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[As Amended Through P.L. 111–256, Enacted October 5, 2010]

AN ACT To replace the Vocational Rehabilitation Act, to extend and revise the authorization of grants to States for vocational rehabilitation services, with special emphasis on services to individuals with the most severe disabilities, to expand special Federal responsibilities and research and training programs with respect to individuals with disabilities, to create linkage between State vocational rehabilitation programs and workforce investment activities carried out under title I of the Workforce Investment Act of 1998, to establish special responsibilities for the Secretary of Education for coordination of all activities with respect to individuals with disabilities within and across programs administered by the Federal Government, and for other purposes.\1\

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the “Rehabilitation Act of 1973”.

\1\The title of the Act, as shown above, reflects the amendments described in section 402 of Public Law 105–220 (112 Stat. 1092). Note, however, that there is a legal question as to whether the title of an Act can be amended, as the title precedes the enacting clause and therefore is arguably not law. See Sutherland Statutory Construction 19.05, 47.04, 47.05 (4th ed. 1984, 1985); R. Dickerson, The Fundamentals of Legal Drafting 13.2 (2nd ed. 1986).

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec.1.Short title; table of contents.
- Sec.2.Findings; purpose; policy.
- Sec.3.Rehabilitation Services Administration.
- Sec.4.Advance funding.
- Sec.5.Joint funding.
- Sec.7.Definitions.
- Sec.8.Allotment percentage.
- Sec.10.Nonduplication.
- Sec.11.Application of other laws.
- Sec.12.Administration of the Act.
- Sec.13.Reports.
- Sec.14.Evaluation.
- Sec.15.Information clearinghouse.
- Sec.16.Transfer of funds.
- Sec.17.State administration.

1 Sec.18.Review of applications.

2 Sec.19.Carryover.

3 Sec.20.Client assistance information.

4 Sec.21.Traditionally underserved populations.

## 5 TITLE I—VOCATIONAL REHABILITATION SERVICES

### 6 Part A—General Provisions

7 Sec.100.Declaration of policy; authorization of appropriations.

8 Sec.101.State plans.

9 Sec.102.Eligibility and individualized plan for employment.

10 Sec.103.Vocational rehabilitation services.

11 Sec.104.Non-Federal share for establishment of program.

12 Sec.105.State Rehabilitation Council.

13 Sec.106.Evaluation standards and performance indicators.

14 Sec.107.Monitoring and review.

15 Sec.108.Expenditure of certain amounts.

16 Sec.109.Training of employers with respect to Americans with Disabilities Act of 1990.

### 17 Part B—Basic Vocational Rehabilitation Services

18 Sec.110.State allotments.

19 Sec.111.Payments to States.

20 Sec.112.Client assistance program.

### 21 Part C—American Indian Vocational Rehabilitation Services

22 Sec.121.Vocational rehabilitation services grants.

### 23 Part D—Vocational Rehabilitation Services Client Information

24 Sec.131. Data sharing.

## 25 TITLE II—RESEARCH AND TRAINING

26 Sec.200.Declaration of purpose.

27 Sec.201.Authorization of appropriations.

28 Sec.202.National Institute on Disability and Rehabilitation Research.

29 Sec.203.Interagency Committee.

30 Sec.204.Research and other covered activities.

1 Sec.205.Rehabilitation Research Advisory Council.

2 **TITLE III—PROFESSIONAL DEVELOPMENT AND**  
3 **SPECIAL PROJECTS AND DEMONSTRATIONS**

4 Sec.301.Declaration of purpose and competitive basis of grants and contracts.

5 Sec.302.Training.

6 Sec.303.Demonstration and training programs.

7 Sec.304.Migrant and seasonal farmworkers.

8 Sec.305.Recreational programs.

9 Sec.306.Measuring of project outcomes and performance.

10 **TITLE IV—NATIONAL COUNCIL ON DISABILITY**

11 Sec.400.Establishment of National Council on Disability.

12 Sec.401.Duties of National Council.

13 Sec.402.Compensation of National Council members.

14 Sec.403.Staff of National Council.

15 Sec.404.Administrative powers of National Council.

16 Sec.405.Authorization of Appropriations.

17 **TITLE V—RIGHTS AND ADVOCACY**

18 Sec.501.Employment of individuals with disabilities.

19 Sec.502.Architectural and Transportation Barriers Compliance Board.

20 Sec.503.Employment under Federal contracts.

21 Sec.504.Nondiscrimination under Federal grants and programs.

22 Sec.505.Remedies and attorneys' fees.

23 Sec.506.Secretarial responsibilities.

24 Sec.507.Interagency Disability Coordinating Council.

25 Sec.508.Electronic and information technology regulations.

26 Sec.509.Protection and advocacy of individual rights.

27 **TITLE VI—EMPLOYMENT OPPORTUNITIES FOR**  
28 **INDIVIDUALS WITH DISABILITIES**

29 Sec.601.Short title.

30 **Part A—Projects With Industry**

31 Sec.611.Projects with industry.

1 Sec.612.Authorization of appropriations.

2 **Part B—Supported Employment Services for Individuals With**  
3 **the Most Significant Disabilities**

4 Sec.621.Purpose.

5 Sec.622.Allotments.

6 Sec.623.Availability of services.

7 Sec.624.Eligibility.

8 Sec.625.State plan.

9 Sec.626.Restriction.

10 Sec.627.Savings provision.

11 Sec.628.Authorization of appropriations.

12 **TITLE VII—INDEPENDENT LIVING SERVICES AND**  
13 **CENTERS FOR INDEPENDENT LIVING**

14 **Chapter 1—Individuals With Significant Disabilities**

15 **Part A—General Provisions**

16 Sec.701.Purpose.

17 Sec.702.Definitions.

18 Sec.703.Eligibility for receipt of services.

19 Sec.704.State plan.

20 Sec.705.Statewide Independent Living Council.

21 Sec.706.Responsibilities of the Commissioner.

22 **Part B—Independent Living Services**

23 Sec.711.Allotments.

24 Sec.712.Payments to States from allotments.

25 Sec.713.Authorized uses of funds.

26 Sec.714.Authorization of appropriations.

27 **Part C—Centers for Independent Living**

28 Sec.721.Program authorization.

29 Sec.722.Grants to centers for independent living in States in which Federal funding exceeds  
30 State funding.

31 Sec.723.Grants to centers for independent living in States in which State funding equals or

- 1 exceeds Federal funding.
- 2 Sec.724.Centers operated by State agencies.
- 3 Sec.725.Standards and assurances for centers for independent living.
- 4 Sec.726.Definitions.
- 5 Sec.727.Authorization of appropriations.

## 6 Chapter 2—Independent Living Services for Older Individuals 7 Who Are Blind

- 8 Sec.751.Definition.
- 9 Sec.752.Program of grants.
- 10 Sec.753.Authorization of appropriations.
- 11 (29 U.S.C. 701 note)
- 12 Sec. 2

### 13 SEC. 2. FINDINGS; PURPOSE; POLICY.

14 (a) FINDINGS.—Congress finds that—

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

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

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

21 (A) live independently;

22 (B) enjoy self-determination;

23 (C) make choices;

24 (D) contribute to society;

25 (E) pursue meaningful careers; and

26 (F) enjoy full inclusion and integration in the economic, political, social, cultural,  
27 and educational mainstream of American society;

28 (4) increased employment of individuals with disabilities can be achieved through  
29 implementation of statewide workforce investment development systems defined in Section  
30 101 under title I of the Workforce Investment Act of 2011 that provide meaningful and  
31 effective participation for individuals with disabilities in workforce investment activities  
32 and activities carried out under the vocational rehabilitation program established under title  
33 I, and through the provision of independent living services, support services, and  
34 meaningful opportunities for employment in integrated work settings through the provision  
35 of reasonable accommodations;

1 (5) individuals with disabilities continually encounter various forms of discrimination in  
2 such critical areas as employment, housing, public accommodations, education,  
3 transportation, communication, recreation, institutionalization, health services, voting, and  
4 public services;

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

7 (A) make informed choices and decisions; and

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

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

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

16  
17 (b) PURPOSE.—The purposes of this Act are—

18 (1) to empower individuals with disabilities, including individuals with the most  
19 significant disabilities, to maximize opportunities for competitive integrated employment  
20 and to achieve economic self-sufficiency, independence, and inclusion and integration into  
21 society, through—

22 (A) statewide workforce ~~investment~~ development systems **defined in section 101**  
23 ~~implemented in accordance with title I of the Workforce Investment Act of 1998~~ **2011**  
24 that include, as integral components, comprehensive and coordinated state-of-the-art  
25 programs of vocational rehabilitation;

26 (B) independent living centers and services;

27 (C) research;

28 (D) training;

29 (E) demonstration projects; and

30 (F) the guarantee of equal opportunity; ~~and~~

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

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

1 (4) to ensure, to the greatest extent possible, that youth with disabilities and students  
2 with disabilities who are transitioning from receipt of special education services under the  
3 Individuals with Disabilities Education Act (20 U.S.C. 1400 et. seq.) and receipt of services  
4 under section 504 of the Rehabilitation Act of 1973 are either continuing their education or  
5 employed in competitive integrated employment.

6  
7 (c) POLICY.—It is the policy of the United States that all programs, projects, and activities  
8 receiving assistance under this Act shall be carried out in a manner consistent with the principles  
9 of—

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

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

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

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

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

18 (29 U.S.C. 701)

19 Sec. 3

20 rehabilitation services administration

21 Sec. 3. (a) There is established in the Office of the Secretary ~~Special Education and~~  
22 ~~Rehabilitative Services~~ a Rehabilitation Services Administration which shall be headed by a  
23 Commissioner (hereinafter in this Act referred to as the “Commissioner”) appointed by the  
24 President by and with the advice and consent of the Senate. Except for titles IV, ~~and~~ V, VII, and  
25 VIII and as otherwise specifically provided in this Act, such Administration shall be the principal  
26 agency, and the Commissioner shall be the principal officer, of such Department for carrying out  
27 this Act. The Commissioner shall be an individual with substantial experience in rehabilitation  
28 and in rehabilitation program management. In the performance of the functions of the office, the  
29 Commissioner shall be directly responsible to the Secretary or to the Under Secretary or an  
30 appropriate Assistant Secretary of such Department, as designated by the Secretary. The  
31 functions of the Commissioner shall not be delegated to any officer, unless the officer is directly  
32 responsible to the Assistant Secretary for Special Education and Rehabilitative Services. .

33 ((b) The Secretary shall ensure that--

34 (1) the Rehabilitation Services Administration provides effective oversight of, conducts  
35 monitoring of, and provide technical assistance to, the designated State agencies funded under  
36 this Act; and

37 (2) the staff providing such oversight , monitoring, and technical assistance includes  
38 individuals who have training in and experience with the programs administered by the  
39 Rehabilitation Services Administration.

40 (c) The Secretary shall take whatever action is necessary to ensure that funds appropriated

1 pursuant to this Act are expended only ~~for the programs, personnel, and administration of~~  
2 ~~programs carried out under this Act~~ in a manner that is consistent with the purposes of this Act,  
3 as enumerated in section 2(b).

4 (29 U.S.C. 702)

## 5 **Sec. 4**

### 6 **advance funding**

7 Sec. 4. (a) For the purpose of affording adequate notice of funding available under this Act,  
8 appropriations under this Act are authorized to be included in the appropriation Act for the fiscal  
9 year preceding the fiscal year for which they are available for obligation.

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

15 (29 U.S.C. 703)

## 16 **Sec. 5**

### 17 **joint funding**

18 Sec. 5. Pursuant to regulations prescribed by the President, and to the extent consistent with  
19 the other provisions of this Act, where funds are provided for a single project by more than one  
20 Federal agency to an agency or organization assisted under this Act, the Federal agency  
21 principally involved may be designated to act for all in administering the funds provided, and, in  
22 such cases, a single non-Federal share requirement may be established according to the  
23 proportion of funds advanced by each agency. When the principal agency involved is the  
24 Rehabilitation Services Administration, it may waive any grant or contract requirement (as  
25 defined by such regulations) under or pursuant to any law other than this Act, which requirement  
26 is inconsistent with the similar requirements of the administering agency under or pursuant to  
27 this Act.

28 (29 U.S.C. 704)

29 Sec. 7

## 30 **SEC. 7. DEFINITIONS.**

31 For the purposes of this Act:

32 (1) ADMINISTRATIVE COSTS.—The term “administrative costs” means expenditures  
33 incurred in the performance of administrative functions under the vocational rehabilitation  
34 program carried out under title I, including expenses related to program planning,  
35 development, monitoring, and evaluation, including expenses for—



- 1 (A) quality assurance;
- 2 (B) budgeting, accounting, financial management, information systems, and related
- 3 data processing;
- 4 (C) providing information about the program to the public;
- 5 (D) technical assistance and support services to other State agencies, private
- 6 nonprofit organizations, and businesses and industries, except for technical assistance
- 7 and support services described in section 103(b)(5);
- 8 (E) the State Rehabilitation Council and other advisory committees;
- 9 (F) professional organization membership dues for designated State unit employees;
- 10 (G) the removal of architectural barriers in State vocational rehabilitation agency
- 11 offices and State operated rehabilitation facilities;
- 12 (H) operating and maintaining designated State unit facilities, equipment, and
- 13 grounds;
- 14 (I) supplies;
- 15 (J) administration of the comprehensive system of personnel development described
- 16 in section 101(a)(7), including personnel administration, administration of affirmative
- 17 action plans, and training and staff development;
- 18 (K) administrative salaries, including clerical and other support staff salaries, in
- 19 support of these administrative functions;
- 20 (L) travel costs related to carrying out the program, other than travel costs related to
- 21 the provision of services;
- 22 (M) costs incurred in conducting reviews of rehabilitation counselor or coordinator
- 23 determinations under section 102(c); and
- 24 (N) legal expenses required in the administration of the program.

25  
26 *Asset development is a strategy to help low-income workers and job seekers, including*  
27 *individuals with disabilities, move toward economic security and greater financial self-*  
28 *sufficiency through income preservation, effective money and credit management, the*  
29 *pursuit of post-secondary education, the purchase of a home, business startup and growth,*  
30 *and the setting aside of resources for longer term needs and retirement.*

31  
32 *Asset Development Services are a blend of services and supports that help advance*  
33 *economic self-sufficiency for low-income jobseekers, including individuals with disabilities*  
34 *including financial education, tax filing assistance and access to beneficial tax credits and*  
35 *other provisions, use of social security work incentives and individual development accounts*  
36 *(IDAs) and coordination with other savings programs including family self-sufficiency*  
37 *programs, college savings accounts, and home and small business ownership assistance.*

38  
39 (2) ASSESSMENT FOR DETERMINING ELIGIBILITY AND VOCATIONAL REHABILITATION  
40 NEEDS.—The term “assessment for determining eligibility and vocational rehabilitation

1 needs” means an assessment that presumes an attainment of an employment outcome for all  
2 individuals with disabilities (including individuals with significant disabilities and  
3 individuals with the most significant disabilities) and that relies on —

4 (A)(i) a review of existing data—

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

7 (II) to assign priority for an order of selection described in section 101(a)(5)(A)  
8 in the States that use an order of selection pursuant to section 101(a)(5)(A); and

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

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

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

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

22 (I) existing information obtained for the purposes of determining the  
23 eligibility of the individual and assigning priority for an order of selection  
24 described in section 101(a)(5)(A) for the individual; and

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

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

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

41 (v) to the maximum extent possible, relies on information obtained from

1 experiences in integrated employment settings in the community, and other  
2 integrated community settings;

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

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

10 (3) ASSISTIVE TECHNOLOGY TERMS ~~DEVICE~~.—

11 (A) ASSISTIVE TECHNOLOGY -- The term “assistive technology” has the meaning  
12 given such term in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002), ~~but~~  
13 ~~except that the reference in such section to the term “individuals with disabilities” shall be~~  
14 ~~deemed to mean more than one individual with a disability as defined in paragraph (20)(A).~~

15 (B) ASSISTIVE TECHNOLOGY DEVICE – The term “assistive technology device”  
16 has the meaning given such term in section 3 of the Assistive Technology Act of 1998,  
17 except that the reference in such section to the term “individuals with disabilities” shall be  
18 deemed to mean more than one individual with a disability as defined in paragraph (20)(A).

19 (4C) ASSISTIVE TECHNOLOGY SERVICE.—The term “assistive technology service”  
20 has the meaning given such term in section 3 of the Assistive Technology Act of 1998,  
21 except that the reference in such section —

22 ~~\1\The amendment made by section 401(a) of P.L. 105 394 (112 Stat. 3661) was executed as the~~  
23 ~~probable intent of Congress. Section 6 of the Rehabilitation Act of 1973 was amended by section~~  
24 ~~402(a)(1) of P.L. 105 277 which redesignated section 6 as section 7.~~

25 (Ai) to the term “individual with a disability” shall be deemed to mean an individual  
26 with a disability, as defined in paragraph (20)(A); and

27 (Bii) to the term “individuals with disabilities” shall be deemed to mean more than 1  
28 ~~one~~ such individual.

29 (4) COMMUNITY REHABILITATION PROGRAM.—The term “community rehabilitation  
30 program” means a program that provides directly or facilitates the provision of vocational  
31 rehabilitation services to individuals with disabilities, and that provides, singly or in  
32 combination services, for an individual with a disability to enable the individual to  
33 maximize opportunities for competitive integrated employment and for career  
34 advancement, including—

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

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

38 (C) recreational therapy;

39 (D) physical and occupational therapy;

40 (E) speech, language, and hearing therapy;

- 1 (F) psychiatric, psychological, and social services, including positive behavior
- 2 management;
- 3 (G) assessment for determining eligibility and vocational rehabilitation needs;
- 4 (H) rehabilitation technology;
- 5 (I) job development, placement, and retention services;
- 6 (J) evaluation or control of specific disabilities;
- 7 (K) orientation and mobility services for individuals who are blind;
- 8 (L) extended employment;
- 9 (M) psychosocial rehabilitation services;
- 10 (N) supported employment services and extended services;
- 11 (O) customized employment services;
- 12 (P) services to family members when necessary to the vocational rehabilitation of
- 13 the individual;
- 14 (Q) personal assistance services; or
- 15 (R) services similar to the services described in one of subparagraphs (A) through
- 16 (Q).

17 ~~(5) COMPETITIVE INTEGRATED EMPLOYMENT-~~

18 ~~(A) IN GENERAL. The term 'competitive integrated employment' means work-~~

19 ~~by an employee who is an individual with a disability-~~

20 ~~—(i) that is compensated at a rate that-~~

21 ~~—(I) is the same rate as the rate for other employees who are not individuals-~~

22 ~~with disabilities, and who are similarly situated in similar occupations by the-~~

23 ~~same employer and who have similar training, experience, and skills; and~~

24 ~~—(II) shall be in accordance with the applicable law, but in no event less-~~

25 ~~than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards-~~

26 ~~Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage-~~

27 ~~law;~~

28 ~~—(ii) for which the employee receives health and employment benefits-~~

29 ~~comparable to those of other employees;~~

30 ~~—(iii) that is at a location where the employee interacts frequently with other-~~

31 ~~employees who are not individuals with disabilities (not including supervisory-~~

32 ~~personnel); and-~~

33 ~~—(iv) that presents opportunities for advancement that are equivalent to those for~~

34 ~~other employees who are not individuals with disabilities and who have~~

35 ~~comparable positions.~~

36 (5) COMPETITIVE INTEGRATED EMPLOYMENT-

1 (A) IN GENERAL.-The term ‘competitive integrated employment’ means work  
2 by an employee who is an individual with a disability-

3 (i) that is compensated at a rate that-

4 (I) is the same rate as the rate for other employees who are not individuals  
5 with disabilities, and who are similarly situated in similar occupations by the  
6 same employer and who have similar training, experience, and skills; and

7 (II) shall be in accordance with the applicable law, but in no event less  
8 than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards  
9 Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage  
10 law;

11 (ii) for which the employee receives health and employment benefits  
12 comparable to those of other employees;

13 (iii) that is at a location where the employee interacts frequently with other  
14 ~~employees~~ **persons** who are not individuals with disabilities (not including  
15 supervisory personnel) **to the same extent that individuals without disabilities in**  
16 **comparable positions interact with other persons;** and

17 (iv) that presents opportunities for advancement that are equivalent to those for  
18 other employees who are not individuals with disabilities and who have  
19 comparable positions.

20 (B) INCLUSION OF CUSTOMIZED OR SUPPORTED EMPLOYMENT.-The  
21 term ‘competitive integrated employment’ includes integrated employment  
22 resulting from the provision of customized employment strategies or supported  
23 employment services, as long as the work involved satisfies the criteria described  
24 in subparagraph (A).

25 (6) CONSTRUCTION; COST OF CONSTRUCTION.—

26 (A) CONSTRUCTION.—The term “construction” means—

27 (i) the construction of new buildings;

28 (ii) the acquisition, expansion, remodeling, alteration, and renovation of  
29 existing buildings; and

30 (iii) initial equipment of buildings described in clauses (i) and (ii).

31 (B) COST OF CONSTRUCTION.—The term “cost of construction” includes architect’s  
32 fees.

33 (7) CUSTOMIZED EMPLOYMENT --The term ‘customized employment’ means  
34 competitive integrated employment, for an individual with a significant disability, that is  
35 based on an individualized determination of the strengths, needs, and interests of the  
36 individual with a significant disability, is designed to meet the specific abilities of the  
37 individual with a significant disability and the business needs of the employer, and is  
38 carried out through flexible strategies, such as --

39 (A) job exploration by the individual;

40 (B) working with an employer to facilitate placement, including –

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

10 (8) DESIGNATED STATE AGENCY; DESIGNATED STATE UNIT.—

11 (A) DESIGNATED STATE AGENCY.—The term “designated State agency” means an

12 agency designated under section 101(a)(2)(A).

13 (B) DESIGNATED STATE UNIT.—The term “designated State unit” means—

14 (i) any State agency unit required under section 101(a)(2)(B)(ii); or

15 (ii) in cases in which no such unit is so required, the State agency described in

16 section 101(a)(2)(B)(i).

17 (9) DISABILITY.—The term “disability” means—

18 (A) except as otherwise provided in subparagraph (B), a physical or mental

19 impairment that constitutes or results in a substantial impediment to employment; or

20 (B) for purposes of sections 2, 14, and 15, and titles II, IV, V, and VII, the meaning

21 given it in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

22 (10) DRUG AND ILLEGAL USE OF DRUGS.—

23 (A) DRUG.—The term “drug” means a controlled substance, as defined in schedules

24 I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

25 (B) ILLEGAL USE OF DRUGS.—The term “illegal use of drugs” means the use of

26 drugs, the possession or distribution of which is unlawful under the Controlled

27 Substances Act. Such term does not include the use of a drug taken under supervision

28 by a licensed health care professional, or other uses authorized by the Controlled

29 Substances Act or other provisions of Federal law.

30 (11) EMPLOYMENT OUTCOME.—The term “employment outcome” means, with respect to

31 an individual—

32 (A) entering or retaining full-time or, if appropriate, part-time competitive

33 employment in the integrated labor market;

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

35 (C) satisfying any other vocational outcome the Secretary may determine to be

36 appropriate (including satisfying the vocational outcome of self-employment,

37 telecommuting, or business ownership),

38 in a manner consistent with this Act.

