningful manner with respect to policy development and implementation.

(G) Accountability measures must facilitate the accomplishment of the goals and objectives of the program, including providing vocational rehabilitation services to, among others, individuals with the most significant disabilities.

(b) Authorization of appropriations

(1) In general

For the purpose of making grants to States under part B to assist States in meeting the costs of vocational rehabilitation services provided in accordance with State plans under section 721 of this title, there are authorized to be appropriated \$3,302,053,000 for each of the fiscal years 2015 through 2020, except that the amount to be appropriated for a fiscal year shall not be less than the amount of the appropriation under this paragraph for the immediately preceding fiscal year, increased by the percentage change in the Consumer Price Index determined under subsection (c) for the immediately preceding fiscal year.

(2) Reference

The reference in paragraph (1) to grants to States under part B shall not be considered to refer to grants under section 732 of this title.

(c) Consumer Price Index

(1) Percentage change

No later than November 15 of each fiscal year (beginning with fiscal year 1979), the Secretary of Labor shall publish in the Federal Register the percentage change in the Consumer Price Index published for October of the preceding fiscal year and October of the fiscal year in which such publication is made.

(2) Application

(A) Increase

If in any fiscal year the percentage change published under paragraph (1) indicates an increase in the Consumer Price Index, then

the amount to be appropriated under subsection (b)(1) for the subsequent fiscal year shall be at least the amount appropriated under subsection (b)(1) for the fiscal year in which the publication is made under paragraph (1) increased by such percentage change.

(B) No increase or decrease

If in any fiscal year the percentage change published under paragraph (1) does not indicate an increase in the Consumer Price Index, then the amount to be appropriated under subsection (b)(1) for the subsequent fiscal year shall be at least the amount appropriated under subsection (b)(1) for the fiscal year in which the publication is made under paragraph (1).

(3) Definition

For purposes of this section, the term “Consumer Price Index” means the Consumer Price Index for All Urban Consumers, published monthly by the Bureau of Labor Statistics.

(d) Extension

(1) In general

(A) Authorization or duration of program

Unless the Congress in the regular session which ends prior to the beginning of the terminal fiscal year—

(i) of the authorization of appropriations for the program authorized by the State grant program under part B of this subchapter; or

(ii) of the duration of the program authorized by the State grant program under part B of this subchapter;

has passed legislation which would have the effect of extending the authorization or duration (as the case may be) of such program, such authorization or duration is automatically extended for 1 additional year for the program authorized by this subchapter.

(B) Calculation

The amount authorized to be appropriated for the additional fiscal year described in subparagraph (A) shall be an amount equal to the amount appropriated for such program for fiscal year 2003, increased by the percentage change in the Consumer Price Index determined under subsection (c) for the immediately preceding fiscal year, if the percentage change indicates an increase.

(2) Construction

(A) Passage of legislation

For the purposes of paragraph (1)(A), Congress shall not be deemed to have passed legislation unless such legislation becomes law.

(B) Acts or determinations of Commissioner

In any case where the Commissioner is required under an applicable statute to carry out certain acts or make certain determinations which are necessary for the continuation of the program authorized by this subchapter, if such acts or determinations are required during the terminal year of such program, such acts and determinations shall be required during any fiscal year in which

the extension described in that part of paragraph (1) that follows clause (ii) of paragraph (1)(A) is in effect.

(Pub. L. 93–112, title I, §100, as added Pub. L. 105–220, title IV, §404, Aug. 7, 1998, 112 Stat. 1116; amended Pub. L. 113–128, title IV, §411, July 22, 2014, 128 Stat. 1640.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a)(1)(D)(iii), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Titles XVIII and XIX of the Act are classified generally to subchapters XVIII (§1395 et seq.) and XIX (§1396 et seq.), respectively, of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Americans with Disabilities Act of 1990, referred to in subsec. (a)(1)(E), is Pub. L. 101–336, July 26, 1990, 104 Stat. 327, as amended, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 720, Pub. L. 93–112, title I, §100, Sept. 26, 1973, 87 Stat. 363; Pub. L. 93–516, title I, §102(a), Dec. 7, 1974, 88 Stat. 1618; Pub. L. 93–651, title I, §102(a), Nov. 21, 1974, 89 Stat. 2–3; Pub. L. 94–230, §§2(a), 11(b)(2), (3), Mar. 15, 1976, 90 Stat. 211, 213; Pub. L. 95–602, title I, §101(a), (b), Nov. 6, 1978, 92 Stat. 2955; Pub. L. 98–221, title I, §111(a)–(d), Feb. 22, 1984, 98 Stat. 19; Pub. L. 99–506, title I, §103(d)(2)(C), title II, §201, Oct. 21, 1986, 100 Stat. 1810, 1813; Pub. L. 100–630, title II, §202(a), Nov. 7, 1988, 102 Stat. 3304; Pub. L. 102–52, §2(a), (b)(1), June 6, 1991, 105 Stat. 260; Pub. L. 102–569, title I, §121(a), (b), Oct. 29, 1992, 106 Stat. 4365, 4367, related to congressional findings, purpose, policy, authorization of appropriations, change in Consumer Price Index, and extension of program, prior to the general amendment of this subchapter by Pub. L. 105–220.

AMENDMENTS

2014—Subsec. (a)(1)(C). Pub. L. 113–128, §411(a)(1)(A), substituted “competitive integrated employment” for “integrated”.

