

tional oral submissions or written presentations made respecting such determination, the court may, for good cause shown, order the Commissioner to provide within 30 days an additional opportunity to make such submissions and presentations. Within such period, the Commissioner may revise any findings of fact, modify or set aside the determination being reviewed, or make a new determination by reason of the additional submissions and presentations, and shall file such modified or new determination, and any revised findings of fact, with the return of such submissions and presentations. The court shall thereafter review such new or modified determination.

(3) Standards of review

(A) In general

Upon the filing of a petition under paragraph (1) for judicial review of a determination, the court shall have jurisdiction—

(i) to grant appropriate relief as provided in chapter 7 of title 5, except for interim relief with respect to a determination under subsection (c); and

(ii) except as otherwise provided in subparagraph (B), to review such determination in accordance with chapter 7 of title 5.

(B) Substantial evidence

Section 706 of title 5 shall apply to the review of any determination under this subsection, except that the standard for review prescribed by paragraph (2)(E) of such section 706 shall not apply and the court shall hold unlawful and set aside such determination if the court finds that the determination is not supported by substantial evidence in the record of the proceeding submitted pursuant to paragraph (1), as supplemented by any additional submissions and presentations filed under paragraph (2).

(Pub. L. 93-112, title I, §107, as added Pub. L. 105-220, title IV, §404, Aug. 7, 1998, 112 Stat. 1157; amended Pub. L. 113-128, title IV, §417(a), July 22, 2014, 128 Stat. 1654.)

PRIOR PROVISIONS

A prior section 727, Pub. L. 93-112, title I, §107, as added Pub. L. 102-569, title I, §128(a), Oct. 29, 1992, 106 Stat. 4386, related to monitoring and review, prior to the general amendment of this subchapter by Pub. L. 105-220.

AMENDMENTS

2014—Subsec. (a)(3)(E). Pub. L. 113-128, §417(a)(1)(A), inserted “, including personnel of a client assistance program under section 732 of this title, and past or current recipients of vocational rehabilitation services” before period at end.

Subsec. (a)(4)(A), (B). Pub. L. 113-128, §417(a)(1)(B)(i), added subpars. (A) and (B) and struck out former subpars. (A) and (B) which read as follows:

“(A) the eligibility process;

“(B) the provision of services, including, if applicable, the order of selection.”

Subsec. (a)(4)(D), (E). Pub. L. 113-128, §417(a)(1)(B)(ii)-(iv), added subpar. (D) and redesignated former subpar. (D) as (E).

Subsec. (b)(3). Pub. L. 113-128, §417(a)(2), added par. (3).

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.

§ 728. Expenditure of certain amounts

(a) Expenditure

Amounts described in subsection (b) may not be expended by a State for any purpose other than carrying out programs for which the State receives financial assistance under this subchapter, under subchapter VI, or under subchapter VII.

(b) Amounts

The amounts referred to in subsection (a) are amounts provided to a State under the Social Security Act (42 U.S.C. 301 et seq.) as reimbursement for the expenditure of payments received by the State from allotments under section 730 of this title.

(Pub. L. 93-112, title I, §108, as added Pub. L. 105-220, title IV, §404, Aug. 7, 1998, 112 Stat. 1160; amended Pub. L. 113-128, title IV, §417(b), July 22, 2014, 128 Stat. 1655.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (b), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, 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

A prior section 728, Pub. L. 93-112, title I, §108, as added Pub. L. 102-569, title I, §129(a), Oct. 29, 1992, 106 Stat. 4389, related to expenditure of certain amounts, prior to the general amendment of this subchapter by Pub. L. 105-220.

AMENDMENTS

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

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.

§ 728a. Training and services for employers

A State may expend payments received under section 731 of this title to educate and provide services to employers who have hired or are interested in hiring individuals with disabilities under programs carried out under this subchapter, including—

(1) providing training and technical assistance to employers regarding the employment of individuals with disabilities, including disability awareness, and the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and other employment-related laws;

(2) working with employers to—

(A) provide opportunities for work-based learning experiences (including internships, short-term employment, apprenticeships, and fellowships), and opportunities for pre-employment transition services;

(B) recruit qualified applicants who are individuals with disabilities;

(C) train employees who are individuals with disabilities; and

(D) promote awareness of disability-related obstacles to continued employment;