1 (12) ESTABLISHMENT OF A COMMUNITY REHABILITATION PROGRAM.—The term  
2 “establishment of a community rehabilitation program” includes the acquisition, expansion,  
3 remodeling, or alteration of existing buildings necessary to adapt them to community  
4 rehabilitation program purposes or to increase their effectiveness for such purposes (subject,  
5 however, to such limitations as the Secretary may determine, in accordance with regulations  
6 the Secretary shall prescribe, in order to prevent impairment of the objectives of, or  
7 duplication of, other Federal laws providing Federal assistance in the construction of  
8 facilities for community rehabilitation programs), and may include such additional  
9 equipment and staffing as the Commissioner considers appropriate.

10 (13) EXTENDED SERVICES.—The term “extended services” means ongoing support  
11 services and other appropriate services, needed to support and maintain an individual with a  
12 most significant disability in supported employment, that—

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

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

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

20 (14) FEDERAL SHARE.—

21 (A) IN GENERAL.—Subject to subparagraph (B), the term “Federal share” means  
22 78.7 percent.

23 (B) EXCEPTION.—The term “Federal share” means the share specifically set forth in  
24 section 111(a)(3), except that with respect to payments pursuant to part B of title I to  
25 any State that are used to meet the costs of construction of those rehabilitation facilities  
26 identified in section 103(b)(2) in such State, the Federal share shall be the percentages  
27 determined in accordance with the provisions of section 111(a)(3) applicable with  
28 respect to the State.

29 (C) RELATIONSHIP TO EXPENDITURES BY A POLITICAL SUBDIVISION.—For the purpose  
30 of determining the non-Federal share with respect to a State, expenditures by a political  
31 subdivision thereof or by a local agency shall be regarded as expenditures by such  
32 State, subject to such limitations and conditions as the Secretary shall by regulation  
33 prescribe.

34 (15) GOVERNOR.—The term “Governor” means a chief executive officer of a State.

35 (16) IMPARTIAL HEARING OFFICER.—

36 (A) IN GENERAL.—The term “impartial hearing officer” means an individual—

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

39 (ii) who is not a member of the State Rehabilitation Council described in  
40 section 105;

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

3 (iv) who has knowledge of the delivery of vocational rehabilitation services, the  
4 State plan under section 101, and the Federal and State rules governing the  
5 provision of such services and training with respect to the performance of official  
6 duties; and

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

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

12 (17) INDEPENDENT LIVING CORE SERVICES.—The term “independent living core services”  
13 means—

14 (A) information and referral services;

15 (B) independent living skills training;

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

17 (D) individual and systems advocacy;

18 (E) services ~~that~~ shall include at least one of the following:

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

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

24 (iii) facilitate the transition of youth (including students) who are individuals with  
25 significant disabilities, who are individuals with significant disabilities, who were  
26 eligible for individualized education programs under section 614(d) of the  
27 Individuals with Disabilities Education Act (20 U.S.C. 1414(d)), and who have  
28 completed their secondary education or otherwise left school, to postsecondary life,  
29 including employment; and

30 (F) services to promote full access to community life.

31 (18) INDEPENDENT LIVING SERVICES.—The term “independent living services”  
32 includes—

33 (A) independent living core services; and

34 (B)(i) counseling services, including psychological, psychotherapeutic, and related  
35 services;

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



- 1 (iii) rehabilitation technology;
- 2 (iv) mobility training;
- 3 (v) services and training for individuals with cognitive and sensory disabilities,  
4 including life skills training, and interpreter and reader services;
- 5 (vi) personal assistance services, including attendant care and the training of  
6 personnel providing such services;
- 7 (vii) surveys, directories, and other activities to identify appropriate housing,  
8 recreation opportunities, and accessible transportation, and other support services;
- 9 (viii) consumer information programs on rehabilitation and independent living  
10 services available under this Act, especially for minorities and other individuals with  
11 disabilities who have traditionally been unserved or underserved by programs under  
12 this Act;
- 13 (ix) education and training necessary for living in a community and participating in  
14 community activities;
- 15 (x) supported living;
- 16 (xi) transportation, including referral and assistance for such transportation and  
17 training in the use of public transportation vehicles and systems;
- 18 (xii) physical rehabilitation;
- 19 (xiii) therapeutic treatment;
- 20 (xiv) provision of needed prostheses and other appliances and devices;
- 21 (xv) individual and group social and recreational services;
- 22 (xvi) training to develop skills specifically designed for youths who are individuals  
23 with disabilities to promote self-awareness and esteem, develop advocacy and self-  
24 empowerment skills, and explore career options;
- 25 (xvii) services for children;
- 26 (xviii) services under other Federal, State, or local programs designed to provide  
27 resources, training, counseling, or other assistance, of substantial benefit in enhancing  
28 the independence, productivity, and quality of life of individuals with disabilities;
- 29 (xix) appropriate preventive services to decrease the need of individuals assisted  
30 under this Act for similar services in the future;
- 31 (xx) community awareness programs to enhance the understanding and integration  
32 into society of individuals with disabilities; and
- 33 (xxi) such other services as may be necessary and not inconsistent with the  
34 provisions of this Act.
- 35 (19) INDIAN; AMERICAN INDIAN; INDIAN AMERICAN; INDIAN TRIBE.—
- 36 (A) IN GENERAL.—The terms “Indian”, “American Indian”, and “Indian American”  
37 mean an individual who is a member of an Indian tribe.

1 (B) INDIAN TRIBE.—The term “Indian tribe” means any Federal or State Indian tribe,  
2 band, rancheria, pueblo, colony, or community, including any Alaskan native village or  
3 regional village corporation (as defined in or established pursuant to the Alaska Native  
4 Claims Settlement Act).

5 (20) INDIVIDUAL WITH A DISABILITY.—

6 (A) IN GENERAL.—Except as otherwise provided in subparagraph (B), the term  
7 “individual with a disability” means any individual who—

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

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

12 (B) CERTAIN PROGRAMS; LIMITATIONS ON MAJOR LIFE ACTIVITIES.—Subject to  
13 subparagraphs (C), (D), (E), and (F), the term “individual with a disability” means, for  
14 purposes of sections 2, 14, and 15, and titles II, IV, V, VII, and VIII of this Act, any  
15 person who has a disability as defined in section 3 of the Americans with Disabilities  
16 Act of 1990 (42 U.S.C. 12102).

17 (C) RIGHTS AND ADVOCACY PROVISIONS.—

18 (i) IN GENERAL; EXCLUSION OF INDIVIDUALS ENGAGING IN DRUG USE.—For  
19 purposes of title V, the term “individual with a disability” does not include an  
20 individual who is currently engaging in the illegal use of drugs, when a covered  
21 entity acts on the basis of such use.

22 (ii) EXCEPTION FOR INDIVIDUALS NO LONGER ENGAGING IN DRUG USE.—Nothing  
23 in clause (i) shall be construed to exclude as an individual with a disability an  
24 individual who—

25 (I) has successfully completed a supervised drug rehabilitation program  
26 and is no longer engaging in the illegal use of drugs, or has otherwise been  
27 rehabilitated successfully and is no longer engaging in such use;

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

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

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

36 (iii) EXCLUSION FOR CERTAIN SERVICES.—Notwithstanding clause (i), for  
37 purposes of programs and activities providing health services and services  
38 provided under titles I, II, and III, an individual shall not be excluded from the  
39 benefits of such programs or activities on the basis of his or her current illegal use  
40 of drugs if he or she is otherwise entitled to such services.

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

10 (v) EMPLOYMENT; EXCLUSION OF ALCOHOLICS.—For purposes of sections 503  
11 and 504 as such sections relate to employment, the term “individual with a  
12 disability” does not include any individual who is an alcoholic whose current use  
13 of alcohol prevents such individual from performing the duties of the job in  
14 question or whose employment, by reason of such current alcohol abuse, would  
15 constitute a direct threat to property or the safety of others.

16 (D) EMPLOYMENT; EXCLUSION OF INDIVIDUALS WITH CERTAIN DISEASES OR  
17 INFECTIONS.—For the purposes of sections 503 and 504, as such sections relate to  
18 employment, such term does not include an individual who has a currently contagious  
19 disease or infection and who, by reason of such disease or infection, would constitute a  
20 direct threat to the health or safety of other individuals or who, by reason of the  
21 currently contagious disease or infection, is unable to perform the duties of the job.

22 (E) RIGHTS PROVISIONS; EXCLUSION OF INDIVIDUALS ON BASIS OF HOMOSEXUALITY  
23 OR BISEXUALITY.—For the purposes of sections 501, 503, and 504—

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

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

28 (F) RIGHTS PROVISIONS; EXCLUSION OF INDIVIDUALS ON BASIS OF CERTAIN  
29 DISORDERS.—For the purposes of sections 501, 503, and 504, the term “individual with  
30 a disability” does not include an individual on the basis of—

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

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

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

37 (G) INDIVIDUALS WITH DISABILITIES.—The term “individuals with disabilities”  
38 means more than one individual with a disability.

39 (21) INDIVIDUAL WITH A SIGNIFICANT DISABILITY.—

40 (A) IN GENERAL.—Except as provided in subparagraph (B) or (C), the term  
41 “individual with a significant disability” means an individual with a disability—

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

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

7 (iii) who has one or more physical or mental disabilities resulting from  
8 amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic  
9 fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory  
10 or pulmonary dysfunction, intellectual disability, mental illness, multiple  
11 sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders  
12 (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord  
13 conditions, sickle cell anemia, specific learning disability, end-stage renal disease,  
14 or another disability or combination of disabilities determined on the basis of an  
15 assessment for determining eligibility and vocational rehabilitation needs  
16 described in subparagraphs (A) and (B) of paragraph (2) to cause comparable  
17 substantial functional limitation.

18 (B) INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING.—For  
19 purposes of title VII, the term “individual with a significant disability” means an  
20 individual with a severe physical or mental impairment whose ability to function  
21 independently in the family or community or whose ability to obtain, maintain, or  
22 advance in employment is substantially limited and for whom the delivery of  
23 independent living services will improve the ability to function, continue functioning,  
24 or move toward functioning independently in the family or community or to continue  
25 in employment, respectively.

26 (C) RESEARCH AND TRAINING.—For purposes of title II, the term “individual with a  
27 significant disability” includes an individual described in subparagraph (A) or (B).

28 (D) INDIVIDUALS WITH SIGNIFICANT DISABILITIES.—The term “individuals with  
29 significant disabilities” means more than one individual with a significant disability.

30 (E) INDIVIDUAL WITH A MOST SIGNIFICANT DISABILITY.—

31 (i) IN GENERAL.—The term “individual with a most significant disability”, used  
32 with respect to an individual in a State, means an individual with a significant  
33 disability who meets criteria established by the State under section 101(a)(5)(C).

34 (ii) INDIVIDUALS WITH THE MOST SIGNIFICANT DISABILITIES.—The term  
35 “individuals with the most significant disabilities” means more than one  
36 individual with a most significant disability.

37 (22) INDIVIDUAL’S REPRESENTATIVE; APPLICANT’S REPRESENTATIVE.—The terms  
38 “individual’s representative” and “applicant’s representative” mean a parent, a family  
39 member, a guardian, an advocate, or an authorized representative of an individual or  
40 applicant, respectively.

41 (23) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has  
42 the meaning given the term in section 101 of the Higher Education Act of 1965.

1 (24) LOCAL AGENCY.—The term “local agency” means an agency of a unit of general  
2 local government or of an Indian tribe (or combination of such units or tribes) which has an  
3 agreement with the designated State agency to conduct a vocational rehabilitation program  
4 under the supervision of such State agency in accordance with the State plan approved  
5 under section 101. Nothing in the preceding sentence of this paragraph or in section 101  
6 shall be construed to prevent the local agency from arranging to utilize another local public  
7 or nonprofit agency to provide vocational rehabilitation services if such an arrangement is  
8 made part of the agreement specified in this paragraph.

9 (25) LOCAL WORKFORCE DEVELOPMENT BOARD.—The term “local workforce  
10 development board” means a local board, as defined in section 101 of the Workforce  
11 Investment Act of 2011.

12 (26) NONPROFIT.—The term “nonprofit”, when used with respect to a community  
13 rehabilitation program, means a community rehabilitation program carried out by a  
14 corporation or association, no part of the net earnings of which inures, or may lawfully  
15 inure, to the benefit of any private shareholder or individual and the income of which is  
16 exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

17 (27) ONGOING SUPPORT SERVICES.—The term “ongoing support services” means  
18 services—

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

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

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

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

27 (C) consisting of—

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

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

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

33 (iv) social skills training;

34 (v) regular observation or supervision of the individual;

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

38 (vii) facilitation of natural supports at the worksite;

39 (viii) any other service identified in section 103; or

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

2 (28) PERSONAL ASSISTANCE SERVICES.—The term “personal assistance services” means a  
3 range of services, provided by one or more persons, designed to assist an individual with a  
4 disability to perform daily living activities on or off the job that the individual would  
5 typically perform if the individual did not have a disability. Such services shall be designed  
6 to increase the individual’s control in life and ability to perform everyday activities on or  
7 off the job.

8 (29) POSTEMPLOYMENT SERVICE.—The term ‘postemployment service’ means a  
9 service identified under section 103(a) that is

10 (A) provided subsequent to the achievement of an employment outcome; and

11 (B) necessary for an individual to maintain or regain competitive integrated  
12 employment, consistent with the individual’s strengths, resources, priorities,  
13 concerns, abilities, capabilities, interests, and informed choice.

14 (30) PRE-EMPLOYMENT TRANSITION SERVICES.—

15 (A) IN GENERAL.—The term ‘pre-employment transition services’ means a  
16 coordinated set of activities for a student with a disability, designed within an  
17 outcome-oriented process, that promotes movement from school to post-school  
18 activities, including postsecondary education, vocational training, competitive  
19 integrated employment (including supported employment), adult education, adult  
20 services, independent living, or community participation.

21 (B) SPECIFIC SERVICES.—The term ‘pre-employment transition services’ means  
22 a set of services, that is available to students with disabilities, and ~~that make~~  
23 ~~available, at a minimum~~ may include:

24 (i) job exploration counseling;

25 (ii) work-based learning experience, including in-school or after school  
26 work experience, or work experience outside the traditional school setting  
27 (such as experience through job training or internships), that is provided in  
28 an integrated environment to the maximum extent possible;

29 (iii) counseling on opportunities for enrollment in a comprehensive  
30 transition or postsecondary educational program at an institution of higher  
31 education;

32 (iv) school-based preparatory employment experiences such as role  
33 playing, social skills development, and independent living training,  
34 coordinated with any transition services provided by the local educational  
35 agency under the Individuals with Disabilities Education Act (20 U.S.C.  
36 1400 et. seq.); and

37 (v) training in self-advocacy, individual rights, self-determination skills,  
38 and the informed consent process, as well as peer mentoring.

39 (C) COORDINATED SET OF ACTIVITIES.— For purposes of subparagraph (A),  
40 the coordinated set of activities shall be based on the individual student’s needs,  
41 taking into account the student’s preferences and interests, and shall include

1 education and training, community experiences, the development of employment  
2 and other adult living objectives, and, when appropriate, acquisition of daily  
3 living skills and functional vocational evaluation.

4 (31) PUBLIC OR NONPROFIT.—The term “public or nonprofit”, used with respect to an  
5 agency or organization, includes an Indian tribe.

6 (32) REHABILITATION TECHNOLOGY.—The term “rehabilitation technology” means the  
7 systematic application of technologies, engineering methodologies, or scientific principles  
8 to meet the needs of and address the barriers confronted by individuals with disabilities in  
9 areas which include education, rehabilitation, employment, transportation, independent  
10 living, and recreation. The term includes rehabilitation engineering, assistive technology  
11 devices, and assistive technology services.

12 (33) SECRETARY.—The term “Secretary”, except when the context otherwise requires,  
13 means the Secretary of Education.

14 (34) STATE.—The term “State” includes, in addition to each of the several States of the  
15 United States, the District of Columbia, the Commonwealth of Puerto Rico, the United  
16 States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern  
17 Mariana Islands.

18 (35) STATE WORKFORCE DEVELOPMENT BOARD.—The term “State workforce  
19 development board” means a State board, as defined in section 101 of the Workforce  
20 Investment Act of 2011.

21 (36) STATEWIDE WORKFORCE DEVELOPMENT SYSTEM.—The term “statewide workforce  
22 development system” means a workforce development system, as defined in section 101 of  
23 the Workforce Investment Act of 2011.

24 (37) STUDENT WITH A DISABILITY.-

25 (A) IN GENERAL.-The term ‘student with a disability’ means an individual with a  
26 disability who-

27 (i) attends an elementary school, secondary school, or institution of higher  
28 education;

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

32 (bb) if the State involved elects to use a lower minimum age for receipt of pre-  
33 employment transition services under this Act, is not younger than that minimum  
34 age; and

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

36 (bb) if State law for the State involved provides for a higher maximum age for  
37 receipt of services under the Individuals with Disabilities Education Act (20 U.S.C.  
38 1400 et. seq.), is not older than that maximum age; and

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

1 (II) is an individual with a disability, for purposes of section 504.

2 (B) STUDENTS WITH DISABILITIES.-The term ‘students with disabilities’  
3 means more than 1 student with a disability.

4 (38) SUPPORTED EMPLOYMENT.— The term ‘supported employment’ means competitive  
5 integrated employment, individualized and customized consistent with the strengths,  
6 abilities, interests, and informed choice of the individuals involved, for individuals with  
7 the most significant disabilities-

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

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

11 (B) who, because of the nature and severity of their disability, need intensive  
12 supported employment services.

13 (39) SUPPORTED EMPLOYMENT SERVICES.—The term “supported employment services”  
14 means ongoing support services, including customized employment, needed to support and  
15 maintain an individual with a most significant disability in supported employment,, that—

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

18 (B) are **solely** based on a determination of the needs of an eligible individual, as  
19 specified in an individualized plan for employment and cannot be overruled by state  
20 policy or practice; and

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

24 (40) VOCATIONAL REHABILITATION SERVICES.—The term “vocational rehabilitation  
25 services” means those services identified in section 103 which are provided to individuals  
26 with disabilities under this Act.

27 (41) WORKFORCE INVESTMENT ACTIVITIES.—The term “workforce investment activities”  
28 means workforce investment activities, as defined in section 101 of the Workforce  
29 Investment Act of 2011, that are carried out under that Act.

30 (42) YOUTH WITH A DISABILITY.-

31 (A) IN GENERAL.-The term ‘youth with a disability’ means an individual with a  
32 disability who-

33 (i) is not younger than 14 years of age; and

34 (ii) is not older than 24 years of age.

35 (B) YOUTH WITH DISABILITIES.-The term ‘youth with disabilities’ means  
36 more than 1 youth with a disability.

37 (29 U.S.C. 705)



1 **Sec. 8**

2 **allotment percentage**

3 Sec. 8. (a)(1) For purposes of section 110, the allotment percentage for any State shall be 100  
4 per centum less that percentage which bears the same ratio to 50 per centum as the per capita  
5 income of such State bears to the per capita income of the United States, except that—

6 (A) the allotment percentage shall in no case be more than 75 per centum or less than  
7  $33\frac{1}{3}$  per centum; and

8 (B) the allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin  
9 Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be  
10 75 per centum.

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

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

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

23 (29 U.S.C. 706)

24 **Sec. 10**

25 **nonduplication**

26 Sec. 10. In determining the amount of any State’s Federal share of expenditures for planning,  
27 administration, and services incurred by it under a State plan approved in accordance with  
28 section 101, there shall be disregarded—

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

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

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

1 (29 U.S.C. 707)

## 2 **Sec. 11 application of other laws**

3 Sec. 11. The provisions of the Act of December 5, 1974 (Public Law 93–510) and of title V of  
4 the Act of October 15, 1977 (Public Law 95–134) shall not apply to the administration of the  
5 provisions of this Act or to the administration of any program or activity under this Act.

6 (29 U.S.C. 708)

## 7 **Sec. 12**

### 8 **administration of the act**

9 Sec. 12. (a) In carrying out the purposes of this Act, the Commissioner may—

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

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

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

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

22 (3) conduct special projects and demonstrations;

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

25 (5) provide monitoring and conduct evaluations.

26 *In carrying out the provision of this Act, the Commissioner shall take necessary action to*  
27 *ensure that funds appropriated pursuant to the Act are expended by states only for the*  
28 *programs, personnel and administration of programs authorized by the Act.*

29

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

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

1

2 (c) The Commissioner may promulgate such regulations as are considered appropriate to carry  
3 out the Commissioner's duties under this Act.

4 (d) The Secretary shall promulgate regulations regarding the requirements for the  
5 implementation of an order of selection for vocational rehabilitation services under section  
6 101(a)(5)(A) if such services cannot be provided to all eligible individuals with disabilities who  
7 apply for such services.

8 (e) Not later than 180 days after the date of enactment of the Workforce Investment Act of  
9 2011 , the Secretary shall receive public comment and promulgate regulations to implement the  
10 amendments made by the Rehabilitation Act Amendments of 1998.

11 (f) In promulgating regulations to carry out this Act, the Secretary shall promulgate only  
12 regulations that are necessary to administer and ensure compliance with the specific  
13 requirements of this Act. (g ) There are authorized to be appropriated to carry out this section  
14 such sums as may be necessary.

15 (29 U.S.C. 709)

## 16 **Sec. 13**

### 17 **reports**

18 Sec. 13. (a) Not later than one hundred and eighty days after the close of each fiscal year, the  
19 Commissioner shall prepare and submit to the President and to the Congress a full and complete  
20 report on the activities carried out under this Act, including the activities and staffing of the  
21 information clearinghouse under section 15.

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

27 (c)(1) In preparing the report, the Commissioner shall annually collect and include in the  
28 report information based on the information submitted by States in accordance with section  
29 101(a)(10), including information on administrative costs as required by section 101(a)(10)(D).  
30 The Commissioner shall, to the maximum extent appropriate, include in the report all  
31 information that is required to be submitted in the reports described in section 131(d)(2) of the  
32 Workforce Investment Act of 2011 and that pertains to the employment of individuals with  
33 disabilities.

34 (2) The ILA Director described in section 701A shall include, in the annual report, information  
35 on the extent to which centers for independent living receiving funds under part C of title VII  
36 have complied with the standards and assurances set forth in section 725. The ILA  
37 Commissioner may identify individual centers for independent living in the analysis contained in  
38 that information. The ILA Director shall include in the report the results of onsite compliance  
39 reviews, identifying individual centers for independent living and other recipients of assistance  
40 under part C of title VII.

1 (d)(1)(A) The Commissioner shall ensure that the reports, information, and data described in  
2 subparagraph (B) are made publicly available in a timely manner, including through electronic  
3 means, in order to inform the public about the administration and performance of programs in  
4 each State under this Act.

5 (B) The reports, information, and data referred to in subparagraph (A) shall consist of-

6 (i) reports submitted by a designated State agency or designated State unit under this Act;

7 (ii) accountability information, including State performance information relating to  
8 evaluation standards and performance indicators, and additional performance  
9 accountability indicators, under section 106, including information on compliance with  
10 such standards, indicators, measures, relating to individuals with disabilities, submitted  
11 by a designated State agency or designated State unit under this Act, or submitted by a  
12 State to the Secretary of Labor or the Secretary of Education under section 131 of the  
13 Workforce Investment Act of 2011;

14 (iii) data collected from each designated State unit under this Act with the approval of the  
15 Office of Management and Budget, which shall be made publicly available in the  
16 aggregate, and in a manner that will not reveal personally identifiable information; and

17 (iv) reports from monitoring conducted under this Act, including relevant reports required  
18 under section 131 of the Workforce Investment Act of 2011 and other relevant reports,  
19 information, and data required under title I of such Act.