Subsec. (a)(1)(D)(iii). Pub. L. 113–128, §411(a)(1)(B), substituted “Medicare and Medicaid” for “medicare and medicaid”.

Subsec. (a)(1)(F). Pub. L. 113–128, §411(a)(1)(C), substituted “development” for “investment”.

Subsec. (a)(1)(G). Pub. L. 113–128, §411(a)(1)(D), substituted “workforce development systems” for “workforce investment systems” and “workforce development activities” for “workforce investment activities”.

Subsec. (a)(2)(A). Pub. L. 113–128, §411(a)(2)(A), substituted “workforce development system” for “workforce investment system”.

Subsec. (a)(2)(B). Pub. L. 113–128, §411(a)(2)(B), substituted “informed choice, and economic self-sufficiency,” for “and informed choice,”.

Subsec. (a)(3)(B). Pub. L. 113–128, §411(a)(3)(A), substituted “competitive integrated employment” for “gainful employment in integrated settings”.

Subsec. (a)(3)(E). Pub. L. 113–128, §411(a)(3)(B), inserted “should” before “facilitate the accomplishment”.

Subsec. (b)(1). Pub. L. 113–128, §411(b), substituted “\$3,302,053,000 for each of the fiscal years 2015 through 2020” for “such sums as may be necessary for fiscal years 1999 through 2003”.

DEFINITIONS OF TERMS IN PUB. L. 113–128

Except as otherwise provided, definitions in section 3 of Pub. L. 113–128, which is classified to section 3102 of this title, apply to this section.

§ 721. State plans**(a) Plan requirements****(1) In general****(A) Submission**

To be eligible to receive funds under this subchapter for a fiscal year, a State shall submit, and have approved by the Secretary and the Secretary of Labor, a unified State plan in accordance with section 102, or a combined State plan in accordance with section 103, of the Workforce Innovation and Opportunity Act [29 U.S.C. 3112, 3113]. The unified or combined State plan shall include, in the portion of the plan described in section 102(b)(2)(D) of such Act [29 U.S.C. 3112(b)(2)(D)] (referred to in this subsection as the “vocational rehabilitation services portion”), the provisions of a State plan for vocational rehabilitation services, described in this subsection.

(B) Nonduplication

The State shall not be required to submit, as part of the vocational rehabilitation services portion of the unified or combined State plan submitted in accordance with subparagraph (A), policies, procedures, or descriptions required under this subchapter that have been previously submitted to the Commissioner and that demonstrate that such State meets the requirements of this subchapter, including any policies, procedures, or descriptions submitted under this subchapter as in effect on the day before the effective date of the Workforce Innovation and Opportunity Act.

(C) Duration

The vocational rehabilitation services portion of the unified or combined State plan submitted in accordance with subparagraph (A) shall remain in effect until the State submits and receives approval of a new State plan in accordance with subparagraph (A), or until the submission of such modifications as the State determines to be necessary or as the Commissioner may require based on a change in State policy, a change in Federal law (including regulations), an interpretation of this chapter by a Federal court or the highest court of the State, or a finding by the Commissioner of State noncompliance with the requirements of this chapter.

(2) Designated State agency; designated State unit**(A) Designated State agency**

The State plan for vocational rehabilitation services shall designate a State agency as the sole State agency to administer the plan, or to supervise the administration of the plan by a local agency, except that—

- (i) where, under State law, the State agency for individuals who are blind or another agency that provides assistance or services to adults who are blind is authorized to provide vocational rehabilitation services to individuals who are blind, that agency may be designated as the sole State agency to administer the part of the

plan under which vocational rehabilitation services are provided for individuals who are blind (or to supervise the administration of such part by a local agency) and a separate State agency may be designated as the sole State agency to administer or supervise the administration of the rest of the State plan;

- (ii) the Commissioner, on the request of a State, may authorize the designated State agency to share funding and administrative responsibility with another agency of the State or with a local agency in order to permit the agencies to carry out a joint program to provide services to individuals with disabilities, and may waive compliance, with respect to vocational rehabilitation services furnished under the joint program, with the requirement of paragraph (4) that the plan be in effect in all political subdivisions of the State; and

- (iii) in the case of American Samoa, the appropriate State agency shall be the Governor of American Samoa.

(B) Designated State unit

The State agency designated under subparagraph (A) shall be—

- (i) a State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities; or

- (ii) if not such an agency, the State agency (or each State agency if 2 are so designated) shall include a vocational rehabilitation bureau, division, or other organizational unit that—

- (I) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities, and is responsible for the vocational rehabilitation program of the designated State agency;

- (II) has a full-time director who is responsible for the day-to-day operation of the vocational rehabilitation program;

- (III) has a staff employed on the rehabilitation work of the organizational unit all or substantially all of whom are employed full time on such work;

- (IV) is located at an organizational level and has an organizational status within the designated State agency comparable to that of other major organizational units of the designated State agency; and

- (V) has the sole authority and responsibility within the designated State agency described in subparagraph (A) to expend funds made available under this subchapter in a manner that is consistent with the purposes of this subchapter.

(C) Responsibility for services for the blind

If the State has designated only 1 State agency pursuant to subparagraph (A), the State may assign responsibility for the part of the plan under which vocational rehabilitation services are provided for individuals who are blind to an organizational unit of the designated State agency and assign responsibility for the rest of the plan to an-