

a State that, under State law, vests authority for the administration of the activities carried out under this chapter in an entity other than the Governor (such as one or more houses of the State legislature or an independent board), the chief officer of that entity” for “Governor” in first sentence and “appointing authority” for “Governor” in second and third sentences.

Subsec. (b)(4)(A)(i). Pub. L. 105-277, §101(f) [title VIII, §402(c)(6)(B)], substituted “section 705(20)(B)” for “section 705(20)(A)”.

Subsec. (b)(5)(B). Pub. L. 105-277, §101(f) [title VIII, §402(c)(6)(C)], substituted “chief executive officer” for “Governor” in heading and “appointing authority described in paragraph (3) shall” for “Governor shall” in text.

Subsec. (b)(6)(A)(ii), (7)(B). Pub. L. 105-277, §101(f) [title VIII, §402(c)(6)(D)], substituted “appointing authority described in paragraph (3)” for “Governor”.

#### 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.

### § 726. Evaluation standards and performance indicators

#### (a) In general

##### (1) Standards and indicators

The evaluation standards and performance indicators for the vocational rehabilitation program carried out under this subchapter shall be subject to the performance accountability provisions described in section 3141(b) of this title.

##### (2) Additional performance accountability indicators

A State may establish and provide information on additional performance accountability indicators, which shall be identified in the State plan submitted under section 721 of this title.

#### (b) Compliance

##### (1) State reports

In accordance with regulations established by the Secretary, each State shall report to the Commissioner after the end of each fiscal year the extent to which the State is in compliance with the standards and indicators.

##### (2) Program improvement

###### (A) Plan

If the Commissioner determines that the performance of any State is below established standards, the Commissioner shall provide technical assistance to the State, and the State and the Commissioner shall jointly develop a program improvement plan outlining the specific actions to be taken by the State to improve program performance.

###### (B) Review

The Commissioner shall—

(i) on a biannual basis, review the program improvement efforts of the State and, if the State has not improved its performance to acceptable levels, as determined by the Commissioner, direct the State to make further revisions to the plan to improve performance; and

(ii) continue to conduct such reviews and request such revisions until the State sus-

tains satisfactory performance over a period of more than 1 year.

#### (c) Withholding

If the Commissioner determines that a State whose performance falls below the established standards has failed to enter into a program improvement plan, or is not complying substantially with the terms and conditions of such a program improvement plan, the Commissioner shall, consistent with subsections (c) and (d) of section 727 of this title, reduce or make no further payments to the State under this program, until the State has entered into an approved program improvement plan, or satisfies the Commissioner that the State is complying substantially with the terms and conditions of such a program improvement plan, as appropriate.

#### (d) Report to Congress

Beginning in fiscal year 1999, the Commissioner shall include in each annual report to the Congress under section 710 of this title an analysis of program performance, including relative State performance, based on the standards and indicators.

(Pub. L. 93-112, title I, §106, as added Pub. L. 105-220, title IV, §404, Aug. 7, 1998, 112 Stat. 1156; amended Pub. L. 113-128, title IV, §416, July 22, 2014, 128 Stat. 1654.)

#### PRIOR PROVISIONS

A prior section 726, Pub. L. 93-112, title I, §106, as added Pub. L. 102-569, title I, §127(a), Oct. 29, 1992, 106 Stat. 4385, related to evaluation standards and performance indicators, prior to the general amendment of this subchapter by Pub. L. 105-220.

#### AMENDMENTS

2014—Subsec. (a). Pub. L. 113-128, §416(1), added subsec. (a) and struck out former subsec. (a) which provided for the establishment, review, and revision of evaluation standards and performance indicators.

Subsec. (b)(2)(B)(i). Pub. L. 113-128, §416(2), substituted “on a biannual basis, review the program improvement efforts of the State and, if the State has not improved its performance to acceptable levels, as determined by the Commissioner, direct the State” for “review the program improvement efforts of the State on a biannual basis and, if necessary, request the State”.

#### 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.

### § 727. Monitoring and review

#### (a) In general

##### (1) Duties

In carrying out the duties of the Commissioner under this subchapter, the Commissioner shall—

(A) provide for the annual review and periodic onsite monitoring of programs under this subchapter; and

(B) determine whether, in the administration of the State plan, a State is complying substantially with the provisions of such plan and with evaluation standards and performance indicators established under section 726 of this title.

##### (2) Procedures for reviews

In conducting reviews under this section the Commissioner shall consider, at a minimum—