20 (C)(i) The Commissioner shall ensure that the information described in clause (ii) is made  
21 publicly available in a timely manner, including through electronic means.

22 (ii) The information referred to in clause (i) is-

23 (I) the reports, information, and data required to be submitted by designated  
24 State units or designated State agencies under this Act;

25 (II) evaluations, studies, and audits conducted by Federal agencies, concerning  
26 programs carried out under this Act; and

27 (III) a list that specifies the designated State unit or designated State agency for  
28 each State, including a link to the website maintained by each such unit or  
29 agency.

30 (2) The Commissioner shall maintain public use read-only access to the State and aggregated  
31 reports, and analyzed data, concerning programs carried out under this Act, that are filed and  
32 maintained in the Rehabilitation Services Administration management information system or a  
33 system maintained by the Department of Education.

34 (29 U.S.C. 710)

## 35 **Sec. 14**

### 36 **evaluation**

37 Sec. 14. (a) For the purpose of improving program management and effectiveness, the  
38 Secretary, in consultation with the Commissioner, shall evaluate all the programs authorized by

1 this Act, their general effectiveness in relation to their cost, their impact on related programs, and  
2 their structure and mechanisms for delivery of services, using appropriate methodology and  
3 evaluative research designs. The Secretary shall establish and use standards for the evaluations  
4 required by this subsection. Such an evaluation shall be conducted by a person not immediately  
5 involved in the administration of the program evaluated.

6 (b) In carrying out evaluations under this section, the Secretary shall obtain the opinions of  
7 program and project participants about the strengths and weaknesses of the programs and  
8 projects.

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

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

15 (e)(1) To assess the linkages between vocational rehabilitation services and economic and  
16 noneconomic outcomes, the Secretary shall continue to conduct a longitudinal study of a national  
17 sample of applicants for the services.

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

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

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

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

36 (g) There are authorized to be appropriated to carry out this section such sums as may be  
37 necessary.

38 (29 U.S.C. 711)

1 **Sec. 15**

2 **information clearinghouse**

3 Sec. 15. (a) The Secretary shall establish a central clearinghouse for information and resource  
4 availability for individuals with disabilities which shall provide information and data  
5 regarding—

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

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

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

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

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

20 (c) The office established to carry out the provisions of this section shall be known as the  
21 “Office of Information and Resources for Individuals with Disabilities”.

22 (d) There are authorized to be appropriated to carry out this section such sums as may be  
23 necessary.

24 (29 U.S.C. 712)

25 **Sec. 16**

26 **transfer of funds**

27 Sec. 16. (a) Except as provided in subsection (b) of this section, no funds appropriated under  
28 this Act for any program or activity may be used for any purpose other than that for which the  
29 funds were specifically authorized.

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

34 (29 U.S.C. 713)

1 **Sec. 17**

2 **state administration**

3 Sec. 17. The application of any State rule or policy relating to the administration or operation  
4 of programs funded by this Act (including any rule or policy based on State interpretation of any  
5 Federal law, regulation, or guideline) shall be identified as a State imposed requirement.  
6 (29 U.S.C. 714)

7 **Sec. 18**

8 **review of applications**

9 Sec. 18. Applications for grants in excess of \$100,000 in the aggregate authorized to be funded  
10 under this Act, other than grants primarily for the purpose of conducting dissemination or  
11 conferences, shall be reviewed by panels of experts which shall include a majority of non-  
12 Federal members. Non-Federal members may be provided travel, per diem, and consultant fees  
13 not to exceed the daily equivalent of the rate of pay for level 4 of the Senior Executive Service  
14 Schedule under section 5382 of title 5, United States Code.  
15 (29 U.S.C. 715)

16 Sec. 19

17 **SEC. 19. CARRYOVER.**

18 (a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other  
19 provision of law—

20 (1) any funds appropriated for a fiscal year to carry out any grant program under part B of  
21 title I (except for the client assistance program funded under section 112), part B of Title  
22 VI, chapter 1 of title VII, or chapter 2 of title VII (except as provided in section 753(b)),  
23 including any funds reallotted under any such grant program, that are not obligated and  
24 expended by recipients prior to the beginning of the succeeding fiscal year; or

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

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

32 (b) NON-FEDERAL SHARE.—Such funds shall remain available for obligation and expenditure  
33 by a recipient as provided in subsection (a) only to the extent that the recipient complied with  
34 any Federal share requirements applicable to the program for the fiscal year for which the funds  
35 were appropriated.

36 (c) CLIENT ASSISTANCE PROGRAM; PROTECTION AND ADVOCACY OF

1 INDIVIDUAL RIGHTS.-

2 (1) APPROPRIATED AMOUNTS.-Notwithstanding any other provision of law, any  
3 funds appropriated for a fiscal year to carry out a grant program under section 112 or 509  
4 (except as provided in section 509(b)), including any funds reallocated during that fiscal  
5 year under such grant program, that are not obligated and expended by a recipient prior to  
6 the beginning of the succeeding fiscal year, shall remain available for obligation and  
7 expenditure by such recipient during such succeeding fiscal year.

8 (2) PROGRAM INCOME.-Notwithstanding any other provision of law, any amount of  
9 program income received by a recipient under a grant program under section 112 or 509  
10 in a fiscal year that is not obligated and expended by the recipient prior to the beginning  
11 of the succeeding fiscal year, shall remain available until the end of the fourth fiscal year  
12 after the fiscal year in which it was received.

13 (29 U.S.C. 716)

14 Sec. 20

15 **SEC. 20. CLIENT ASSISTANCE INFORMATION.**

16 All programs, including community rehabilitation programs, and projects, that provide  
17 services to individuals with disabilities under this Act shall advise such individuals who are  
18 applicants for or recipients of the services, or the applicants' representatives or individuals'  
19 representatives, of the availability and purposes of the client assistance program under section  
20 112, including information on means of seeking assistance under such program.

21 (29 U.S.C. 717)

22 Sec. 21

23 **SEC. 21. TRADITIONALLY UNDERSERVED**  
24 **POPULATIONS.**

25 (a) FINDINGS.—With respect to the programs authorized in titles II through VII, the Congress  
26 finds as follows:

27 (1) RACIAL PROFILE.—The demographic profile of the United States is changing at an  
28 unprecedented rate, with the population of the Nation becoming far more ethnically diverse  
29 than in the past. Within the United States, while the rate of increase from 2000 to 2010 for  
30 white Americans was 7.9 percent, the rate of increase during that period for racial and  
31 ethnic minorities was much higher: 42.0 percent for Latinos, 11.4 percent for African-  
32 Americans, and 34.9 percent for Asian-Americans. By the year 2020, the Nation is  
33 projected to have a population of 341,000,000, and the percentage of the population that  
34 will be either Latino, African-American, or Asian-American is projected to be over 40  
35 percent .

36 (2) RATE OF DISABILITY.—Ethnic and racial minorities tend to have disabling conditions  
37 at a disproportionately high rate. In 2005-

38 (A) among Americans ages 25 through 64, the rate of disability was 17.3 percent;

39 (B) among African-Americans in that age range, the disability rate was more than



1 twice as high, at 36.1 percent;

2 (C) for American Indians in the same age range, the disability rate was 1.5 times  
3 that of the general population; and

4 (D) African-Americans who were ages 25 through 64 were 2 to 3 times as likely  
5 as the general population to have a severe disability.

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

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

18 (b) OUTREACH TO MINORITIES.—

19 (1) IN GENERAL.—For each fiscal year, the Commissioner and the Director of the  
20 National Institute on Disability and Rehabilitation Research (referred to in this subsection as  
21 the “Director”) shall reserve 2 percent of the funds appropriated for the fiscal year for  
22 programs authorized under titles II, III, VI, and VII to carry out this subsection. The  
23 Commissioner and the Director shall use the reserved funds to carry out one or more of the  
24 activities described in paragraph (2) through a grant, contract, or cooperative agreement.

25 (2) ACTIVITIES.—The activities carried out by the Commissioner and the Director shall  
26 include one or more of the following:

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

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

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

36 (3) ELIGIBILITY.—To be eligible to receive an award under paragraph (2)(C), an entity  
37 shall be a State or a public or private nonprofit agency or organization, such as an  
38 institution of higher education, or an Indian tribe (4) REPORT. -- In each fiscal year, the  
39 Commissioner and the Director shall prepare and submit to Congress a report that describes  
40 the activities funded under this subsection for the preceding fiscal year.

41 (5) DEFINITIONS.—In this subsection:

1 (A) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term “historically Black  
2 college or university” means a part B institution, as defined in section 322(2) of the  
3 Higher Education Act of 1965 (20 U.S.C. 1061(2)).

4 (B) MINORITY ENTITY.—The term “minority entity” means an entity that is a  
5 historically Black college or university, a Hispanic-serving institution of higher  
6 education, an American Indian tribal college or university, or another institution of  
7 higher education whose minority student enrollment is at least 50 percent.

8 (c) DEMONSTRATION.—In awarding grants, or entering into contracts or cooperative  
9 agreements under titles I, II, III, VI, and VII, and section 509, the Commissioner and the  
10 Director, in appropriate cases, shall require applicants to demonstrate how the applicants will  
11 address, in whole or in part, the needs of individuals with disabilities from minority  
12 backgrounds.

13 (29 U.S.C. 718)

14 Sec. 100

## 15 TITLE I—VOCATIONAL REHABILITATION SERVICES

### 16 PART A—GENERAL PROVISIONS

#### 17 SEC. 100. DECLARATION OF POLICY; AUTHORIZATION 18 OF APPROPRIATIONS.

19 (a) FINDINGS; PURPOSE; POLICY.—

20 (1) FINDINGS.—Congress finds that—

21 (A) work—

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

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

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

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

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

33 (i) discrimination;

34 (ii) lack of accessible and available transportation;

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

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

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

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

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

14 (2) PURPOSE.—The purpose of this title is to assist States in operating statewide  
15 comprehensive, coordinated, effective, efficient, and accountable programs of vocational  
16 rehabilitation, each of which is—

17 (A) an integral part of a statewide workforce development system; and

18 (B) designed to assess, plan, develop, and provide vocational rehabilitation services  
19 for individuals with disabilities, consistent with their strengths, resources, priorities,  
20 concerns, abilities, capabilities, interests, and informed choice, so that such individuals  
21 may prepare for and engage in competitive, high quality employment that will  
22 increase opportunities for economic self-sufficiency.

23 (3) POLICY.—It is the policy of the United States that such a program shall be carried out  
24 in a manner consistent with the following principles:

25 (A) Individuals with disabilities, including individuals with the most significant  
26 disabilities, are generally presumed to be capable of engaging in gainful employment  
27 and the provision of individualized vocational rehabilitation services can improve their  
28 ability to become gainfully employed.

29 (B) Individuals with disabilities must be provided the opportunities to  
30 obtain competitive integrated employment .

31 (C) Individuals who are applicants for such programs or eligible to participate in  
32 such programs must be active and full partners in the vocational rehabilitation process,  
33 making meaningful and informed choices—

34 (i) during assessments for determining eligibility and vocational rehabilitation  
35 needs; and

36 (ii) in the selection of employment outcomes, services needed to achieve the  
37 outcomes, entities providing such services, and the methods used to secure such  
38 services.

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

1 (E) Vocational rehabilitation counselors that are trained and prepared in accordance  
2 with State policies and procedures as described in section 101(a)(7)(B) (referred to  
3 individually in this title as a “qualified vocational rehabilitation counselor”), other  
4 qualified rehabilitation personnel, and other qualified personnel should facilitate the  
5 accomplishment of the employment outcomes and objectives of an individual.

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

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

12 (b) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) IN GENERAL.—For the purpose of making grants to States under part B to assist States  
14 in meeting the costs of vocational rehabilitation services provided in accordance with State  
15 plans under section 101, there are authorized to be appropriated such sums as may be  
16 necessary for fiscal years 2012 through 2016 except that the amount to be appropriated for  
17 a fiscal year shall not be less than the amount of the appropriation under this paragraph for  
18 the immediately preceding fiscal year, increased by the percentage change in the Consumer  
19 Price Index determined under subsection (c) for the immediately preceding fiscal year.

20 (2) REFERENCE.—The reference in paragraph (1) to grants to States under part B shall not  
21 be considered to refer to grants under section 112.

22 (c) CONSUMER PRICE INDEX.—

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

27 (2) APPLICATION.—

28 (A) INCREASE.—If in any fiscal year the percentage change published under  
29 paragraph (1) indicates an increase in the Consumer Price Index, then the amount to be  
30 appropriated under subsection (b)(1) for the subsequent fiscal year shall be at least the  
31 amount appropriated under subsection (b)(1) for the fiscal year in which the  
32 publication is made under paragraph (1) increased by such percentage change.

33 (B) NO INCREASE OR DECREASE.—If in any fiscal year the percentage change  
34 published under paragraph (1) does not indicate an increase in the Consumer Price  
35 Index, then the amount to be appropriated under subsection (b)(1) for the subsequent  
36 fiscal year shall be at least the amount appropriated under subsection (b)(1) for the  
37 fiscal year in which the publication is made under paragraph (1).

38 (3) DEFINITION.—For purposes of this section, the term “Consumer Price Index” means  
39 the Consumer Price Index for All Urban Consumers, published monthly by the Bureau of  
40 Labor Statistics.

41 (d) EXTENSION.—

1 (1) IN GENERAL.—

2 (A) AUTHORIZATION OR DURATION OF PROGRAM.—Unless the Congress in the  
3 regular session which ends prior to the beginning of the terminal fiscal year—

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

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

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

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

16 (2) CONSTRUCTION.—

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

19 (B) ACTS OR DETERMINATIONS OF COMMISSIONER.—In any case where the  
20 Commissioner is required under an applicable statute to carry out certain acts or make  
21 certain determinations which are necessary for the continuation of the program  
22 authorized by this title, if such acts or determinations are required during the terminal  
23 year of such program, such acts and determinations shall be required during any fiscal  
24 year in which the extension described in that part of paragraph (1) that follows clause  
25 (ii) of paragraph (1)(A) is in effect.

26 (29 U.S.C. 720)

27 Sec. 101

28 **SEC. 101. STATE PLANS.**

29 (a) PLAN REQUIREMENTS.—

30 (1) IN GENERAL.—

31 (A) SUBMISSION.—To be eligible to receive funds under this title for a fiscal year, a  
32 State shall submit, and have approved by the Secretary and the Secretary of Labor a  
33 unified State plan in accordance with section 112, or a combined State plan in  
34 accordance with section 113, of the Workforce Investment Act of 2011. The unified or  
35 combined State plan shall include, in the portion of the plan described in section  
36 112(b)(2)(D) of such Act (referred to in this subsection as the ‘vocational rehabilitation  
37 services portion’), the provisions of a State plan for vocational rehabilitation services,  
38 described in this subsection.

39 (B) NONDUPLICATION.—The State shall not be required to submit, as part of the

1 vocational rehabilitation services portion of the unified or combined State plan  
2 submitted in accordance with subparagraph (A), , policies, procedures, or descriptions  
3 required under this title that have been previously submitted to the Commissioner and  
4 that demonstrate that such State meets the requirements of this title, including any  
5 policies, procedures, or descriptions submitted under this title as in effect on the day  
6 before the effective date of the Workforce Investment Act of 2011.

7 (C) DURATION.—The vocational rehabilitation service portion of the unified or  
8 combined State plan submitted in accordance with subparagraph (A) shall remain in  
9 effect until the State is required to submit the plan in accordance with subparagraph  
10 (A) or until the submission of such modifications as the State determines to be  
11 necessary or as the Commissioner may require based on a change in State policy, a  
12 change in Federal law (including regulations), an interpretation of this Act by a Federal  
13 court or the highest court of the State, or a finding by the Commissioner of State  
14 noncompliance with the requirements of this Act .

15 (2) DESIGNATED STATE AGENCY; DESIGNATED STATE UNIT.—

16 (A) DESIGNATED STATE AGENCY.—The State plan for vocational rehabilitation  
17 services shall designate a State agency as the sole State agency to administer the plan,  
18 or to supervise the administration of the plan by a local agency, except that—

19 (i) where, under State law, the State agency for individuals who are blind or  
20 another agency that provides assistance or services to adults who are blind is  
21 authorized to provide vocational rehabilitation services to individuals who are  
22 blind, that agency may be designated as the sole State agency to administer the  
23 part of the plan under which vocational rehabilitation services are provided for  
24 individuals who are blind (or to supervise the administration of such part by a  
25 local agency) and a separate State agency may be designated as the sole State  
26 agency to administer or supervise the administration of the rest of the State plan;

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

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

36 (B) DESIGNATED STATE UNIT.—The State agency designated under subparagraph (A)  
37 shall be—

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

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

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

4 (II) has a full-time director;

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

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

10 (V) has the authority and responsibility within the State to ensure that the  
11 funds appropriated under this title are expended only in a manner that is  
12 consistent with the purposed of this title.

13 (C) RESPONSIBILITY FOR SERVICES FOR THE BLIND.—If the State has designated only  
14 1 State agency pursuant to subparagraph (A), the State may assign responsibility for  
15 the part of the plan under which vocational rehabilitation services are provided for  
16 individuals who are blind to an organizational unit of the designated State agency and  
17 assign responsibility for the rest of the plan to another organizational unit of the  
18 designated State agency, with the provisions of subparagraph (B) applying separately  
19 to each of the designated State units.

20 (D) STATE AGENCY FOR REIMBURSEMENT PURPOSES.—A governing body  
21 of an Indian tribe that receives a grant under section 121 shall be considered, for  
22 purposes of the cost reimbursement provisions—

23 (i) in section 222(d)(1) of the Social Security Act (42 U.S.C. 422(d)(1)), to be a  
24 State; and

25 (ii) in subsections (d) and (e) of section 1615 of the Social Security Act (42  
26 U.S.C. 1382d), to be a State agency described in subsection (d) of that section.

27 (3) NON-FEDERAL SHARE.—The State plan shall provide for financial participation by the  
28 State, or if the State so elects, by the State and local agencies, to provide the amount of the  
29 non-Federal share of the cost of carrying out part B.

30 (4) STATEWIDENESS.—The State plan shall provide that the plan shall be in effect in all  
31 political subdivisions of the State, except that—

32 (A) in the case of any activity that, in the judgment of the Commissioner, is likely to  
33 assist in promoting the vocational rehabilitation of substantially larger numbers of  
34 individuals with disabilities or groups of individuals with disabilities, the  
35 Commissioner may waive compliance with the requirement that the plan be in effect in  
36 all political subdivisions of the State to the extent and for such period as may be  
37 provided in accordance with regulations prescribed by the Commissioner, but only if  
38 the non-Federal share of the cost of the vocational rehabilitation services involved is  
39 met from funds made available by a local agency (including funds contributed to such  
40 agency by a private agency, organization, or individual); and

41 (B) in a case in which earmarked funds are used toward the non-Federal share and

1 such funds are earmarked for particular geographic areas within the State, the  
2 earmarked funds may be used in such areas if the State notifies the Commissioner that  
3 the State cannot provide the full non-Federal share without such funds.

4 (5) ORDER OF SELECTION FOR VOCATIONAL REHABILITATION SERVICES.—In the event that  
5 vocational rehabilitation services cannot be provided to all eligible individuals with  
6 disabilities in the State who apply for the services, the State plan shall—

7 (A) show the order to be followed in selecting eligible individuals to be provided  
8 vocational rehabilitation services;

9 (B) provide the justification for the order of selection;

10 (C) include an assurance that, in accordance with criteria established by the State for  
11 the order of selection, individuals with the most significant disabilities will be selected  
12 first for the provision of vocational rehabilitation services;

13 ~~(D) notwithstanding subparagraph (C), permit the designated State agency, in its~~  
14 ~~discretion, to elect to serve individuals who require specific services or equipment to~~  
15 ~~maintain employment; and~~

16 (E) provide that eligible individuals, who do not meet the order of selection criteria,  
17 shall have access to services provided through the information and referral system  
18 implemented under paragraph (20).

19 (6) METHODS FOR ADMINISTRATION.—

20 (A) IN GENERAL.—The State plan shall provide for such methods of administration  
21 as are found by the Commissioner to be necessary for the proper and efficient  
22 administration of the plan.

23 (B) EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.—The State plan shall provide  
24 that the designated State agency, and entities carrying out community rehabilitation  
25 programs in the State, who are in receipt of assistance under this title shall take  
26 affirmative action to recruit, employ, and advance in competitive integrated  
27 employment qualified individuals with disabilities covered under, and on the same  
28 terms and conditions as set forth in, section 503.

29 (C) FACILITIES.—The State plan shall provide that facilities used in connection with  
30 the delivery of services assisted under the State plan shall comply with the Act entitled  
31 “An Act to insure that certain buildings financed with Federal funds are so designed  
32 and constructed as to be accessible to the physically handicapped”, approved on  
33 August 12, 1968 (commonly known as the “Architectural Barriers Act of 1968”), with  
34 section 504, and with the Americans with Disabilities Act of 1990.

35 (7) COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT.—The State plan shall—

36 (A) include a description (consistent with the purposes of this Act) of a  
37 comprehensive system of personnel development, which shall include—

38 (i) a description of the procedures and activities the designated State agency  
39 will undertake to ensure an adequate supply of qualified State rehabilitation  
40 professionals and paraprofessionals for the designated State unit, including the  
41 development and maintenance of a system for determining, on an annual basis—



1 (I) the number and type of personnel that are employed by the designated  
2 State unit in the provision of vocational rehabilitation services, including  
3 ratios of qualified vocational rehabilitation counselors to clients; and

4 (II) the number and type of personnel needed by the State, and a projection  
5 of the numbers of such personnel that will be needed in 5 years, based on  
6 projections of the number of individuals to be served, the number of such  
7 personnel who are expected to retire or leave the vocational rehabilitation  
8 field, and other relevant factors;

9 (ii) where appropriate, a description of the manner in which activities will be  
10 undertaken under this section to coordinate the system of personnel development  
11 with personnel development activities under the Individuals with Disabilities  
12 Education Act (20 U.S.C. 1400 et seq.);

13 (iii) a description of the development and maintenance of a system of  
14 determining, on an annual basis, information on the programs of institutions of  
15 higher education within the State that are preparing rehabilitation professionals,  
16 including—

17 (I) the numbers of students enrolled in such programs; and

18 (II) the number of such students who graduated with certification or  
19 licensure, or with credentials to qualify for certification or licensure, as a  
20 rehabilitation professional during the past year;

21 (iv) a description of the development, updating, and implementation of a plan  
22 that—

23 (I) will address the current and projected vocational rehabilitation services  
24 personnel training needs for the designated State unit; and

25 (II) provides for the coordination and facilitation of efforts between the  
26 designated State unit, institutions of higher education, and professional  
27 associations to recruit, prepare, and retain qualified personnel, including  
28 personnel from minority backgrounds, and personnel who are individuals  
29 with disabilities; and

30 (v) a description of the procedures and activities the designated State agency  
31 will undertake to ensure that all personnel employed by the designated State unit  
32 are appropriately and adequately trained and prepared, including—

33 (I) a system for the continuing education of rehabilitation professionals  
34 and paraprofessionals within the designated State unit, particularly with  
35 respect to rehabilitation technology, including training implemented in  
36 coordination with entities carrying out State programs under section 4 of the  
37 Assistive Technology Act of 1998 (29 U.S.C. 3003); and

38 (II) procedures for acquiring and disseminating to rehabilitation  
39 professionals and paraprofessionals within the designated State unit  
40 significant knowledge from research and other sources, including procedures  
41 for providing training regarding the amendments to this Act made by the  
42 Workforce Investment Act of 2011;

1 (B) set forth policies and procedures relating to the establishment and maintenance  
2 of standards to ensure that personnel, including rehabilitation professionals and  
3 paraprofessionals, needed within the designated State unit to carry out this part are  
4 appropriately and adequately prepared and trained, including—

5 (i) the establishment and maintenance of standards that are consistent with any  
6 national or State approved or recognized certification, licensing, registration, or  
7 other comparable requirements that apply to the area in which such personnel are  
8 providing vocational rehabilitation services; and

9 (ii) to the extent that such standards are not based on the highest requirements  
10 in the State applicable to a specific profession or discipline, the steps the State is  
11 taking to require the retraining or hiring of personnel within the designated State  
12 unit that meet appropriate professional requirements in the State; and

13 (C) contain provisions relating to the establishment and maintenance of minimum  
14 standards to ensure the availability of personnel within the designated State unit, to the  
15 maximum extent feasible, trained to communicate in the native language or mode of  
16 communication of an applicant or eligible individual.

17 (8) COMPARABLE SERVICES AND BENEFITS.—

18 (A) DETERMINATION OF AVAILABILITY.—

19 (i) IN GENERAL.—The State plan shall include an assurance that, prior to  
20 providing any vocational rehabilitation service to an eligible individual, except  
21 those services specified in paragraph (5)(E) and in paragraphs (1) through (4)  
22 and (14) of section 103(a), the designated State unit will determine whether  
23 comparable services and benefits are available under any other program (other  
24 than a program carried out under this title) unless such a determination would  
25 interrupt or delay—

26 (I) the progress of the individual toward achieving the employment  
27 outcome identified in the individualized plan for employment of the  
28 individual in accordance with section 102(b);

29 (II) an immediate job placement; or

30 (III) the provision of such service to any individual at extreme medical  
31 risk.

32 (ii) AWARDS AND SCHOLARSHIPS.—For purposes of clause (i), comparable  
33 benefits do not include awards and scholarships based on merit.

34 (B) INTERAGENCY AGREEMENT.—The State plan shall include an assurance that the  
35 Governor of the State, in consultation with the entity in the State responsible for the  
36 vocational rehabilitation program and other appropriate agencies, will ensure that an  
37 interagency agreement or other mechanism for interagency coordination takes effect  
38 between any appropriate public entity, including the State entity responsible for  
39 administering the State medicaid program, a public institution of higher education, and  
40 a component of the statewide workforce development system, and the designated State  
41 unit, in order to ensure the provision of vocational rehabilitation services described in  
42 subparagraph (A) (other than those services specified in paragraph (5)(E) ), and in

1 paragraphs (1) through (4) and (14) of section 103(a)), that are included in the  
2 individualized plan for employment of an eligible individual, including the provision  
3 of such vocational rehabilitation services during the pendency of any dispute described  
4 in clause (iii). Such agreement or mechanism shall include the following:

5 (i) AGENCY FINANCIAL RESPONSIBILITY.—An identification of, or a description  
6 of a method for defining, the financial responsibility of such public entity for  
7 providing such services, and a provision stating the financial responsibility of  
8 such public entity for providing such services.

9 (ii) CONDITIONS, TERMS, AND PROCEDURES OF REIMBURSEMENT.—Information  
10 specifying the conditions, terms, and procedures under which a designated State  
11 unit shall be reimbursed by other public entities for providing such services, based  
12 on the provisions of such agreement or mechanism.

13 (iii) INTERAGENCY DISPUTES.—Information specifying procedures for resolving  
14 interagency disputes under the agreement or other mechanism (including  
15 procedures under which the designated State unit may initiate proceedings to  
16 secure reimbursement from other public entities or otherwise implement the  
17 provisions of the agreement or mechanism).

18 (iv) COORDINATION OF SERVICES PROCEDURES.—Information specifying  
19 policies and procedures for public entities to determine and identify the  
20 interagency coordination responsibilities of each public entity to promote the  
21 coordination and timely delivery of vocational rehabilitation services (except  
22 those services specified in paragraph (5)(E) and in paragraphs (1) through (4) and  
23 (14) of section 103(a)).

24 (v) PROVISION OF ACCOMMODATIONS AND AUXILARY AIDS AND  
25 SERVICES.—Information specifying policies and procedures for resolving issues  
26 of financial responsibility and reimbursement, as appropriate, for  
27 accommodations and auxiliary aids and services for an individual with a  
28 disability, in the event that the designated State unit pays for those items and  
29 services in order to avoid interruption of or delay in-

30 (I) the progress of an individual in achieving an employment outcome;

31 (II) an immediate job placement; or

32 (III) the provision of services to an individual at extreme medical risk.

33 (C) RESPONSIBILITIES OF OTHER PUBLIC ENTITIES.—

34 (i) RESPONSIBILITIES UNDER OTHER LAW.—Notwithstanding subparagraph (B),  
35 if any public entity other than a designated State unit is obligated under Federal or  
36 State law, or assigned responsibility under State policy or under this paragraph, to  
37 provide or pay for any services that are also considered to be vocational  
38 rehabilitation services (other than those specified in paragraph (5)(E) and in  
39 paragraphs (1) through (4) and (14) of section 103(a)), such public entity shall  
40 fulfill that obligation or responsibility, either directly or by contract or other  
41 arrangement.

42 (ii) REIMBURSEMENT.—If a public entity other than the designated State unit

1 fails to provide or pay for the services described in clause (i) for an eligible  
2 individual, the designated State unit shall provide or pay for such services to the  
3 individual. Such designated State unit may claim reimbursement for the services  
4 from the public entity that failed to provide or pay for such services. Such public  
5 entity shall reimburse the designated State unit pursuant to the terms of the  
6 interagency agreement or other mechanism described in this paragraph according  
7 to the procedures established in such agreement or mechanism pursuant to  
8 subparagraph (B)(ii).

9 (D) METHODS.—The Governor of a State may meet the requirements of  
10 subparagraph (B) through—

11 (i) a State statute or regulation;

12 (ii) a signed agreement between the respective officials of the public entities  
13 that clearly identifies the responsibilities of each public entity relating to the  
14 provision of services; or

15 (iii) another appropriate method, as determined by the designated State unit.

16 (9) INDIVIDUALIZED PLAN FOR EMPLOYMENT.—

17 (A) DEVELOPMENT AND IMPLEMENTATION.—The State plan shall include an  
18 assurance that an individualized plan for employment meeting the requirements of  
19 section 102(b) will be developed and implemented in a timely manner for an individual  
20 subsequent to the determination of the eligibility of the individual for services under  
21 this title, except that in a State operating under an order of selection described in  
22 paragraph (5), the plan will be developed and implemented only for individuals  
23 meeting the order of selection criteria of the State.

24 (B) PROVISION OF SERVICES.—The State plan shall include an assurance that such  
25 services will be provided in accordance with the provisions of the individualized plan  
26 for employment.

27 (10) REPORTING REQUIREMENTS.—

28 (A) IN GENERAL.—The State plan shall include an assurance that the designated  
29 State agency will submit reports in the form and level of detail and at the time required  
30 by the Commissioner regarding applicants for, and eligible individuals receiving,  
31 services under this title.

32 (B) ANNUAL REPORTING.—In specifying the information to be submitted in the  
33 reports, the Commissioner shall require annual reporting of information, on eligible  
34 individuals receiving the services, that is necessary to assess the State's performance  
35 on those primary indicators of performance (described in section 131(b)(2)(A)(i) of the  
36 Workforce Investment Act of 2011) that are determined by the Secretary to be relevant  
37 in assessing the performance of designated State units in carrying out the vocational  
38 rehabilitation program established under this title.

39 (C) ADDITIONAL DATA.—In specifying the information required to be submitted in  
40 the reports, the Commissioner shall require additional data, from each individual State  
41 with regard to applicants and eligible individuals related to—

1 (i) the number of applicants and the number of individuals determined to be  
2 eligible or ineligible for the program carried out under this title, including—

3 (I) the number of individuals determined to be ineligible because they did  
4 not require vocational rehabilitation services, as provided in section 102(a);  
5 and

6 (II) the number of individuals determined to be ineligible for vocational  
7 rehabilitation services, and the reason for such determination of ineligibility  
8 (disaggregated by type of disability, and age);

9 (ii) the number of individuals who received vocational rehabilitation services  
10 through the program, including—

11 (I) the number who received services under paragraph (5)(E ), but not  
12 assistance under an individualized plan for employment;

13 (II) of those recipients who are individuals with significant disabilities, the  
14 number who received assistance under an individualized plan for  
15 employment consistent with section 102(b);

16 (III) of those recipients who are not individuals with significant  
17 disabilities, the number who received assistance under an individualized plan  
18 for employment consistent with section 102(b);

19 (IV) the number of individuals who obtained employment, and the average  
20 length of time for obtaining that employment, and the number of individuals  
21 who earned a recognized postsecondary credential (as defined in section 101  
22 of the Workforce Investment Act of 2011);

23 (V) a comparison, among individuals who obtained employment, of-

24 (aa) the number of individuals who continued to use public  
25 benefits; and

26 (bb) the number of individuals who no longer used public benefits;

27 (VI) the total number of individuals with ongoing open cases  
28 (disaggregated by individuals who are in training settings, and individuals  
29 who are in postsecondary education), and the services individuals described  
30 in this subclause are receiving;

31 (VII) the total number of students with disabilities that are receiving pre-  
32 employment transition services, and the cost for providing those services for  
33 each full fiscal year after the date of enactment of the Workforce Investment  
34 Act of 2011;

35 (VIII) the total number of youth with disabilities that are receiving  
36 transition services, and the cost for providing those services to such youth  
37 during the last full fiscal year prior to the date of enactment of the Workforce  
38 Investment Act of 2011 and during each fiscal year thereafter;

39 (IX) the number of youth with disabilities who entered postsecondary  
40 training or programs for apprenticeships registered under the Act August 16,

1 1937 (commonly known as the ‘National Apprenticeship Act,’ 50 Stat. 664,  
2 chapter 663; 29 U.S.C. 50 et. seq.);

3 (X) the number of youth with disabilities who entered postsecondary  
4 education;

5 (XI) the number of youth with disabilities who attained academic levels  
6 and job skills needed for employment;

7 (XII) the number of youth with disabilities who entered employment;

8 (XIII) the number of individuals referred to one-stop centers, as defined in  
9 section 101 of the Workforce Investment Act of 2011; and

10 (XIV) the number of individuals referred from such one-stop centers to  
11 designated State units and the outcomes of such referrals.

12  
13 (iii) of those applicants and eligible recipients who are individuals with  
14 significant disabilities—

15 (I) the number who ended their participation in the program carried out  
16 under this title and the number who achieved employment outcomes after  
17 receiving vocational rehabilitation services; and

18 (II) the number who ended their participation in the program and who  
19 were employed 6 months and 12 months after securing or regaining  
20 employment, or, in the case of individuals whose employment outcome was  
21 to retain or advance in employment, who were employed 6 months and 12  
22 months after achieving their employment outcome, including—

23 (aa) the number who earned the minimum wage rate specified in  
24 section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C.  
25 206(a)(1)) or another wage level set by the Commissioner, during such  
26 employment;

27 (bb) the number who received employment benefits from an  
28 employer during such employment;

29 (cc) the earnings of individuals who obtained an employment  
30 outcome; and

31 (dd) for those individuals who utilized supported employment  
32 services, the number of individuals who were employed 6 months after  
33 utilizing the services, the number of individuals who were employed 12  
34 months are utilizing the services, the number of individuals who earned  
35 wages at not less than the minimum wage rate determined under section  
36 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1))  
37 during their employment;

38 (iv) of those applicants and eligible recipients who are not individuals with  
39 significant disabilities—

40 (I) the number who ended their participation in the program carried out

1 under this title and the number who achieved employment outcomes after  
2 receiving vocational rehabilitation services; and

3 (II) the number who ended their participation in the program and who  
4 were employed 6 months and 12 months after securing or regaining  
5 employment, or, in the case of individuals whose employment outcome was  
6 to retain or advance in employment, who were employed 6 months and 12  
7 months after achieving their employment outcome, including—

8 (aa) the number who earned the minimum wage rate specified in  
9 section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C.  
10 206(a)(1)) or another wage level set by the Commissioner, during such  
11 employment; and

12 (bb) the number who received employment benefits from an  
13 employer during such employment;

14 (v)(I) the transition from school to postsecondary life, including  
15 employment, and achievement of the postsecondary vocational goals, of  
16 students with disabilities served under the program carried out under this  
17 title; and

18 (II) the provision of supported employment services; and

19 (vi) the earnings of youth with disabilities served who completed  
20 postsecondary education, in academic fields, compared with earnings of  
21 comparably aged youth who are not youth with disabilities and who  
22 completed postsecondary education, in similar academic fields.

23 (IV) The number who ended their participation in the program and who were  
24 receiving supported employment services and were employed 6 months  
25 and 12 months after securing or regaining employment including:

26 (aa) the number who earned the minimum wage rate specified in section  
27 6(a)(1) of the Fair Labor Standards Act of 1938 or another wage level set  
28 by the Commissioner, during such employment and (bb) the number who  
29 received employment benefits from an employer during such employment

30 (D) COSTS AND RESULTS.—The Commissioner shall also require that the designated  
31 State agency include in the reports information on—

32 (i) the costs under this title of conducting administration, providing assessment  
33 services, counseling and guidance, and other direct services provided by  
34 designated State agency staff, providing services purchased under individualized  
35 plans for employment, supporting small business enterprises, establishing,  
36 developing, and improving community rehabilitation programs, providing other  
37 services to groups, and facilitating use of other programs under this Act title II of  
38 the Workforce Investment Act of 2011 by eligible individuals; and

39 (ii) the results of annual evaluation by the State of program effectiveness under  
40 paragraph (15)(E).

41 (E) ADDITIONAL INFORMATION.—The Commissioner shall require that each

1 designated State unit include in the reports additional information related to the  
2 applicants and eligible individuals, obtained either through a complete count or  
3 sampling, including—

4 (i) information on—

5 (I) age, gender, race, ethnicity, education, category of impairment, severity  
6 of disability, and whether the individuals are students with disabilities;

7 (II) dates of application, determination of eligibility or ineligibility,  
8 initiation of the individualized plan for employment, and termination of  
9 participation in the program;

10 (III) earnings at the time of application for the program and termination of  
11 participation in the program;

12 (IV) work status and occupation;

13 (V) types of services, including assistive technology services and assistive  
14 technology devices, provided under the program;

15 (VI) types of public or private programs or agencies that furnished  
16 services under the program; and

17 (VII) the reasons for individuals terminating participation in the program  
18 without achieving an employment outcome; and

19 (ii) information necessary to determine the success of the State in meeting the  
20 standards and indicators established pursuant to section 106—

21 (I) the State performance measures established under section 136(b) of the  
22 Workforce Investment Act of 1998, to the extent the measures are applicable  
23 to individuals with disabilities; and

24 (II) the standards and indicators established pursuant to section 106.

25 (F) COMPLETENESS AND CONFIDENTIALITY.—The State plan shall include an  
26 assurance that the information submitted in the reports will include a complete count,  
27 except as provided in subparagraph (F), of the applicants and eligible individuals, in a  
28 manner permitting the greatest possible cross-classification of data and that the identity  
29 of each individual for which information is supplied under this paragraph will be kept  
30 confidential.

31 (G) RULES FOR REPORTING OF DATA.—The disaggregation of data under this  
32 section shall not be required within a category if the number of participants in a  
33 category is insufficient to yield statistically reliable information, or required if the  
34 results would reveal personally identifiable information about an individual participant.

35 (H) COMPREHENSIVE REPORT.—The State plan shall specify that the  
36 Commissioner will provide an annual comprehensive report that includes the reports  
37 and data required under this section, as well as a summary of the reports and data, for  
38 each fiscal year. The Commissioner shall submit the report to the Committee on  
39 Education and the Workforce of the House of Representatives, the Committee on  
40 Appropriations of the House of Representatives, the Committee on Health, Education,



1 Labor, and Pensions of the Senate, and the Committee on Appropriations of the Senate,  
2 not later than 90 days after the end of the fiscal year involved.

3 (11) COOPERATION, COLLABORATION, AND COORDINATION.—

4 (A) COOPERATIVE AGREEMENTS WITH OTHER COMPONENTS OF STATEWIDE  
5 WORKFORCE DEVELOPMENT SYSTEMS.—The State plan shall provide that the  
6 designated State unit or designated State agency shall enter into a cooperative  
7 agreement with other entities that are components of the statewide workforce  
8 development system of the State, regarding the system, which agreement may provide  
9 for—

10 (i) provision of intercomponent staff training and technical assistance with  
11 regard to—

12 (I) the availability and benefits of, and information on eligibility standards  
13 for, vocational rehabilitation services; and

14 (II) the promotion of equal, effective, and meaningful participation by  
15 individuals with disabilities in workforce investment activities in the State  
16 through the promotion of program accessibility (including programmatic  
17 accessibility and physical accessibility), the use of nondiscriminatory  
18 policies and procedures, and the provision of reasonable accommodations,  
19 auxiliary aids and services, and rehabilitation technology, for individuals  
20 with disabilities;

21 (ii) use of information and financial management systems that link all  
22 components of the statewide workforce development system, that link the  
23 components to other electronic networks, including nonvisual electronic  
24 networks, and that relate to such subjects as employment statistics, and  
25 information on job vacancies, career planning, and workforce investment  
26 activities;

27 (iii) use of customer service features such as common intake and referral  
28 procedures, customer databases, resource information, and human services  
29 hotlines;

30 (iv) establishment of cooperative efforts with employers to—

31 (I) facilitate job placement; and

32 (II) carry out any other activities that the designated State unit and the  
33 employers determine to be appropriate;

34 (v) identification of staff roles, responsibilities, and available resources, and  
35 specification of the financial responsibility of each component of the statewide  
36 workforce development system with regard to paying for necessary services  
37 (consistent with State law and Federal requirements); and

38 (vi) specification of procedures for resolving disputes among such components.

39 (B) REPLICATION OF COOPERATIVE AGREEMENTS.—The State plan shall provide for  
40 the replication of such cooperative agreements at the local level between individual  
41 offices of the designated State unit and local entities carrying out activities through the

1 statewide workforce development system.

2 (C) INTERAGENCY COOPERATION WITH OTHER AGENCIES.—The State plan shall  
3 include descriptions of interagency cooperation with, and utilization of the services and  
4 facilities of, Federal, State, and local agencies and programs, including the State  
5 programs carried out under section 4 of the Assistive Technology Act of 1998 (29  
6 U.S.C. 3003), programs carried out by the Under Secretary for Rural Development of  
7 the Department of Agriculture, noneducational agencies serving out-of-school youth,  
8 and State use contracting programs, to the extent that such Federal, State, and local  
9 agencies and programs are not carrying out activities through the statewide workforce  
10 development system.

11 (D) COORDINATION WITH EDUCATION OFFICIALS.—The State plan shall contain  
12 plans, policies, and procedures for coordination between the designated State agency  
13 and education officials responsible for the public education of students with  
14 disabilities, that are designed to facilitate the transition of the students with disabilities  
15 from the receipt of educational services in school to the receipt of vocational  
16 rehabilitation services under this title, including information on a formal interagency  
17 agreement with the State educational agency that, at a minimum, provides for—

18 (i) consultation and technical assistance to assist educational agencies in  
19 planning for the transition of students with disabilities from school to post-school  
20 activities, including vocational rehabilitation services;

21 (ii) transition planning by personnel of the designated State agency and  
22 educational agency personnel for students with disabilities that facilitates the  
23 development and implementation of their individualized education programs  
24 under section 614(d) of the Individuals with Disabilities Education Act;

25 (iii) identifying options for additional education and training, in order to  
26 facilitate the provision of transition services for youth with disabilities and  
27 students with disabilities, such as services provided under section 114;

28 (iv) the roles and responsibilities, including financial responsibilities, of each  
29 agency, including provisions for determining State lead agencies and qualified  
30 personnel responsible for transition services; and

31 (v) procedures for outreach to and identification of students with disabilities  
32 who need the transition services.

33 (E) COORDINATION WITH EMPLOYERS.—The State plan shall contain plans,  
34 policies, and procedures for coordination between the designated State agency and  
35 employers that provide for building relationships with employers and identifying  
36 community-based competitive integrated employment opportunities and career  
37 exploration opportunities, in order to facilitate the provision of transition services for  
38 youth with disabilities and students with disabilities, such as services provided under  
39 section 114;

40 (F) COORDINATION WITH STATEWIDE INDEPENDENT LIVING COUNCILS AND  
41 INDEPENDENT LIVING CENTERS.—The State plan shall include an assurance that the  
42 designated State unit, the Statewide Independent Living Council established under  
43 section 705, and the independent living centers described in part C of chapter 1 of title

1 VII within the State have developed working relationships and coordinate their  
2 activities as appropriate.

3 (G) COOPERATIVE AGREEMENT REGARDING INDIVIDUALS ELIGIBLE  
4 FOR HOME AND COMMUNITY-BASED WAIVER PROGRAMS.-The State plan  
5 shall include an assurance that the designated State unit or designated State agency has  
6 entered into a formal cooperative agreement with the State agency responsible for  
7 administering the State Medicaid plan under title XIX of the Social Security Act (42  
8 U.S.C. 1396 et. seq.) and the State designated agency described in section 125(d) of  
9 the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C.  
10 15025(d)) (or its equivalent) with respect to the delivery of vocational rehabilitation  
11 services, including extended services, for individuals with the most significant  
12 disabilities who have been determined to be eligible for home and community-based  
13 services under a Medicaid waiver, Medicaid State plan amendment, or other authority  
14 related to a State Medicaid program.

15 (H) COOPERATIVE AGREEMENT WITH RECIPIENTS OF GRANTS FOR SERVICES TO  
16 AMERICAN INDIANS.—In applicable cases, the State plan shall include an assurance that  
17 the State has entered into a formal cooperative agreement with each grant recipient in  
18 the State that receives funds under part C. The agreement shall describe strategies for  
19 collaboration and coordination in providing vocational rehabilitation services to  
20 American Indians who are individuals with disabilities, including—

21 (i) strategies for interagency referral and information sharing that will assist in  
22 eligibility determinations and the development of individualized plans for  
23 employment;

24 (ii) procedures for ensuring that American Indians who are individuals with  
25 disabilities and are living on or near a reservation or tribal service area are  
26 provided vocational rehabilitation services;

27 (iii) provisions for transition planning, by personnel of the designated State  
28 unit, the State educational agency, and the recipient of funds under Part C, that  
29 will facilitate the development and implementation of the individualized  
30 education programs under section 614(d) of the Individuals with Disabilities  
31 Education Act (20 U.S.C. 1414(d)) and, as appropriate, the development and  
32 completion of the individualized plans for employment under section 102, in  
33 order to enable students with disabilities to achieve postschool employment  
34 outcomes; and

35 (iv ) provisions for sharing resources in cooperative studies and assessments,  
36 joint training activities, and other collaborative activities designed to improve the  
37 provision of services to American Indians who are individuals with disabilities.

38 (I) COORDINATION WITH ASSISTIVE TECHNOLOGY PROGRAMS.-The State  
39 plan shall include an assurance that the designated State unit, and the lead agency and  
40 implementing entity (if any) designated by the Governor of the State under section 4 of  
41 the Assistive Technology Act of 1998 (29 U.S.C. 3003), have developed working  
42 relationships and will enter into agreements for the coordination of their activities,  
43 including the referral of individuals with disabilities to programs and activities described

1 in that section.

2 (J) COORDINATION WITH TICKET TO WORK AND SELF-SUFFICIENCY  
3 PROGRAM.—The State plan shall include an assurance that the designated State unit will  
4 coordinate activities with any other State agency that is functioning as an employment  
5 network under the Ticket to Work and Self-Sufficiency Program established under  
6 section 1148 of the Social Security Act (42 U.S.C. 1320b-19).

7 (12) RESIDENCY.—The State plan shall include an assurance that the State will not  
8 impose a residence requirement that excludes from services provided under the plan any  
9 individual who is present in the State.

10 (13) SERVICES TO AMERICAN INDIANS.—The State plan shall include an assurance that,  
11 except as otherwise provided in part C, the designated State agency will provide vocational  
12 rehabilitation services to American Indians who are individuals with disabilities residing in  
13 the State to the same extent as the designated State agency provides such services to other  
14 significant populations of individuals with disabilities residing in the State.

15 (14) SEMIANNUAL REVIEW OF INDIVIDUALS IN EXTENDED EMPLOYMENT OR OTHER  
16 EMPLOYMENT UNDER SPECIAL CERTIFICATE PROVISIONS OF THE FAIR LABOR STANDARDS ACT  
17 OF 1938.—The State plan shall provide for—

18 (A) a semiannual review and reevaluation of the status of each individual with a  
19 disability served under this title who has achieved an employment outcome either in an  
20 extended employment setting in a community rehabilitation program or any other  
21 employment under section 14(c) of the Fair Labor Standards Act (29 U.S.C. 214(c))  
22 for 2 years after the achievement of the outcome and annually thereafter to determine  
23 the interests, priorities, and needs of the individual with respect to competitive  
24 integrated employment or training for competitive integrated employment; (B) input  
25 into the review and reevaluation, and a signed acknowledgment that such review and  
26 reevaluation have been conducted, by the individual with a disability, or, if  
27 appropriate, the individual's representative;

28 (C) maximum efforts, including the identification and provision of vocational  
29 rehabilitation services, reasonable accommodations, and other necessary support  
30 services, to assist the individuals in attaining competitive integrated employment; and

31 (D) an assurance that the State will report the information generated under  
32 subparagraphs (A), (B), and (C), for each of the individuals, to the Administrator of the  
33 Wage and Hour Division of the Department of Labor for each fiscal year, not later than  
34 60 days after the end of the fiscal year.

35 (15) ANNUAL STATE GOALS AND REPORTS OF PROGRESS.—

36 (A) ASSESSMENTS AND ESTIMATES.—The State plan shall—

37 (i) include the results of a comprehensive, statewide assessment, jointly  
38 conducted by the designated State unit and the State Rehabilitation Council (if the  
39 State has such a Council) every 3 years, describing the rehabilitation needs of  
40 individuals with disabilities residing within the State, particularly the vocational  
41 rehabilitation services needs of—

42 (I) individuals with the most significant disabilities, including their need

1 for supported employment services;

2 (II) individuals with disabilities who are minorities and individuals with  
3 disabilities who have been unserved or underserved by the vocational  
4 rehabilitation program carried out under this title;

5 (III) individuals with disabilities served through other components of the  
6 statewide workforce development system (other than the vocational  
7 rehabilitation program), as identified by such individuals and personnel  
8 assisting such individuals through the components; and

9 (IV) youth with disabilities, and students with disabilities, including their  
10 need for pre-employment transition services described in section 114 or other  
11 transition services; and

12 (ii) include an assessment of the needs of individuals with disabilities for  
13 transition services and pre-employment transition services provided under this  
14 Act, and coordinated with transition services provided under the Individuals with  
15 Disabilities Education Act (20 U.S.C. 1400 et. seq.), and an assessment as to  
16 whether the transition and pre-employment transition services provided under  
17 those Acts meet the needs of individuals with disabilities.

18 (B) ANNUAL ESTIMATES.—The State plan shall include, and shall provide that the  
19 State shall annually submit a report to the Commissioner that includes, State estimates  
20 of—

21 (i) the number of individuals in the State who are eligible for services under  
22 this title;

23 (ii) the number of such individuals who will receive services provided with  
24 funds provided under part B and under part B of title VI, including, if the  
25 designated State agency uses an order of selection in accordance with paragraph  
26 (5), estimates of the number of individuals to be served under each priority  
27 category within the order;

28 (iii) the number of individuals who are eligible for services under this title, but  
29 are not receiving such services due to an order of selection; and

30 (iv) the costs of the services described in clause (i), including, if the  
31 designated State agency uses an order of selection in accordance with paragraph  
32 (5), the service costs for each priority category within the order.

33 (C) GOALS AND PRIORITIES.—

34 (i) IN GENERAL.—The State plan shall identify the goals and priorities of the  
35 State in carrying out the program. The goals and priorities shall be jointly  
36 developed, agreed to, and reviewed annually by the designated State unit and the  
37 State Rehabilitation Council, if the State has such a Council. Any revisions to the  
38 goals and priorities shall be jointly agreed to by the designated State unit and the  
39 State Rehabilitation Council, if the State has such a Council. The State plan shall  
40 provide that the State shall submit to the Commissioner a report containing  
41 information regarding revisions in the goals and priorities, for any year in which  
42 the State revises the goals and priorities.

1 (ii) BASIS.—The State goals and priorities shall be based on an analysis of—

2 (I) the comprehensive assessment described in subparagraph (A),  
3 including any updates to the assessment;

4 (II) the performance of the State on the standards and indicators  
5 established under section 106; and

6 (III) other available information on the operation and the effectiveness of  
7 the vocational rehabilitation program carried out in the State, including any  
8 reports received from the State Rehabilitation Council, under section 105(c)  
9 and the findings and recommendations from monitoring activities conducted  
10 under section 107.

11 (iii) SERVICE AND OUTCOME GOALS FOR CATEGORIES IN ORDER OF SELECTION.—

12 If the designated State agency uses an order of selection in accordance with  
13 paragraph (5), the State shall also identify in the State plan service and outcome  
14 goals and the time within which these goals may be achieved for individuals in  
15 each priority category within the order.

16 (D) STRATEGIES.—The State plan shall contain a description of the strategies the  
17 State will use to address the needs identified in the assessment conducted under  
18 subparagraph (A) and achieve the goals and priorities identified in subparagraph (C),  
19 including—

20 (i) the methods to be used to expand and improve services to individuals with  
21 disabilities, including how a broad range of assistive technology services and  
22 assistive technology devices will be provided to such individuals at each stage of  
23 the rehabilitation process and how such services and devices will be provided to  
24 such individuals on a statewide basis;

25 (ii) outreach procedures to identify and serve individuals with disabilities who  
26 are minorities and individuals with disabilities who have been unserved or  
27 underserved by the vocational rehabilitation program;

28 (iii) the methods to be used to improve and expand vocational rehabilitation  
29 services for students with disabilities, including the coordination of services  
30 designed to facilitate the transition of such students from the receipt of  
31 educational services in school to postsecondary life (including the receipt of  
32 vocational rehabilitation services under this title, postsecondary education,  
33 employment, and pre-employment transition services under section 114);

34 (iv ) where necessary, the plan of the State for establishing, developing, or  
35 improving community rehabilitation programs;

36 (v) strategies to improve the performance of the State with respect to the  
37 evaluation standards and performance indicators established pursuant to section  
38 106; and

39 (vi) strategies for assisting entities carrying out other components of the  
40 statewide workforce development system (other than the vocational rehabilitation  
41 program) in assisting individuals with disabilities.

1 (E) EVALUATION AND REPORTS OF PROGRESS.—The State plan shall—

2 (i) include the results of an evaluation of the effectiveness of the vocational  
3 rehabilitation program, and a joint report by the designated State unit and the  
4 State Rehabilitation Council, if the State has such a Council, to the Commissioner  
5 on the progress made in improving the effectiveness from the previous year,  
6 which evaluation and report shall include—

7 (I) an evaluation of the extent to which the goals identified in  
8 subparagraph (C) were achieved;

9 (II) a description of strategies that contributed to achieving the goals;

10 (III) to the extent to which the goals were not achieved, a description of  
11 the factors that impeded that achievement; and

12 (IV) an assessment of the performance of the State on the standards and  
13 indicators established pursuant to section 106; and

14 (ii) provide that the designated State unit and the State Rehabilitation Council,  
15 if the State has such a Council, shall jointly submit to the Commissioner an  
16 annual report that contains the information described in clause (i).

17 (16) PUBLIC COMMENT.—The State plan shall—

18 (A) provide that the designated State agency, prior to the adoption of any policies or  
19 procedures governing the provision of vocational rehabilitation services under the State  
20 plan (including making any amendment to such policies and procedures), shall  
21 conduct public meetings throughout the State, after providing adequate notice of the  
22 meetings, to provide the public, including individuals with disabilities, an opportunity  
23 to comment on the policies or procedures, and actively consult with the Director of the  
24 client assistance program carried out under section 112, and, as appropriate, Indian  
25 tribes, tribal organizations, and Native Hawaiian organizations on the policies or  
26 procedures; and

27 (B) provide that the designated State agency (or each designated State agency if two  
28 agencies are designated) and any sole agency administering the plan in a political  
29 subdivision of the State, shall take into account, in connection with matters of general  
30 policy arising in the administration of the plan, the views of—

31 (i) individuals and groups of individuals who are recipients of vocational  
32 rehabilitation services, or in appropriate cases, the individuals' representatives;

33 (ii) personnel working in programs that provide vocational rehabilitation  
34 services to individuals with disabilities;

35 (iii) providers of vocational rehabilitation services to individuals with  
36 disabilities;

37 (iv) the director of the client assistance program; and

38 (v) the State Rehabilitation Council, if the State has such a Council.

39 (17) USE OF FUNDS FOR CONSTRUCTION OF FACILITIES.—The State plan shall provide that  
40 if, under special circumstances, the State plan includes provisions for the construction of

1 facilities for community rehabilitation programs—

2 (A) the Federal share of the cost of construction for the facilities for a fiscal year  
3 will not exceed an amount equal to 10 percent of the State's allotment under section  
4 110 for such year;

5 (B) the provisions of section 306 (as in effect on the day before the date of  
6 enactment of the Rehabilitation Act Amendments of 1998) shall be applicable to such  
7 construction and such provisions shall be deemed to apply to such construction; and

8 (C) there shall be compliance with regulations the Commissioner shall prescribe  
9 designed to assure that no State will reduce its efforts in providing other vocational  
10 rehabilitation services (other than for the establishment of facilities for community  
11 rehabilitation programs) because the plan includes such provisions for construction.

12 (18) INNOVATION AND EXPANSION ACTIVITIES.—The State plan shall—

13 (A) include an assurance that the State will reserve and use a portion of the funds  
14 allotted to the State under section 110—

15 (i) for the development and implementation of innovative approaches to expand  
16 and improve the provision of vocational rehabilitation services to individuals  
17 with disabilities under this title, particularly individuals with the most significant  
18 disabilities, consistent with the findings of the statewide assessment and goals and  
19 priorities of the State as described in paragraph (15); and

20 (ii) to support the funding of [retain current law here]

21 (I) the State Rehabilitation Council, if the State has such a Council,  
22 consistent with the plan prepared under section 105(d)(1);

23 (II) the Statewide Independent Living Council, consistent with the plan  
24 prepared under section 705(e)(1);

25 (B) include a description of how the reserved funds will be utilized; and

26 (C) provide that the State shall submit to the Commissioner an annual report  
27 containing a description of how the reserved funds were utilized during the preceding  
28 year.

29 (19) CHOICE.—The State plan shall include an assurance that applicants and eligible  
30 individuals or, as appropriate, the applicants' representatives or individuals' representatives,  
31 will be provided information and support services to assist the applicants and individuals in  
32 exercising informed choice throughout the rehabilitation process, consistent with the  
33 provisions of section 102(d).

34 (20) INFORMATION AND REFERRAL SERVICES.—

35 (A) IN GENERAL.—The State plan shall include an assurance that the designated  
36 State agency will implement an information and referral system adequate to ensure that  
37 individuals with disabilities will be provided accurate vocational rehabilitation  
38 information and guidance, using appropriate modes of communication, to assist such  
39 individuals in preparing for, securing, retaining, or regaining employment, and will be  
40 appropriately referred to Federal and State programs (other than the vocational



1 rehabilitation program carried out under this title), including other components of the  
2 statewide workforce development system in the State.

3 (B) INFORMATION ON ASSISTANCE FOR BENEFICIARIES OF  
4 ASSISTANCE UNDER TITLE II OR XVI OF THE SOCIAL SECURITY ACT.—The  
5 State plan shall include an assurance that the designated State agency will make  
6 available, to individuals entitled to benefits under title II or XVI of the Social Security  
7 Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness—

8 (i) information on the availability of benefits and medical assistance authorized  
9 under the State Medicaid program under title XIX of the Social Security Act (42  
10 U.S.C. 1396 et seq.) or under the Medicare program under title XVIII of the Social  
11 Security Act (42 U.S.C. 1395 et seq.), and medical assistance authorized under other  
12 federally funded programs;

13 (ii) information on the availability of assistance through benefits planning and  
14 assistance programs authorized under section 1149 of the Social Security Act (42  
15 U.S.C. 1320b-20) and services provided by the State protection and advocacy system  
16 and authorized under section 1150 of the Social Security Act (42 U.S.C. 1320b-21);  
17 and

18 (iii) in the case of individuals who are also eligible for a ticket under the Ticket to  
19 Work and Self-Sufficiency Program established under section 1148 of the Social  
20 Security Act (42 U.S.C. 1320b-19), general information regarding the options for using  
21 the ticket and information on how to contact a program manager of the Ticket to Work  
22 and Self-Sufficiency Program to obtain information on approved employment  
23 networks, or providers for the benefits of planning and assistance programs described  
24 in clause (ii) in the State, and on the services provided by the State protection and  
25 advocacy system and described in clause (ii).

26 (C ) REFERRALS.—An appropriate referral made through the system shall—

27 (i) be to the Federal or State programs, including programs carried out by other  
28 components of the statewide workforce development system in the State, best  
29 suited to address the specific employment needs of an individual with a disability;  
30 and

31 (ii) include, for each of these programs, provision to the individual of—

32 (I) a notice of the referral by the designated State agency to the agency  
33 carrying out the program;

34 (II) information identifying a specific point of contact within the agency  
35 carrying out the program; and

36 (III) information and advice regarding the most suitable services to assist  
37 the individual to prepare for, secure, retain, or regain employment.

38 (21) STATE INDEPENDENT CONSUMER-CONTROLLED COMMISSION; STATE REHABILITATION  
39 COUNCIL.—

40 (A) COMMISSION OR COUNCIL.—The State plan shall provide that either—

41 (i) the designated State agency is an independent commission that—

1 (I) is responsible under State law for operating, or overseeing the  
2 operation of, the vocational rehabilitation program in the State;

3 (II) is consumer-controlled by persons who—

4 (aa) are individuals with physical or mental impairments that  
5 substantially limit major life activities; and

6 (bb) represent individuals with a broad range of disabilities, unless  
7 the designated State unit under the direction of the commission is the  
8 State agency for individuals who are blind;

9 (III) includes family members, advocates, or other representatives, of  
10 individuals with mental impairments; and

11 (IV) undertakes the functions set forth in section 105(c)(4); or

12 (ii) the State has established a State Rehabilitation Council that meets the  
13 criteria set forth in section 105 and the designated State unit—

14 (I) in accordance with paragraph (15), jointly develops, agrees to, and  
15 reviews annually State goals and priorities, and jointly submits annual  
16 reports of progress with the Council;

17 (II) regularly consults with the Council regarding the development,  
18 implementation, and revision of State policies and procedures of general  
19 applicability pertaining to the provision of vocational rehabilitation services;

20 (III) includes in the State plan and in any revision to the State plan, a  
21 summary of input provided by the Council, including recommendations from  
22 the annual report of the Council described in section 105(c)(5), the review  
23 and analysis of consumer satisfaction described in section 105(c)(4), and  
24 other reports prepared by the Council, and the response of the designated  
25 State unit to such input and recommendations, including explanations for  
26 rejecting any input or recommendation; and

27 (IV) transmits to the Council—

28 (aa) all plans, reports, and other information required under this title  
29 to be submitted to the Secretary;

30 (bb) all policies, and information on all practices and procedures, of  
31 general applicability provided to or used by rehabilitation personnel in  
32 carrying out this title; and

33 (cc) copies of due process hearing decisions issued under this title,  
34 which shall be transmitted in such a manner as to ensure that the  
35 identity of the participants in the hearings is kept confidential.

36 (B) MORE THAN ONE DESIGNATED STATE AGENCY.—In the case of a State that, under  
37 section 101(a)(2)\1, designates a State agency to administer the part of the State plan  
38 under which vocational rehabilitation services are provided for individuals who are  
39 blind (or to supervise the administration of such part by a local agency) and designates  
40 a separate State agency to administer the rest of the State plan, the State shall either

1 establish a State Rehabilitation Council for each of the two agencies that does not meet  
2 the requirements in subparagraph (A)(i), or establish one State Rehabilitation Council  
3 for both agencies if neither agency meets the requirements of subparagraph (A)(i).

4 \1\So in law. Should probably replace “section 101(a)(2)” with “subsection (a)(2)”.

5 (22) SUPPORTED EMPLOYMENT STATE PLAN SUPPLEMENT.—The State plan shall include  
6 an assurance that the State has an acceptable plan for carrying out part B of title VI,  
7 including the use of funds under that part to supplement funds made available under part B  
8 of this title to pay for the cost of services leading to supported employment.

9 (23) ANNUAL UPDATES.—The plan shall include an assurance that the State will submit to  
10 the Commissioner reports containing annual updates of the information required under  
11 paragraph (7) (relating to a comprehensive system of personnel development) and any other  
12 updates of the information required under this section that are requested by the  
13 Commissioner, and annual reports as provided in paragraphs (15) (relating to assessments,  
14 estimates, goals and priorities, and reports of progress) and (18) (relating to innovation and  
15 expansion), at such time and in such manner as the Secretary may determine to be  
16 appropriate.

17 (24) CERTAIN CONTRACTS AND COOPERATIVE AGREEMENTS.—

18 (A) CONTRACTS WITH FOR-PROFIT ORGANIZATIONS.—The State plan shall provide  
19 that the designated State agency has the authority to enter into contracts with for-profit  
20 organizations for the purpose of providing, as vocational rehabilitation services, on-  
21 the-job training and related programs for individuals with disabilities under part A of  
22 title VI, upon a determination by such agency that such for-profit organizations are  
23 better qualified to provide such rehabilitation services than nonprofit agencies and  
24 organizations.

25 (B) COOPERATIVE AGREEMENTS WITH PRIVATE NONPROFIT ORGANIZATIONS.—The  
26 State plan shall describe the manner in which cooperative agreements with private  
27 nonprofit vocational rehabilitation service providers will be established.

28 (b) APPROVAL; DISAPPROVAL OF THE STATE PLAN.—

29 (1) APPROVAL.—The Commissioner shall approve any plan that the Commissioner finds  
30 fulfills the conditions specified in this section, and shall disapprove any plan that does not  
31 fulfill such conditions.

32 (2) DISAPPROVAL.—Prior to disapproval of the State plan, the Commissioner shall notify  
33 the State of the intention to disapprove the plan and shall afford the State reasonable notice  
34 and opportunity for a hearing.

35 (25) SERVICES FOR STUDENTS WITH DISABILITIES.—The State plan shall provide  
36 an assurance satisfactory to the Secretary that, with respect to students with disabilities, the  
37 State-

38 (A) has developed and will implement-

39 (i) strategies to address the needs identified in the assessments described  
40 in paragraph (15);

41 (ii) strategies to achieve the goals and priorities identified by the State, in

1 accordance with paragraph (15), to improve and expand vocational  
2 rehabilitation services for students with disabilities on a statewide basis;  
3 and

4 (iii) pre-employment transition services in accordance with section 114;  
5 and

6 (B) for each fiscal year, from the funds set aside in section 110(d) to carry out  
7 pre-employment transition services under section 114-

8 (i) will not use more than 5 percent of such funds to pay for administrative  
9 costs for such services; and

10 (ii) will use the remainder of the funds to carry out programs or activities  
11 designed to provide, or improve, pre-employment transition services for students  
12 with disabilities under section 114.

13 (26) JOB GROWTH AND DEVELOPMENT.-The State plan shall provide an assurance  
14 describing how the State will utilize initiatives involving in-demand industry sectors or  
15 occupations under sections 116(c) and 118 of the Workforce Investment Act of 2011 to  
16 increase competitive integrated employment opportunities for individuals with  
17 disabilities.

18 (b) SUBMISSION; APPROVAL; MODIFICATION.-The State plan for vocational rehabilitation  
19 services shall be subject to-

20 (1) subsection (c) of section 112 of the Workforce Investment Act of 2011, in a case in  
21 which that plan is a portion of the unified State plan described in that section 112; and

22 (2) subsection (b), and paragraphs (1), (2), and (3) of subsection (c), of section 113 of  
23 such Act in which that State plan for vocational rehabilitation services is a portion of the  
24 combined State plan described in that section 113.

25 (c) CONSTRUCTION.-Nothing in this part shall be construed to reduce the obligation of a local  
26 educational agency or any other agency to provide or pay for any transition services that are also  
27 considered special education or related services and that are necessary for ensuring a free  
28 appropriate public education to children with disabilities within the State involved.

29 (29 U.S.C. 721)

30 Sec. 102

## 31 SEC. 102. ELIGIBILITY AND INDIVIDUALIZED PLAN 32 FOR EMPLOYMENT.

33 (a) ELIGIBILITY.—

34 (1) CRITERION FOR ELIGIBILITY.—An individual is eligible for assistance under this title if  
35 the individual—

36 (A) is an individual with a disability under section 7(20)(A); and

37 (B) requires vocational rehabilitation services to prepare for, secure, retain, or regain  
38 employment.

1 (2) PRESUMPTION OF BENEFIT.—

2 (A) APPLICANTS.—For purposes of this section, an individual shall be presumed  
3 to be an individual that can benefit in terms of an employment outcome from  
4 vocational rehabilitation services under section 7(20)(A).

5 (B) RESPONSIBILITIES.—, Prior to determining under this subsection that an  
6 applicant described in subparagraph (A) is unable to benefit ~~due to the severity of the~~  
7 ~~individual's disability~~ or that the individual is ineligible for vocational rehabilitation  
8 services, the designated State unit shall explore the individual's abilities, capabilities,  
9 and capacity to perform in work situations, through the use of trial work experiences,  
10 as described in section 7(2)(D), with appropriate supports provided through the  
11 designated State unit. Such experiences shall be of sufficient variety and over a  
12 sufficient period of time to determine the eligibility of the individual. In providing the  
13 trial experiences, the designated State unit shall provide the individual with the  
14 opportunity to try different employment experiences, including supported employment,  
15 and the opportunity to become employed in competitive integrated employment.

16 (3) PRESUMPTION OF ELIGIBILITY.—

17 (A) IN GENERAL.—For purposes of this section, an individual who has a disability or  
18 is blind as determined pursuant to title II or title XVI of the Social Security Act (42  
19 U.S.C. 401 et seq. and 1381 et seq.) shall be—

20 (i) considered to be an individual with a significant disability under section  
21 7(21)(A); and

22 (ii) presumed to be eligible for vocational rehabilitation services under this title  
23 (provided that the individual intends to achieve an employment outcome  
24 consistent with the unique strengths, resources, priorities, concerns, abilities,  
25 capabilities, interests, and informed choice of the individual) unless the  
26 designated State unit involved can demonstrate by clear and convincing evidence  
27 that such individual is incapable of benefiting in terms of an employment  
28 outcome, including supported employment, from vocational rehabilitation  
29 services ~~due to the current (as of the date of determination) severity of the~~  
30 ~~disability of the individual.~~

31 (B) CONSTRUCTION.—Nothing in this paragraph shall be construed to create an  
32 entitlement to any vocational rehabilitation service.

33 (4) USE OF EXISTING INFORMATION.—

34 (A) IN GENERAL.—To the maximum extent appropriate and consistent with the  
35 requirements of this part, for purposes of determining the eligibility of an individual  
36 for vocational rehabilitation services under this title and developing the individualized  
37 plan for employment described in subsection (b) for the individual, the designated  
38 State unit shall use information that is existing and current (as of the date of the  
39 determination of eligibility or of the development of the individualized plan for  
40 employment), including information available from other programs and providers,  
41 particularly information used by education officials and the Social Security  
42 Administration, information provided by the individual and the family of the  
43 individual, and information obtained under the assessment for determining eligibility

1 and vocational rehabilitation needs.

2 (B) DETERMINATIONS BY OFFICIALS OF OTHER AGENCIES.—Determinations made by  
3 officials of other agencies, particularly education officials described in section  
4 101(a)(11)(D), regarding whether an individual satisfies one or more factors relating to  
5 whether an individual is an individual with a disability under section 7(20)(A) or an  
6 individual with a significant disability under section 7(21)(A) shall be used, to the  
7 extent appropriate and consistent with the requirements of this part, in assisting the  
8 designated State unit in making such determinations.

9 (C) BASIS.—The determination of eligibility for vocational rehabilitation services  
10 shall be based on—

11 (i) the review of existing data described in section 7(2)(A)(i); and

12 (ii) to the extent that such data is unavailable or insufficient for determining  
13 eligibility, the provision of assessment activities described in section 7(2)(A)(ii).

14 (5) DETERMINATION OF INELIGIBILITY.—If, after the designated State unit carries out the  
15 activities described in paragraph (2)(B), a review of existing data, and, to the extent  
16 necessary, the assessment activities described in section 7(2)(A)(ii), an individual who  
17 applies for services under this title is determined not to be eligible for the services, or if an  
18 eligible individual receiving services under an individualized plan for employment is  
19 determined to be no longer eligible for the services—

20 (A) the ineligibility determination shall be an individualized one, based on the  
21 available data, and shall not be based on assumptions about broad categories of  
22 disabilities or the severity of an individual's disability;

23 (B) the ineligibility determination involved shall be made only after providing an  
24 opportunity for full consultation with the individual or, as appropriate, the individual's  
25 representative;

26 (C) the individual or, as appropriate, the individual's representative, shall be  
27 informed in writing (supplemented as necessary by other appropriate modes of  
28 communication consistent with the informed choice of the individual) of the  
29 ineligibility determination, including—

30 (i) the reasons for the determination, including clear and convincing evidence  
31 that forms the basis for the determination of ineligibility; and

32 (ii) a description of the means by which the individual may express, and seek a  
33 remedy for, any dissatisfaction with the determination, including the procedures  
34 for review by an impartial hearing officer under subsection (c);

35 (D) the individual shall be provided with a description of services available from  
36 the client assistance program under section 112 and information on how to contact that  
37 program; and

38 (E) any ineligibility determination that is based on a finding that the individual is  
39 incapable of benefiting in terms of an employment outcome shall be reviewed—

40 (i) within 12 months; and

1 (ii) thereafter, if such a review is requested by the individual or, if appropriate,  
2 by the individual's representative.

3 (6) TIMEFRAME FOR MAKING AN ELIGIBILITY DETERMINATION.—The designated State unit  
4 shall determine whether an individual is eligible for vocational rehabilitation services under  
5 this title within a reasonable period of time, not to exceed 45 days, after the individual has  
6 submitted an application for the services unless—

7 (A) exceptional and unforeseen circumstances beyond the control of the designated  
8 State unit preclude making an eligibility determination within 60 days and the  
9 designated State unit and the individual agree to a specific extension of time; or

10 (B) the designated State unit is exploring an individual's abilities, capabilities, and  
11 capacity to perform in work situations under paragraph (2)(B).

12 (b) DEVELOPMENT OF AN INDIVIDUALIZED PLAN FOR EMPLOYMENT.—

13 (1) OPTIONS FOR DEVELOPING AN INDIVIDUALIZED PLAN FOR EMPLOYMENT.—If an  
14 individual is determined to be eligible for vocational rehabilitation services as described in  
15 subsection (a), the designated State unit shall complete the assessment for determining  
16 eligibility and vocational rehabilitation needs, as appropriate, and shall provide the eligible  
17 individual or the individual's representative, in writing and in an appropriate mode of  
18 communication, with information on the individual's options for developing an  
19 individualized plan for employment, including—

20 (A) information on the availability of assistance from a qualified vocational  
21 rehabilitation counselor in developing all or part of the individualized plan for  
22 employment for the individual, and the availability of technical assistance in  
23 developing all or part of the individualized plan for employment for the individual;

24 (B) information on the availability of assistance from consumer organizations, as  
25 defined in section 106(a)(4) (including a listing of such organizations) that can assist  
26 an individual in the development of an individualized plan for employment, in order to  
27 ensure that the plan reflects the informed and effective choices of the individual;

28 (C) a description of the full range of components that shall be included in an  
29 individualized plan for employment;

30 (D) as appropriate—

31 (i) an explanation of agency guidelines and criteria associated with financial  
32 commitments concerning an individualized plan for employment;

33 (ii) additional information the eligible individual requests or the designated  
34 State unit determines to be necessary; and

35 (iii) information on the availability of assistance in completing designated State  
36 agency forms required in developing an individualized plan for employment; and

37 (E)(i) a description of the rights and remedies available to such an individual  
38 including, if appropriate, recourse to the processes set forth in subsection (c); and

39 (ii) a description of the availability of a client assistance program established  
40 pursuant to section 112 and information about how to contact the client assistance

1 program.

2 (2) INDIVIDUALS ENTITLED TO BENEFITS UNDER THE SOCIAL SECURITY  
3 ACT.- For an individual entitled to benefits under title II or XVI of the Social Security Act  
4 (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness, the designated  
5 State unit shall provide to the individual, or coordinate such provision of-

6 (A) information on the availability of benefits and medical assistance authorized  
7 under the State Medicaid program under title XIX of the Social Security Act (42  
8 U.S.C. 1396 et seq.) or under the Medicare program under title XVIII of the  
9 Social Security Act (42 U.S.C. 1395 et seq.), and medical assistance authorized  
10 under other federally funded programs;

11 (B) information on the availability of assistance through benefits planning and  
12 assistance programs authorized under section 1149 of the Social Security Act (42  
13 U.S.C. 1320b-20) and services provided by the State protection and advocacy  
14 system and authorized under section 1150 of the Social Security Act (42 U.S.C.  
15 1320b-21); and

16 (C) in the case of individuals who are also eligible for a ticket under the Ticket to  
17 Work and Self-Sufficiency Program established under section 1148 of the Social  
18 Security Act (42 U.S.C. 1320b-19), general information regarding the options for  
19 using the ticket and information on how to contact a program manager of the  
20 Ticket to Work and Self-Sufficiency Program to obtain information on approved  
21 employment networks, on providers for the benefits planning and assistance  
22 programs described in subparagraph (B) in the State, and on the services provided  
23 by the State protection and advocacy system and described in subparagraph (B).

24 (3) MANDATORY PROCEDURES.—

25 (A) WRITTEN DOCUMENT.—An individualized plan for employment shall be a  
26 written document prepared on forms provided by the designated State unit.

27 (B) INFORMED CHOICE.—An individualized plan for employment shall be developed  
28 and implemented in a manner that affords eligible individuals the opportunity to  
29 exercise informed choice in selecting an employment outcome, the specific vocational  
30 rehabilitation services to be provided under the plan, the entity that will provide the  
31 vocational rehabilitation services, and the methods used to procure the services,  
32 consistent with subsection (d).

33 (C) SIGNATORIES.—An individualized plan for employment shall be—

34 (i) agreed to, and signed by, such eligible individual or, as appropriate, the  
35 individual's representative; and

36 (ii) approved and signed by a qualified vocational rehabilitation counselor  
37 employed by the designated State unit.

38 (D) COPY.—A copy of the individualized plan for employment for an eligible  
39 individual shall be provided to the individual or, as appropriate, to the individual's  
40 representative, in writing and, if appropriate, in the native language or mode of  
41 communication of the individual or, as appropriate, of the individual's representative.



1 (E) REVIEW AND AMENDMENT.—The individualized plan for employment shall be—

2 (i) reviewed at least annually by—

3 (I) a qualified vocational rehabilitation counselor; and

4 (II) the eligible individual or, as appropriate, the individual's  
5 representative;

6 (ii) amended, as necessary, by the individual or, as appropriate, the individual's  
7 representative, in collaboration with a representative of the designated State  
8 agency or a qualified vocational rehabilitation counselor (to the extent determined  
9 to be appropriate by the individual), if there are substantive changes in the  
10 employment outcome, the vocational rehabilitation services to be provided, or the  
11 service providers of the services (which amendments shall not take effect until  
12 agreed to and signed by the eligible individual or, as appropriate, the individual's  
13 representative, and by a qualified vocational rehabilitation counselor employed by  
14 the designated State unit); and

15 (iii) amended, as necessary, to include the postemployment services and service  
16 providers that are necessary for the individual to maintain or regain employment,  
17 consistent with the individual's strengths, resources, priorities, concerns, abilities,  
18 capabilities, interests, and informed choice.

19 (F) TIMEFRAME FOR COMPLETING THE INDIVIDUALIZED PLAN FOR  
20 EMPLOYMENT.- The individualized plan for employment shall be developed as soon as  
21 possible, but not later than a deadline of 90 days after the date of the determination of  
22 eligibility described in paragraph (1), unless the designated State unit and the eligible  
23 individual agree to an extension of that deadline to a specific date by which the  
24 individualized plan for employment shall be completed.

25 (G) FAILURE TO DEVELOP THE INDIVIDUALIZED PLAN FOR EMPLOYMENT  
26 WITHIN THE SPECIFIED TIMEFRAME.-In the event the individualized plan for  
27 employment is not completed by the deadline or extended deadline, as appropriate, under  
28 subparagraph (F), the eligible individual shall have the right to request both mediation and  
29 an impartial due process hearing according to the procedures described in subsection (c). At  
30 such hearing, the hearing officer shall have the authority to order the designated State unit  
31 to complete the individualized plan for employment within a specific period of time, not to  
32 exceed 60 days from the date of the decision, in addition to any other authority given to the  
33 officer under this section.

34 (4) MANDATORY COMPONENTS OF AN INDIVIDUALIZED PLAN FOR EMPLOYMENT.—  
35 Regardless of the approach selected by an eligible individual to develop an individualized  
36 plan for employment, an individualized plan for employment shall, at a minimum, contain  
37 mandatory components consisting of—

38 (A) a description of the specific employment outcome that is chosen by the eligible  
39 individual, consistent with the unique strengths, resources, priorities, concerns,  
40 abilities, capabilities, interests, and informed choice of the eligible individual,  
41 consistent with the general goal of competitive integrated employment (except that in  
42 the case of an eligible individual who is a student, the description may be a description  
43 of the student's projected postschool employment outcome);

1 (B)(i) a description of the specific vocational rehabilitation services that are—

2 (I) needed to achieve the employment outcome, including, as appropriate—

3 (aa) the provision of assistive technology devices and assistive technology  
4 services (including referrals described in section 103(a)(3) to the device  
5 reutilization programs and demonstrations described in subparagraphs (B)  
6 and (D) of section 4(e)(2) of the Assistive Technology Act of 1998 (29  
7 U.S.C. 3003(e)(2)) through agreements developed under section  
8 101(a)(11)(H);

9 (bb) mentoring services; and

10 (cc) personal assistance services (including training in the management of  
11 such services);

12 (II) in the case of a plan for an eligible individual that is a student, the specific  
13 transition services and supports (including work experience, mentoring activities,  
14 and supported employment) needed to achieve the student's employment outcome  
15 or projected postschool employment outcome; and

16 (III) provided in the most integrated setting that is appropriate for the service  
17 involved and is consistent with the informed choice of the eligible individual; and (ii)  
18 timelines for the achievement of the employment outcome and for the initiation of the  
19 services;

20 (C) a description of the entity chosen by the eligible individual or, as appropriate,  
21 the individual's representative, that will provide the vocational rehabilitation services,  
22 and the methods used to procure such services;

23 (D) a description of criteria to evaluate progress toward achievement of the  
24 employment outcome;

25 (E) the terms and conditions of the individualized plan for employment, including,  
26 as appropriate, information describing—

27 (i) the responsibilities of the designated State unit;

28 (ii) the responsibilities of the eligible individual, including—

29 (I) the responsibilities the eligible individual will assume in relation to the  
30 employment outcome of the individual;

31 (II) if applicable, the participation of the eligible individual in paying for  
32 the costs of the plan; and

33 (III) the responsibility of the eligible individual with regard to applying for  
34 and securing comparable benefits as described in section 101(a)(8); and

35 (iii) the responsibilities of other entities as the result of arrangements made  
36 pursuant to comparable services or benefits requirements as described in section  
37 101(a)(8);

38 (F) for an eligible individual with the most significant disabilities for whom an  
39 employment outcome in a supported employment setting has been determined to be  
40 appropriate, information identifying—

1 (i) the extended services needed by the eligible individual; and

2 (ii) the source of extended services or, to the extent that the source of the  
3 extended services cannot be identified at the time of the development of the  
4 individualized plan for employment, a description of the basis for concluding that  
5 there is a reasonable expectation that such source will become available;

6 (G) as determined to be necessary, a statement of projected need for post-  
7 employment services ; and

8 (H) for an individual who is receiving assistance from an employment network  
9 under the Ticket to Work and Self-Sufficiency Program established under section 1148  
10 of the Social Security Act (42 U.S.C. 1320b-19), a list of the services that are listed in  
11 the individual work plan that the individual developed with the employment network  
12 under subsection (g) of that section, and a description of how responsibility for service  
13 delivery will be divided between the employment network and the designated State  
14 unit.

15 (c) PROCEDURES.—

16 (1) IN GENERAL.—Each State shall establish procedures for mediation of, and procedures  
17 for review through an impartial due process hearing of, determinations made by personnel  
18 of the designated State unit that affect the provision of vocational rehabilitation services to  
19 applicants or eligible individuals. The procedures shall allow an applicant or an eligible  
20 individual or, as appropriate, the applicant's representative or individual's representative,  
21 the opportunity to request mediation, an impartial due process hearing, or both procedures.

22 (2) NOTIFICATION.—

23 (A) RIGHTS AND ASSISTANCE.—The procedures shall provide that an applicant or an  
24 eligible individual or, as appropriate, the applicant's representative or individual's  
25 representative shall be notified of—

26 (i) the right to obtain review of determinations described in paragraph (1) in an  
27 impartial due process hearing under paragraph (5);

28 (ii) the right to pursue mediation with respect to the determinations under  
29 paragraph (4);

30 (iii) the availability of assistance from the client assistance program under  
31 section 112; and

32 (iv) any applicable State limit on the time by which a request for mediation  
33 under paragraph (4) or a hearing under paragraph (5) shall be made, and any  
34 required procedure by which the request shall be made.

35 (B) TIMING.—Such notification shall be provided in writing—

36 (i) at the time an individual applies for vocational rehabilitation services  
37 provided under this title;

38 (ii) at the time the individualized plan for employment for the individual is  
39 developed; and

40 (iii) upon the denial, reduction, suspension, or cessation of vocational

1 rehabilitation services for the individual.

2 (3) EVIDENCE AND REPRESENTATION.—The procedures required under this subsection  
3 shall, at a minimum—

4 (A) provide an opportunity for an applicant or an eligible individual, or, as  
5 appropriate, the applicant’s representative or individual’s representative, to submit at  
6 the mediation session or hearing evidence and information to support the position of  
7 the applicant or eligible individual; and

8 (B) include provisions to allow an applicant or an eligible individual to be  
9 represented in the mediation session or hearing by a person selected by the applicant or  
10 eligible individual.

11 (4) MEDIATION.—

12 (A) PROCEDURES.—Each State shall ensure that procedures are established and  
13 implemented under this subsection to allow parties described in paragraph (1) to  
14 disputes involving any determination described in paragraph (1) to resolve such  
15 disputes through a mediation process that, at a minimum, shall be available whenever a  
16 hearing is requested under this subsection.

17 (B) REQUIREMENTS.—Such procedures shall ensure that the mediation process—

18 (i) is voluntary on the part of the parties;

19 (ii) is not used to deny or delay the right of an individual to a hearing under this  
20 subsection, or to deny any other right afforded under this title; and

21 (iii) is conducted by a qualified and impartial mediator who is trained in  
22 effective mediation techniques.

23 (C) LIST OF MEDIATORS.—The State shall maintain a list of individuals who are  
24 qualified mediators and knowledgeable in laws (including regulations) relating to the  
25 provision of vocational rehabilitation services under this title, from which the  
26 mediators described in subparagraph (B) shall be selected.

27 (D) COST.—The State shall bear the cost of the mediation process.

28 (E) SCHEDULING.—Each session in the mediation process shall be scheduled in a  
29 timely manner and shall be held in a location that is convenient to the parties to the  
30 dispute.

31 (F) AGREEMENT.—An agreement reached by the parties to the dispute in the  
32 mediation process shall be set forth in a written mediation agreement.

33 (G) CONFIDENTIALITY.—Discussions that occur during the mediation process shall  
34 be confidential and may not be used as evidence in any subsequent due process hearing  
35 or civil proceeding. The parties to the mediation process may be required to sign a  
36 confidentiality pledge prior to the commencement of such process.

37 (H) CONSTRUCTION.—Nothing in this subsection shall be construed to preclude the  
38 parties to such a dispute from informally resolving the dispute prior to proceedings  
39 under this paragraph or paragraph (5), if the informal process used is not used to deny  
40 or delay the right of the applicant or eligible individual to a hearing under this

1 subsection or to deny any other right afforded under this title.

2 (5) HEARINGS.—

3 (A) OFFICER.—A due process hearing described in paragraph (2) shall be conducted  
4 by an impartial hearing officer who, on reviewing all of the evidence presented, shall  
5 issue a decision based on the provisions of the approved State plan, requirements  
6 specified in this Act (including regulations implementing this Act), and State  
7 regulations and policies that are consistent with the Federal requirements specified in  
8 this title. The officer shall provide the written decision to the applicant or eligible  
9 individual, or, as appropriate, the applicant's representative or individual's  
10 representative, and to the designated State unit. The impartial hearing officer shall have  
11 the authority to render a decision and require actions, consistent with the requirements  
12 specified in this title (including regulations implementing this title), regarding all  
13 aspects of the applicant's or eligible individual's vocational rehabilitation services  
14 under this title.

15  
16 (B) LIST.—The designated State unit shall maintain a list of qualified impartial  
17 hearing officers who are knowledgeable about Federal and State laws (including  
18 regulations) and the approved State plan relating to the provision of vocational  
19 rehabilitation services under this title from which the officer described in subparagraph  
20 (A) shall be selected. For the purposes of maintaining such list, impartial hearing  
21 officers shall be identified jointly by—

22 (i) the designated State unit; and

23 (ii) members of the Council or commission, as appropriate, described in section  
24 101(a)(21).

25 (C) SELECTION.—Such an impartial hearing officer shall be selected to hear a  
26 particular case relating to a determination—

27 (i) on a random basis; or

28 (ii) by agreement between—

29 (I) the Director of the designated State unit and the individual with a  
30 disability; or

31 (II) in appropriate cases, the Director and the individual's representative.

32 (D) PROCEDURES FOR SEEKING REVIEW.—A State may establish procedures to enable  
33 a party involved in a hearing under this paragraph to seek an impartial review of the  
34 decision of the hearing officer under subparagraph (A) by—

35 (i) the chief official of the designated State agency if the State has established  
36 both a designated State agency and a designated State unit under section  
37 101(a)(2); or

38 (ii) an official from the office of the Governor.

39 (E) REVIEW REQUEST.—If the State establishes impartial review procedures under  
40 subparagraph (D), either party may request the review of the decision of the hearing

1 officer within 20 days after the decision.

2 (F) REVIEWING OFFICIAL.—The reviewing official described in subparagraph (D)  
3 shall—

4 (i) in conducting the review, provide an opportunity for the submission of  
5 additional evidence and information relevant to a final decision concerning the  
6 matter under review;

7 (ii) not overturn or modify the decision of the hearing officer, or part of the  
8 decision, that supports the position of the applicant or eligible individual unless  
9 the reviewing official concludes, based on clear and convincing evidence, that the  
10 decision of the impartial hearing officer is clearly erroneous on the basis of being  
11 contrary to the approved State plan, this Act (including regulations implementing  
12 this Act) or any State regulation or policy that is consistent with the Federal  
13 requirements specified in this title;

14 (iii) make a final decision with respect to the matter in a timely manner and  
15 provide such decision in writing to the applicant or eligible individual, or, as  
16 appropriate, the applicant's representative or individual's representative, and to  
17 the designated State unit, including a full report of the findings and the grounds  
18 for such decision; and

19 (iv) not delegate the responsibility for making the final decision to any officer  
20 or employee of the designated State unit.

21 (G) FINALITY OF HEARING DECISION.—A decision made after a hearing under  
22 subparagraph (A) shall be final, except that a party may request an impartial review if  
23 the State has established procedures for such review under subparagraph (D) and a  
24 party involved in a hearing may bring a civil action under subparagraph (J).

25 (H) FINALITY OF REVIEW.—A decision made under subparagraph (F) shall be final  
26 unless such a party brings a civil action under subparagraph (J).

27 (I) IMPLEMENTATION.—If a party brings a civil action under subparagraph (J) to  
28 challenge a final decision of a hearing officer under subparagraph (A) or to challenge a  
29 final decision of a State reviewing official under subparagraph (F), the final decision  
30 involved shall be implemented pending review by the court.

31 (J) CIVIL ACTION.—

32 (i) IN GENERAL.—Any party aggrieved by a final decision described in  
33 subparagraph (I), may bring a civil action for review of such decision. The action  
34 may be brought in any State court of competent jurisdiction or in a district court  
35 of the United States of competent jurisdiction without regard to the amount in  
36 controversy.

37 (ii) PROCEDURE.—In any action brought under this subparagraph, the court—

38 (I) shall receive the records relating to the hearing under subparagraph (A)  
39 and the records relating to the State review under subparagraphs (D) through  
40 (F), if applicable;

41 (II) shall hear additional evidence at the request of a party to the action;

1 and

2 (III) basing the decision of the court on the preponderance of the evidence,  
3 shall grant such relief as the court determines to be appropriate.

4

5 (6) HEARING BOARD.—

6 (A) IN GENERAL.—A fair hearing board, established by a State before January 1,  
7 1985, and authorized under State law to review determinations or decisions under this  
8 Act, is authorized to carry out the responsibilities of the impartial hearing officer under  
9 this subsection.

10 (B) APPLICATION.—The provisions of paragraphs (1), (2), and (3) that relate to due  
11 process hearings do not apply, and paragraph (5) (other than subparagraph (J)) does not  
12 apply, to any State to which subparagraph (A) applies.

13 (7) IMPACT ON PROVISION OF SERVICES.—Unless the individual with a disability so  
14 requests, or, in an appropriate case, the individual's representative, so requests, pending a  
15 decision by a mediator, hearing officer, or reviewing officer under this subsection, the  
16 designated State unit shall not institute a suspension, reduction, or termination of services  
17 being provided for the individual, including evaluation and assessment services and plan  
18 development, unless such services have been obtained through misrepresentation, fraud,  
19 collusion, or criminal conduct on the part of the individual, or the individual's  
20 representative.

21 (8) INFORMATION COLLECTION AND REPORT.—

22 (A) IN GENERAL.—The Director of the designated State unit shall collect information  
23 described in subparagraph (B) and prepare and submit to the Commissioner a report  
24 containing such information. The Commissioner shall prepare a summary of the  
25 information furnished under this paragraph and include the summary in the annual  
26 report submitted under section 13. The Commissioner shall also collect copies of the  
27 final decisions of impartial hearing officers conducting hearings under this subsection  
28 and State officials conducting reviews under this subsection.

29 (B) INFORMATION.—The information required to be collected under this subsection  
30 includes—

31 (i) a copy of the standards used by State reviewing officials for reviewing  
32 decisions made by impartial hearing officers under this subsection;

33 (ii) information on the number of hearings and reviews sought from the  
34 impartial hearing officers and the State reviewing officials, including the type of  
35 complaints and the issues involved;

36 (iii) information on the number of hearing decisions made under this subsection  
37 that were not reviewed by the State reviewing officials; and

38 (iv) information on the number of the hearing decisions that were reviewed by  
39 the State reviewing officials, and, based on such reviews, the number of hearing  
40 decisions that were—

1 (I) sustained in favor of an applicant or eligible individual;

2 (II) sustained in favor of the designated State unit;

3 (III) reversed in whole or in part in favor of the applicant or eligible  
4 individual; and

5 (IV) reversed in whole or in part in favor of the designated State unit.

6 (C) CONFIDENTIALITY.—The confidentiality of records of applicants and eligible  
7 individuals maintained by the designated State unit shall not preclude the access of the  
8 Commissioner to those records for the purposes described in subparagraph (A).

9 (d) POLICIES AND PROCEDURES.—Each designated State agency, in consultation with the State  
10 Rehabilitation Council, if the State has such a council, shall, consistent with section  
11 100(a)(3)(C), develop and implement written policies and procedures that enable each individual  
12 who is an applicant for or eligible to receive vocational rehabilitation services under this title to  
13 exercise informed choice throughout the vocational rehabilitation process carried out under this  
14 title, including policies and procedures that require the designated State agency—

15 (1) to inform each such applicant and eligible individual (including students with  
16 disabilities who are making the transition from programs under the responsibility of an  
17 educational agency to programs under the responsibility of the designated State unit),  
18 through appropriate modes of communication, about the availability of, and opportunities to  
19 exercise, informed choice, including the availability of support services for individuals with  
20 cognitive or other disabilities who require assistance in exercising informed choice,  
21 throughout the vocational rehabilitation process;

22 (2) to assist applicants and eligible individuals in exercising informed choice in decisions  
23 related to the provision of assessment services under this title;

24 (3) to develop and implement flexible procurement policies and methods that facilitate  
25 the provision of services, and that afford eligible individuals meaningful choices among the  
26 methods used to procure services, under this title;

27 (4) to provide or assist eligible individuals in acquiring information that enables those  
28 individuals to exercise informed choice under this title in the selection of—

29 (A) the employment outcome;

30 (B) the specific vocational rehabilitation services needed to achieve the employment  
31 outcome;

32 (C) the entity that will provide the services;

33 (D) the employment setting and the settings in which the services will be provided;  
34 and

35 (E) the methods available for procuring the services; and

36 (5) to ensure that the availability and scope of informed choice provided under this  
37 section is consistent with the obligations of the designated State agency under this title.

38 (29 U.S.C. 722)

39 Sec. 103



## 1 SEC. 103. VOCATIONAL REHABILITATION SERVICES.

2 (a) VOCATIONAL REHABILITATION SERVICES FOR INDIVIDUALS.—Vocational rehabilitation  
3 services provided under this title are any services described in an individualized plan for  
4 employment necessary to assist an individual with a disability in preparing for, securing,  
5 retaining, or regaining an employment outcome that is consistent with the strengths, resources,  
6 priorities, concerns, abilities, capabilities, interests, and informed choice of the individual,  
7 including—

8 (1) an assessment for determining eligibility and vocational rehabilitation needs by  
9 qualified personnel, including, if appropriate, an assessment by personnel skilled in  
10 rehabilitation technology;

11 (2) counseling and guidance, including information and support services to assist an  
12 individual in exercising informed choice consistent with the provisions of section 102(d);

13 (3) referral and other services to secure needed services from other agencies through  
14 agreements developed under section 101(a)(11), if such services are not available under this  
15 title;

16 (4) job-related services, including job search and placement assistance, job retention  
17 services, followup services, and follow-along services;

18 (5) vocational and other training services, including the provision of personal and  
19 vocational adjustment services, books, tools, and other training materials, except that no  
20 training services provided at an institution of higher education shall be paid for with funds  
21 under this title unless maximum efforts have been made by the designated State unit and the  
22 individual to secure grant assistance, in whole or in part, from other sources to pay for such  
23 training;

24 (6) to the extent that financial support is not readily available from a source (such as  
25 through health insurance of the individual or through comparable services and benefits  
26 consistent with section 101(a)(8)(A)), other than the designated State unit, diagnosis and  
27 treatment of physical and mental impairments, including—

28 (A) corrective surgery or therapeutic treatment necessary to correct or substantially  
29 modify a physical or mental condition that constitutes a substantial impediment to  
30 employment, but is of such a nature that such correction or modification may  
31 reasonably be expected to eliminate or reduce such impediment to employment within  
32 a reasonable length of time;

33 (B) necessary hospitalization in connection with surgery or treatment;

34 (C) prosthetic and orthotic devices;

35 (D) eyeglasses and visual services as prescribed by qualified personnel who meet  
36 State licensure laws and who are selected by the individual;

37 (E) special services (including transplantation and dialysis), artificial kidneys, and  
38 supplies necessary for the treatment of individuals with end-stage renal disease; and

39 (F) diagnosis and treatment for mental and emotional disorders by qualified  
40 personnel who meet State licensure laws;

1 (7) maintenance for additional costs incurred while participating in an assessment for  
2 determining eligibility and vocational rehabilitation needs or while receiving services under  
3 an individualized plan for employment;

4 (8) transportation, including adequate training in the use of public transportation vehicles  
5 and systems, that is provided in connection with the provision of any other service  
6 described in this section and needed by the individual to achieve an employment outcome;

7 (9) on-the-job or other related personal assistance services provided while an individual is  
8 receiving other services described in this section;

9 (10) interpreter services provided by qualified personnel for individuals who are deaf or  
10 hard of hearing, and reader services for individuals who are determined to be blind, after an  
11 examination by qualified personnel who meet State licensure laws;

12 (11) rehabilitation teaching services, and orientation and mobility services, for  
13 individuals who are blind;

14 (12) occupational licenses, tools, equipment, and initial stocks and supplies;

15 (13) technical assistance and other consultation services to conduct market analyses,  
16 develop business plans, and otherwise provide resources, to the extent such resources are  
17 authorized to be provided through the statewide workforce development system, to eligible  
18 individuals who are pursuing self-employment or telecommuting or establishing a small  
19 business operation as an employment outcome;

20 (14) rehabilitation technology, including telecommunications, sensory, and other  
21 technological aids and devices;

22 (15) transition services for students with disabilities, that facilitate the transition from  
23 school to postsecondary life, such as achievement of an employment outcome in  
24 competitive integrated employment, or pre-employment transition services described in  
25 section 114;

26 (16) supported employment services;

27 (17) customized employment;

28 (18) services to the family of an individual with a disability necessary to assist the  
29 individual to achieve an employment outcome;

30 (19) specific post-employment services necessary to assist an individual with a disability  
31 to, retain, regain, or advance in employment; and

32 (20) mentoring services.

33 (21) Asset development services

34 (b) VOCATIONAL REHABILITATION SERVICES FOR GROUPS OF INDIVIDUALS.—Vocational  
35 rehabilitation services provided for the benefit of groups of individuals with disabilities may also  
36 include the following:

37 (1) In the case of any type of small business operated by individuals with significant  
38 disabilities the operation of which can be improved by management services and  
39 supervision provided by the designated State agency, the provision of such services and  
40 supervision, along or together with the acquisition by the designated State agency of

1 vending facilities or other equipment and initial stocks and supplies.

2 (2)(A) The establishment, development, or improvement of community rehabilitation  
3 programs, including, under special circumstances, the construction of a facility. Such  
4 programs shall be used to provide services that promote integration and that result in  
5 competitive integrated employment, including supported employment and customized  
6 employment.

7 (B) The provision of other services, that promise to contribute substantially to the  
8 rehabilitation of a group of individuals but that are not related directly to the individualized  
9 plan for employment of any 1 individual with a disability.

10 (3) The use of telecommunications systems (including telephone, television, satellite,  
11 radio, and other similar systems) that have the potential for substantially improving delivery  
12 methods of activities described in this section and developing appropriate programming to  
13 meet the particular needs of individuals with disabilities.

14 (4)(A) Special services to provide nonvisual access to information for individuals who  
15 are blind, including the use of telecommunications, Braille, sound recordings, or other  
16 appropriate media.

17 (B) Captioned television, films, or video cassettes for individuals who are deaf or hard of  
18 hearing.

19 (C) Tactile materials for individuals who are deaf-blind.

20 (D) Other special services that provide information through tactile, vibratory, auditory,  
21 and visual media.

22 (5) Technical assistance and support services to businesses that are not subject to title I of  
23 the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and that are seeking  
24 to employ individuals with disabilities.

25 (6) Consultation and technical assistance services to assist State educational agencies and  
26 local educational agencies in planning for the transition of students with disabilities from  
27 school to postsecondary life, including employment.

28 (29 U.S.C. 723)

29 Sec. 104

## 30 SEC. 104. NON-FEDERAL SHARE FOR ESTABLISHMENT 31 OF PROGRAM OR CONSTRUCTION.

32 For the purpose of determining the amount of payments to States for carrying out part B (or to  
33 an Indian tribe under part C), the non-Federal share, subject to such limitations and conditions as  
34 may be prescribed in regulations by the Commissioner, shall include contributions of funds made  
35 by any private agency, organization, or individual to a State or local agency to assist in meeting  
36 the costs of establishment of a community rehabilitation program or construction, under special  
37 circumstances, of a facility for such a program, which would be regarded as State or local funds  
38 except for the condition, imposed by the contributor, limiting use of such funds to establishment  
39 of such a program or construction of such a facility.

1 (29 U.S.C. 724)

2 Sec. 105

3 **SEC. 105. STATE REHABILITATION COUNCIL.**

4 (a) ESTABLISHMENT.—

5 (1) IN GENERAL.—Except as provided in section 101(a)(21)(A)(i), to be eligible to receive  
6 financial assistance under this title a State shall establish a State Rehabilitation Council  
7 (referred to in this section as the “Council”) in accordance with this section.

8 (2) SEPARATE AGENCY FOR INDIVIDUALS WHO ARE BLIND.—A State that designates a State  
9 agency to administer the part of the State plan under which vocational rehabilitation  
10 services are provided for individuals who are blind under section 101(a)(2)(A)(i) may  
11 establish a separate Council in accordance with this section to perform the duties of such a  
12 Council with respect to such State agency.

13 (b) COMPOSITION AND APPOINTMENT.—

14 (1) COMPOSITION.—

15 (A) IN GENERAL.—Except in the case of a separate Council established under  
16 subsection (a)(2), the Council shall be composed of—

17 (i) at least one representative of the Statewide Independent Living Council  
18 established under section 705, which representative may be the chairperson or  
19 other designee of the Council;

20 (ii) at least one representative of a parent training and information center  
21 established pursuant to section 671 of the Individuals with Disabilities Education  
22 Act;

23 (iii) at least one representative of the client assistance program established  
24 under section 112;

25 (iv) at least one qualified vocational rehabilitation counselor, with knowledge  
26 of and experience with vocational rehabilitation programs, who shall serve as an  
27 ex officio, nonvoting member of the Council if the counselor is an employee of  
28 the designated State agency;

29 (v) at least one representative of community rehabilitation program service  
30 providers;

31 (vi) four representatives of business, industry, and labor;

32 (vii) representatives of disability advocacy groups representing a cross section  
33 of—

34 (I) individuals with physical, cognitive, sensory, and mental disabilities;  
35 and

36 (II) individuals’ representatives of individuals with disabilities who have  
37 difficulty in representing themselves or are unable due to their disabilities to  
38 represent themselves;

1 (viii) current or former applicants for, or recipients of, vocational rehabilitation  
2 services;

3 (ix) in a State in which one or more projects are funded under section 121 and  
4 in which such services are provided through those projects, at least one  
5 representative of the directors of the projects located in such State;

6 (x) at least one representative of the State educational agency responsible for  
7 the public education of students with disabilities who are eligible to receive  
8 services under this title and part B of the Individuals with Disabilities Education  
9 Act;

10 (xi) at least one representative of the State workforce development board; and

11 (xii) the director of the State's comprehensive statewide program of  
12 technology-related assistance funded under section 4 of the Assistive Technology  
13 Act of 1998 (29 U.S.C. 3003).

14 (B) SEPARATE COUNCIL.—In the case of a separate Council established under  
15 subsection (a)(2), the Council shall be composed of—

16 (i) at least one representative described in subparagraph (A)(i);

17 (ii) at least one representative described in subparagraph (A)(ii);

18 (iii) at least one representative described in subparagraph (A)(iii);

19 (iv) at least one vocational rehabilitation counselor described in subparagraph  
20 (A)(iv), who shall serve as described in such subparagraph;

21 (v) at least one representative described in subparagraph (A)(v);

22 (vi) four representatives described in subparagraph (A)(vi);

23 (vii) at least one representative of a disability advocacy group representing  
24 individuals who are blind;

25 (viii) at least one individual's representative, of an individual who—

26 (I) is an individual who is blind and has multiple disabilities; and

27 (II) has difficulty in representing himself or herself or is unable due to  
28 disabilities to represent himself or herself;

29 (ix) applicants or recipients described in subparagraph (A)(viii);

30 (x) in a State described in subparagraph (A)(ix), at least one representative  
31 described in such subparagraph;

32 (xi) at least one representative described in subparagraph (A)(x);

33 (xii) at least one representative described in subparagraph (A)(xi); and

34 (xiii) the director of the State's comprehensive statewide program of  
35 technology-related assistance funded under section 4 of the Assistive Technology  
36 Act of 1998 (29 U.S.C. 3003).

37 (C) EXCEPTION.—In the case of a separate Council established under subsection

1 (a)(2), any Council that is required by State law, as in effect on the date of enactment  
2 of the Rehabilitation Act Amendments of 1992, to have fewer than 15 members shall  
3 be deemed to be in compliance with subparagraph (B) if the Council—

4 (i) meets the requirements of subparagraph (B), other than the requirements of  
5 clauses (vi) and (ix) of such subparagraph; and

6 (ii) includes at least—

7 (I) one representative described in subparagraph (B)(vi); and

8 (II) one applicant or recipient described in subparagraph (B)(ix).

9 (2) EX OFFICIO MEMBER.—The Director of the designated State unit shall be an ex officio,  
10 nonvoting member of the Council.

11 (3) APPOINTMENT.—Members of the Council shall be appointed by the Governor or, in  
12 the case of a State that, under State law, vests authority for the administration of the  
13 activities carried out under this Act in an entity other than the Governor (such as one or  
14 more houses of the State legislature or an independent board), the chief officer of that  
15 entity. The appointing authority shall select members after soliciting recommendations from  
16 representatives of organizations representing a broad range of individuals with disabilities  
17 and organizations interested in individuals with disabilities. In selecting members, the  
18 appointing authority shall consider, to the greatest extent practicable, the extent to which  
19 minority populations are represented on the Council.

20 (4) QUALIFICATIONS.—

21 (A) IN GENERAL.—A majority of Council members shall be persons who are—

22 (i) individuals with disabilities described in section 7(20)(B); and

23 (ii) not employed by the designated State unit.

24 (B) SEPARATE COUNCIL.—In the case of a separate Council established under  
25 subsection (a)(2), a majority of Council members shall be persons who are—

26 (i) blind; and

27 (ii) not employed by the designated State unit.

28 (5) CHAIRPERSON.— [retain current law]

29 (A) IN GENERAL – Except as provided in subparagraph (B), the Council shall  
30 select a chairperson from among the membership of the Council.

31 (B) DESIGNATION BY CHIEF EXECUTIVE OFFICER. In States in which the  
32 chief executive officer does not have veto power pursuant to State law, the appointing  
33 authority described in paragraph (3) shall designate a member of the Council to serve  
34 as the chairperson of the Council or shall require the Council to so designate such a  
35 member.

36 (6) TERMS OF APPOINTMENT.—

37 (A) LENGTH OF TERM.—Each member of the Council shall serve for a term of not  
38 more than 3 years, except that—

1 (i) a member appointed to fill a vacancy occurring prior to the expiration of the  
2 term for which a predecessor was appointed, shall be appointed for the remainder  
3 of such term; and

4 (ii) the terms of service of the members initially appointed shall be (as specified  
5 by the appointing authority described in paragraph (3)) for such fewer number of  
6 years as will provide for the expiration of terms on a staggered basis.

7 (B) NUMBER OF TERMS.—No member of the Council, other than a representative  
8 described in clause (iii) or (ix) of paragraph (1)(A), or clause (iii) or (x) of paragraph  
9 (1)(B), may serve more than two consecutive full terms.

10 (7) VACANCIES.—

11 (A) IN GENERAL.—Except as provided in subparagraph (B), any vacancy occurring  
12 in the membership of the Council shall be filled in the same manner as the original  
13 appointment. The vacancy shall not affect the power of the remaining members to  
14 execute the duties of the Council.

15 (B) DELEGATION.—The appointing authority described in paragraph (3) may  
16 delegate the authority to fill such a vacancy to the remaining members of the Council  
17 after making the original appointment.

18 (c) FUNCTIONS OF COUNCIL.—The Council shall, after consulting with the State workforce  
19 development board—

20 (1) review, analyze, and advise the designated State unit regarding the performance of the  
21 responsibilities of the unit under this title, particularly responsibilities relating to—

22 (A) eligibility (including order of selection);

23 (B) the extent, scope, and effectiveness of services provided; and

24 (C) functions performed by State agencies that affect or that potentially affect the  
25 ability of individuals with disabilities in achieving employment outcomes under this  
26 title;

27 (2) in partnership with the designated State unit—

28 (A) develop, agree to, and review State goals and priorities in accordance with  
29 section 101(a)(15)(C); and

30 (B) evaluate the effectiveness of the vocational rehabilitation program and submit  
31 reports of progress to the Commissioner in accordance with section 101(a)(15)(E);

32 (3) advise the designated State agency and the designated State unit regarding activities  
33 authorized to be carried out under this title, and assist in the preparation of the State plan  
34 and amendments to the plan, applications, reports, needs assessments, and evaluations  
35 required by this title;

36 (4) to the extent feasible, conduct a review and analysis of the effectiveness of, and  
37 consumer satisfaction with—

38 (A) the functions performed by the designated State agency;

39 (B) vocational rehabilitation services provided by State agencies and other public

1 and private entities responsible for providing vocational rehabilitation services to  
2 individuals with disabilities under this Act; and

3 (C) employment outcomes achieved by eligible individuals receiving services under  
4 this title, including the availability of health and other employment benefits in  
5 connection with such employment outcomes;

6 (5) prepare and submit an annual report to the Governor and the Commissioner on the  
7 status of vocational rehabilitation programs operated within the State, and make the report  
8 available to the public;

9 (6) to avoid duplication of efforts and enhance the number of individuals served,  
10 coordinate activities with the activities of other councils within the State, including the  
11 Statewide Independent Living Council established under section 705, the advisory panel  
12 established under section 612(a)(20) of the Individuals with Disabilities Education Act, the  
13 State Council on Developmental Disabilities established under section 125 of the  
14 Developmental Disabilities Assistance and Bill of Rights Act of 2000, the State mental  
15 health planning council established under section 1914(a) of the Public Health Service Act  
16 (42 U.S.C. 300x-3(a)) and the State workforce development board, and with the activities of  
17 entities carrying out programs under the Assistive Technology Act of 1998 (29 U.S.C. 3001  
18 et seq.);

19 (7) provide for coordination and the establishment of working relationships between the  
20 designated State agency and the Statewide Independent Living Council and centers for  
21 independent living within the State; and

22 (8) perform such other functions, consistent with the purpose of this title, as the State  
23 Rehabilitation Council determines to be appropriate, that are comparable to the other  
24 functions performed by the Council.

25 (d) RESOURCES.—

26 (1) PLAN.—The Council shall prepare, in conjunction with the designated State unit, a  
27 plan for the provision of such resources, including such staff and other personnel, as may be  
28 necessary and sufficient to carry out the functions of the Council under this section. The  
29 resource plan shall, to the maximum extent possible, rely on the use of resources in  
30 existence during the period of implementation of the plan.

31 (2) RESOLUTION OF DISAGREEMENTS.—To the extent that there is a disagreement between  
32 the Council and the designated State unit in regard to the resources necessary to carry out  
33 the functions of the Council as set forth in this section, the disagreement shall be resolved  
34 by the Governor consistent with paragraph (1).

35 (3) SUPERVISION AND EVALUATION.—Each Council shall, consistent with State law,  
36 supervise and evaluate such staff and other personnel as may be necessary to carry out its  
37 functions under this section.

38 (4) PERSONNEL CONFLICT OF INTEREST.—While assisting the Council in carrying out its  
39 duties, staff and other personnel shall not be assigned duties by the designated State unit or  
40 any other agency or office of the State, that would create a conflict of interest.

41 (e) CONFLICT OF INTEREST.—No member of the Council shall cast a vote on any matter that  
42 would provide direct financial benefit to the member or otherwise give the appearance of a



1 conflict of interest under State law.

2 (f) MEETINGS.—The Council shall convene at least four meetings a year in such places as it  
3 determines to be necessary to conduct Council business and conduct such forums or hearings as  
4 the Council considers appropriate. The meetings, hearings, and forums shall be publicly  
5 announced. The meetings shall be open and accessible to the general public unless there is a  
6 valid reason for an executive session.

7 (g) COMPENSATION AND EXPENSES.—The Council may use funds allocated to the Council by  
8 the designated State unit under this title (except for funds appropriated to carry out the client  
9 assistance program under section 112 and funds reserved pursuant to section 110(c) to carry out  
10 part C) to reimburse members of the Council for reasonable and necessary expenses of attending  
11 Council meetings and performing Council duties (including child care and personal assistance  
12 services), and to pay compensation to a member of the Council, if such member is not employed  
13 or must forfeit wages from other employment, for each day the member is engaged in performing  
14 the duties of the Council.

15 (h) HEARINGS AND FORUMS.—The Council is authorized to hold such hearings and forums as  
16 the Council may determine to be necessary to carry out the duties of the Council.

17 (29 U.S.C. 725)

18 Sec. 106

## 19 SEC. 106. EVALUATION STANDARDS AND 20 PERFORMANCE INDICATORS.

21 (a) IN GENERAL.-

22 (1) STANDARDS AND INDICATORS.- The evaluation standards and performance  
23 indicators for the vocational rehabilitation program carried out under this title shall be  
24 subject to the performance accountability provisions described in section 131(b) of the  
25 Workforce Investment Act of 2011.

26 *Section 106 (a)(1)(A) The Commissioner shall, not later than 1 year after receiving the report*  
27 *required by Section 204 (a)(2)(A), will revise and update evaluation standards and performance*  
28 *indicator for the vocational rehabilitation program consistent with stakeholder*  
29 *recommendations.*

30 (2) ~~ADDITIONAL PERFORMANCE ACCOUNTABILITY INDICATORS.-~~

31 (A) ~~IN GENERAL. Subject to subparagraph (B) the Commissioner may~~  
32 ~~establish additional performance accountability indicators, which may include outcome~~  
33 ~~and related measures of program performance.~~

34 (B) ~~COMMENT.~~-Such additional performance accountability indicators shall be  
35 developed with input from State vocational rehabilitation agencies, related professional  
36 and consumer organizations, recipients of vocational rehabilitation services, and other  
37 interested parties. The Commissioner shall publish in the Federal Register a notice of  
38 intent to regulate regarding the development of proposed additional performance  
39 accountability indicators. Proposed additional performance accountability indicators  
40 shall be published in the Federal Register for review and comment. Final additional

1 performance accountability indicators shall be published in the Federal Register.

2 (3) REPORTS.-Each State that receives funds under this title shall submit a report to the  
3 Commissioner containing information on any additional performance accountability indicators  
4 established under paragraph (2) they may establish

5 (4) CONSUMER ORGANIZATION.-In this subsection, the term ‘consumer organization’  
6 means a membership organization, or disability advocacy group, for which a majority of the  
7 members of the board of directors of the organization or group are individuals with disabilities or  
8 family members of individuals with disabilities.

9  
10 ~~(4) CONSUMER ORGANIZATION.-In this subsection, the term ‘consumer-~~  
11 ~~organization’ means a membership organization, or disability advocacy group, for which a~~  
12 ~~majority of the members of the board of directors of the organization or groups are~~  
13 ~~individuals with disabilities or family members of individuals with disabilities.~~

14 (b) COMPLIANCE.—

15 (1) STATE REPORTS.—In accordance with regulations established by the Secretary, each  
16 State shall report to the Commissioner after the end of each fiscal year the extent to which  
17 the State is in compliance with the standards and indicators.

18 (2) PROGRAM IMPROVEMENT.—

19 (A) PLAN.—If the Commissioner determines that the performance of any State is  
20 below established standards, the Commissioner shall provide technical assistance to  
21 the State, and the State and the Commissioner shall jointly develop a program  
22 improvement plan outlining the specific actions to be taken by the State to improve  
23 program performance.

24 (B) REVIEW.—The Commissioner shall—

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

29 (ii) continue to conduct such reviews and request such revisions until the State  
30 sustains satisfactory performance over a period of more than 1 year.

31 (c) WITHHOLDING.—If the Commissioner determines that a State whose performance falls  
32 below the established standards has failed to enter into a program improvement plan, or is not  
33 complying substantially with the terms and conditions of such a program improvement plan, the  
34 Commissioner shall, consistent with subsections (c) and (d) of section 107, reduce or make no  
35 further payments to the State under this program, until the State has entered into an approved  
36 program improvement plan, or satisfies the Commissioner that the State is complying  
37 substantially with the terms and conditions of such a program improvement plan, as appropriate.

38 (d) REPORT TO CONGRESS.—Beginning in fiscal year 1999, the Commissioner shall include in  
39 each annual report to the Congress under section 13 an analysis of program performance,  
40 including relative State performance, based on the standards and indicators.

1 (29 U.S.C. 726)

2 Sec. 107

3 **SEC. 107. MONITORING AND REVIEW.**

4 (a) IN GENERAL.—

5 (1) DUTIES.—In carrying out the duties of the Commissioner under this title, the  
6 Commissioner shall—

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

9 (B) determine whether, in the administration of the State plan, a State is complying  
10 substantially with the provisions of such plan and with evaluation standards and  
11 performance indicators established under section 106.

12 (2) PROCEDURES FOR REVIEWS.—In conducting reviews under this section the  
13 Commissioner shall consider, at a minimum—

14 (A) State policies and procedures;

15 (B) guidance materials;

16 (C) decisions resulting from hearings conducted in accordance with due process;

17 (D) State goals established under section 101(a)(15) and the extent to which the  
18 State has achieved such goals;

19 (E) plans and reports prepared under section 106(b);

20 (F) consumer satisfaction reviews and analyses described in section 105(c)(4);

21 (G) information provided by the State Rehabilitation Council established under  
22 section 105, if the State has such a Council, or by the commission described in section  
23 101(a)(21)(A)(i), if the State has such a commission;

24 (H) reports; and

25 (I) budget and financial management data.

26 (3) PROCEDURES FOR MONITORING.—In conducting monitoring under this section the  
27 Commissioner shall conduct—

28 (A) onsite visits, including onsite reviews of records to verify that the State is  
29 following requirements regarding the order of selection set forth in section  
30 101(a)(5)(A);

31 (B) public hearings and other strategies for collecting information from the public;

32 (C) meetings with the State Rehabilitation Council, if the State has such a Council or  
33 with the commission described in section 101(a)(21)(A)(i), if the State has such a  
34 commission;

35 (D) reviews of individual case files, including individualized plans for employment  
36 and ineligibility determinations; and

1 (E) meetings with qualified vocational rehabilitation counselors and other personnel,  
2 including personnel of a client assistance program under section 112, and past or  
3 current recipients of vocational rehabilitation services.

4 (4) AREAS OF INQUIRY.—In conducting the review and monitoring, the Commissioner  
5 shall examine—

6 (A) the eligibility process, including the process related to the determination of  
7 ineligibility under section 102(a)(5);

8 (B) the provision of services, including supported employment services, and pre-  
9 employment transition services for students with disabilities and, if applicable, the  
10 order of selection;;

11 (C) such other areas as may be identified by the public or through meetings with the  
12 State Rehabilitation Council, if the State has such a Council or with the commission  
13 described in section 101(a)(21)(A)(i), if the State has such a commission;

14 (D) data on individuals determined to be ineligible for services ~~due to severity of~~  
15 ~~their disability~~, to determine if systematic changes could result in increased capacity to  
16 meet the needs of such individuals; and

17 (E) such other areas of inquiry as the Commissioner may consider appropriate.

18 (5) REPORTS.—If the Commissioner issues a report detailing the findings of an annual  
19 review or onsite monitoring conducted under this section, the report shall be made available  
20 to the State Rehabilitation Council, if the State has such a Council, for use in the  
21 development and modification of the State plan described in section 101.

22 (b) TECHNICAL ASSISTANCE.—The Commissioner shall—

23 (1) provide technical assistance to programs under this title regarding improving the  
24 quality of vocational rehabilitation services provided; and

25 (2) provide technical assistance and establish a corrective action plan for a program under  
26 this title if the Commissioner finds that the program fails to comply substantially with the  
27 provisions of the State plan, or with evaluation standards or performance indicators  
28 established under section 106, in order to ensure that such failure is corrected as soon as  
29 practicable.

30 (c) FAILURE TO COMPLY WITH PLAN.—

31 (1) WITHHOLDING PAYMENTS.—Whenever the Commissioner, after providing reasonable  
32 notice and an opportunity for a hearing to the State agency administering or supervising the  
33 administration of the State plan approved under section 101, finds that—

34 (A) the plan has been so changed that it no longer complies with the requirements of  
35 section 101(a); or

36 (B) in the administration of the plan there is a failure to comply substantially with  
37 any provision of such plan or with an evaluation standard or performance indicator  
38 established under section 106,

39 the Commissioner shall notify such State agency that no further payments will be made to  
40 the State under this title (or, in the discretion of the Commissioner, that such further

1 payments will be reduced, in accordance with regulations the Commissioner shall prescribe,  
2 or that further payments will not be made to the State only for the projects under the parts of  
3 the State plan affected by such failure), until the Commissioner is satisfied there is no  
4 longer any such failure.

5 (2) PERIOD.—Until the Commissioner is so satisfied, the Commissioner shall make no  
6 further payments to such State under this title (or shall reduce payments or limit payments  
7 to projects under those parts of the State plan in which there is no such failure).

8 (3) DISBURSAL OF WITHHELD FUNDS.—The Commissioner may, in accordance with  
9 regulations the Secretary shall prescribe, disburse any funds withheld from a State under  
10 paragraph (1) to any public or nonprofit private organization or agency within such State or  
11 to any political subdivision of such State submitting a plan meeting the requirements of  
12 section 101(a). The Commissioner may not make any payment under this paragraph unless  
13 the entity to which such payment is made has provided assurances to the Commissioner that  
14 such entity will contribute, for purposes of carrying out such plan, the same amount as the  
15 State would have been obligated to contribute if the State received such payment.

16 (d) REVIEW.—

17 (1) PETITION.—Any State that is dissatisfied with a final determination on a State plan  
18 for vocational rehabilitation services under the procedures referenced in section 101(b), or a  
19 final determination by the Commissioner under subsection (c) may file a petition for  
20 judicial review of such determination in the United States Court of Appeals for the circuit in  
21 which the State is located. Such a petition may be filed only within the 30-day period  
22 beginning on the date that notice of such final determination was received by the State. The  
23 clerk of the court shall transmit a copy of the petition to the Commissioner or to any officer  
24 designated by the Commissioner for that purpose. In accordance with section 2112 of title  
25 28, United States Code, the Commissioner shall file with the court a record of the  
26 proceeding on which the Commissioner based the determination being appealed by the  
27 State. Until a record is so filed, the Commissioner may modify or set aside any  
28 determination made under such proceedings.

29 (2) SUBMISSIONS AND DETERMINATIONS.—If, in an action under this subsection to review  
30 a final determination on a State plan for vocational rehabilitation services under procedures  
31 referenced in section 101(b), or a final determination by the Commissioner under subsection  
32 (c), the petitioner or the Commissioner applies to the court for leave to have additional oral  
33 submissions or written presentations made respecting such determination, the court may, for  
34 good cause shown, order the Commissioner to provide within 30 days an additional  
35 opportunity to make such submissions and presentations. Within such period, the  
36 Commissioner may revise any findings of fact, modify or set aside the determination being  
37 reviewed, or make a new determination by reason of the additional submissions and  
38 presentations, and shall file such modified or new determination, and any revised findings  
39 of fact, with the return of such submissions and presentations. The court shall thereafter  
40 review such new or modified determination.

41 (3) STANDARDS OF REVIEW.—

42 (A) IN GENERAL.—Upon the filing of a petition under paragraph (1) for judicial  
43 review of a determination, the court shall have jurisdiction—

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

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

6 (B) SUBSTANTIAL EVIDENCE.—Section 706 of title 5, United States Code, shall apply  
7 to the review of any determination under this subsection, except that the standard for  
8 review prescribed by paragraph (2)(E) of such section 706 shall not apply and the court  
9 shall hold unlawful and set aside such determination if the court finds that the  
10 determination is not supported by substantial evidence in the record of the proceeding  
11 submitted pursuant to paragraph (1), as supplemented by any additional submissions  
12 and presentations filed under paragraph (2).

13 (29 U.S.C. 727)

14 Sec. 108

## 15 SEC. 108. EXPENDITURE OF CERTAIN AMOUNTS.

16 (a) EXPENDITURE.—Amounts described in subsection (b) may not be expended by a State for  
17 any purpose other than carrying out programs for which the State receives financial assistance  
18 under this title, under part B of title VI, or under title VII.

19 (b) AMOUNTS.—The amounts referred to in subsection (a) are amounts provided to a State  
20 under the Social Security Act (42 U.S.C. 301 et seq.) as reimbursement for the expenditure of  
21 payments received by the State from allotments under section 110 of this Act.

22 (29 U.S.C. 728)

23 Sec. 109

## 24 SEC. 109. TRAINING AND SERVICES FOR EMPLOYERS.

25 A State may expend payments received under section 111 to educate and provide services to  
26 employers who have hired or are interested in hiring individuals with disabilities under programs  
27 carried out under this title, including—

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

32 (2) working with employers to-

33 (A) provide opportunities for work-based learning experience (including  
34 internships, short-term employment, apprenticeships, and fellowships), such as  
35 opportunities in conjunction with pre-employment transition services;

36 (B) recruit qualified applicants with disabilities;

37 (C) train employees with disabilities; and

38 (D) promote retention of employees who are at risk of losing a job due to

- 1           disability-related barriers;
- 2           (3) providing consultations, technical assistance, and support to employers on workplace  
3           accommodations, assistive technology, and facilities and workplace access;
- 4           (4) assisting employers with utilizing available financial support, including tax credits  
5           and deductions available for hiring or accommodating individuals with disabilities; and
- 6           (5) supporting the development of working relationships between State vocational  
7           rehabilitation agencies, their community partners, and employers on multi-State and  
8           national levels, including-
- 9           (A) encouraging employers to recruit qualified individuals with disabilities for  
10          available employment opportunities;
- 11          (B) facilitating such recruitment by disseminating information about specific  
12          available employment opportunities to qualified individuals who are recipients of  
13          vocational rehabilitation services under this subtitle, or who are applicants for  
14          such services;
- 15          (C) matching qualified individuals who are recipients of vocational rehabilitation  
16          services under this subtitle, or who are applicants for such services, with  
17          employers that have available employment opportunities on the local, regional, or  
18          national level; and
- 19          (D) providing support services, as appropriate, to employers to facilitate the hiring  
20          of qualified individuals who are recipients of vocational rehabilitation services  
21          under this subtitle, or who are applicants for such services.

22 (29 U.S.C. 728a)

## 23 Part B—Basic Vocational Rehabilitation Services

24 STATE ALLOTMENTS. Sec. 110. (a)(1) Subject to the provisions of subsection (c), (d), and  
25 (e), and section 303(d), for each fiscal year beginning before October 1, 1978, each State shall be  
26 entitled to an allotment of an amount bearing the same ratio to the amount authorized to be  
27 appropriated under section 100(b)(1) for allotment under this section as the product of—

28           (A) the population of the State; and

29           (B) the square of its allotment percentage,

30 bears to the sum of the corresponding products for all the States.

31           (2)(A) For each fiscal year beginning on or after October 1, 1978, each State shall be entitled  
32 to an allotment in an amount equal to the amount such State received under paragraph (1) for the  
33 fiscal year ending September 30, 1978, and an additional amount determined pursuant to  
34 subparagraph (B) of this paragraph.

35           (B) For each fiscal year beginning on or after October 1, 1978, each State shall be entitled to  
36 an allotment, from any amount authorized to be appropriated for such fiscal year under section  
37 100(b)(1) for allotment under this section in excess of the amount appropriated under section  
38 100(b)(1)(A) for the fiscal year ending September 30, 1978, in an amount equal to the sum of—

39           (i) an amount bearing the same ratio to 50 percent of such excess amount as the product

1 of the population of the State and the square of its allotment percentage bears to the sum of  
2 the corresponding products for all the States; and

3 (ii) an amount bearing the same ratio to 50 percent of such excess amount as the product  
4 of the population of the State and its allotment percentage bears to the sum of the  
5 corresponding products for all the States.

6 (3) The sum of the payment to any State (other than Guam, American Samoa, the Virgin  
7 Islands, and the Commonwealth of the Northern Mariana Islands) under this subsection for any  
8 fiscal year which is less than  $\frac{1}{3}$  of 1 percent of the amount appropriated under section  
9 100(b)(1), or \$3,000,000, whichever is greater, shall be increased to that amount, the total of the  
10 increases thereby required being derived by proportionately reducing the allotment to each of the  
11 remaining such States under this subsection, but with such adjustments as may be necessary to  
12 prevent the sum of the allotments made under this subsection to any such remaining State from  
13 being thereby reduced to less than that amount.

14 (b)(1) Not later than 45 days prior to the end of the fiscal year, the Commissioner shall  
15 determine, after reasonable opportunity for the submission to the Commissioner of comments by  
16 the State agency administering or supervising the program established under this title, whether  
17 any amount from the payment of an allotment to a State under section 111(a) for any fiscal year  
18 will not be utilized by such State in carrying out the purposes of this title.

19 (2)(A) As soon as practicable but not later than the end of the fiscal year, the Commissioner  
20 shall reallocate the amount available under paragraph (1) to other States, consistent with  
21 subparagraphs (B) and (C), for carrying out the purposes of this title to the extent the  
22 Commissioner determines such another State will be able to use an additional amount, during  
23 that fiscal year or subsequent fiscal year for carrying out such purposes.

24 (B)(i) The Commissioner shall reallocate a portion of the amount available under paragraph (1)  
25 for a fiscal year to each State whose allotment under subsection (a) for such fiscal year is less  
26 than such State's allotment under subsection (a) for the immediately preceding fiscal year,  
27 adjusted by the percentage change in the funds available for subsection (a) from the immediately  
28 preceding fiscal year.

29 (ii)(I) Subject to subclause (II), a State that is eligible to receive a reallocation under clause (i)  
30 shall receive a portion for a fiscal year from the amount available for reallocation under  
31 paragraph (1) that is equal to the difference between-

32 (aa) the amount such State was allotted under subsection (a) for such fiscal year; and

33 (bb) the amount such State was allotted under subsection (a) for the immediately  
34 preceding fiscal year, adjusted by the percentage change in the funds available for  
35 subsection (a) from the immediately preceding fiscal year.

36 (II) If the amount available for reallocation under paragraph (1) is insufficient to provide each  
37 State eligible to receive a reallocation under clause (i) with the portion described in subclause (I),  
38 the amount reallocated to each eligible State shall be determined by the Commissioner.

39 (C) If there are funds remaining after each State eligible to receive a reallocation under  
40 subparagraph (B)(i) receives the portion described in subparagraph (B)(ii), the Commissioner  
41 shall reallocate the remaining funds among the States requesting a reallocation.

42 (3) The Commissioner shall reallocate an amount to a State under this subsection only if the State



1 will be able to make sufficient payments from non-Federal sources to pay for the non-Federal  
2 share of the cost of vocational rehabilitation services under the State plan for the fiscal year for  
3 which the amount was appropriated.

4 (4) For the purposes of this part, any portion made available to a State for any fiscal year  
5 pursuant to this subsection shall be regarded as an increase of such State's allotment (as  
6 determined under the preceding provisions of this section) for such year.

7 (c)(1) For fiscal year 1987 and for each subsequent fiscal year, the Commissioner shall reserve  
8 from the amount appropriated under section 100(b)(1) for allotment under this section a sum,  
9 determined under paragraph (2), to carry out the purposes of part C.

10 (2)(A) In this paragraph:

11 (i) The term 'appropriated amount' means the amount appropriated under section  
12 100(b)(1) for allotment under this section.

13 (ii) The term 'covered year' means a fiscal year-

14 (I) that begins after September 30, 2007; and

15 (II) for which the appropriated amount exceeds the total of-

16 (aa) the appropriated amount for the preceding fiscal year; and

17 (bb) 0.075 percent of the appropriated amount for the preceding  
18 fiscal year.

19 (B) For each covered year, the sum referred to in paragraph (1) shall be, as determined by  
20 the Secretary-

21 (i) not more than 1.5 percent of the appropriated amount for the covered year; and

22 (ii) not less than the total of the sum reserved under this subsection for the  
23 preceding fiscal year and 0.1 percent of the appropriated amount for the covered  
24 year, subject to clause (i).

25 (C) For each fiscal year that is not a covered year, the sum referred to in paragraph (1)  
26 shall be, as determined by the Secretary-

27 (i) not more than 1.5 percent of the appropriated amount for the fiscal year; and

28 (ii) not less than the sum reserved under this subsection for the preceding fiscal  
29 year, subject to clause (i).

30 ~~—(d)(1) From any State allotment under subsection (a) for a fiscal year, the State shall reserve~~  
31 ~~not less than 10 percent of the allotted funds for the provision of transition services to assist~~  
32 ~~students with disabilities and youth with disabilities in transitioning from education to~~  
33 ~~employment, which includes pre-employment transition services under section 114.~~

34

35 (e)(1) From the appropriated amount for a fiscal year, the Commissioner shall determine –

36 (A) a portion equal to the appropriated amount, minus the sum of the products obtained  
37 by multiplying –

38 (i) each appropriated amount for the preceding fiscal year and each earlier fiscal

1                   year through 2010; by  
2                   (ii) the percentage change in the Consumer Price Index determined under section  
3                   100(c) for the corresponding fiscal year; and

4                   (B) a portion equal to the sum of the products subtracted under subparagraph (A).

5 (2) For any fiscal year in which the portion described in paragraph (1)(A) exceeds the  
6 appropriated amount for fiscal year 2010, the Commissioner shall reserve and, subject to section  
7 142(a)(2) of the Workforce Investment Act of 2011, make available one-half of the excess to  
8 carry out section 142 of the Workforce Investment Act of 2011, except that such reservation  
9 shall not exceed \$50,000,000.

10 (3) In this subsection, the term ‘appropriated amount’, used with respect to a fiscal year, means  
11 the amount of the appropriation under section 100(b)(1) for that fiscal year.

12 (29 U.S.C. 730)

13 SEC. 111 PAYMENTS TO STATES

14

15       Sec. 111. (a)(1) Except as provided in paragraph (2), from each State’s allotment under this  
16 part for any fiscal year, the Commissioner shall pay to a State an amount equal to the Federal  
17 share of the cost of vocational rehabilitation services under the plan for that State approved under  
18 section 101, including expenditures for the administration of the State plan.

19       (2)(A) The total of payments under paragraph (1) to a State for a fiscal year may not exceed its  
20 allotment under subsection (a) of section 110 for such year.

21       (B) For fiscal year 1994 and each fiscal year thereafter, the amount otherwise payable to a  
22 State for a fiscal year under this section shall be reduced by the amount by which expenditures  
23 from non-Federal sources under the State plan under this title for the previous fiscal year are less  
24 than the total of such expenditures for the second fiscal year preceding the previous fiscal year.

25       (C) The Commissioner may waive or modify any requirement or limitation under  
26 subparagraph (B) or section 101(a)(17) if the Commissioner determines that a waiver or  
27 modification is an equitable response to exceptional or uncontrollable circumstances affecting  
28 the State.

29       (3)(A) Except as provided in subparagraph (B), the amount of a payment under this section  
30 with respect to any construction project in any State shall be equal to the same percentage of the  
31 cost of such project as the Federal share that is applicable in the case of rehabilitation facilities  
32 (as defined in section 645(g) of the Public Health Service Act (42 U.S.C. 291o(a)))\1\, in such  
33 State.

34       \1\So in law. Should be “(42 U.S.C. 291o(g))”.

35       (B) If the Federal share with respect to rehabilitation facilities in such State is determined  
36 pursuant to section 645(b)(2) of such Act (42 U.S.C. 291o(b)(2)), the percentage of the cost for  
37 purposes of this section shall be determined in accordance with regulations prescribed by the  
38 Commissioner designed to achieve as nearly as practicable results comparable to the results  
39 obtained under such section.

40       (b) The method of computing and paying amounts pursuant to subsection (a) shall be as

1 follows:

2 (1) The Commissioner shall, prior to the beginning of each calendar quarter or other  
3 period prescribed by the Commissioner, estimate the amount to be paid to each State under  
4 the provisions of such subsection for such period, such estimate to be based on such records  
5 of the State and information furnished by it, and such other investigation as the  
6 Commissioner may find necessary.

7 (2) The Commissioner shall pay, from the allotment available therefor, the amount so  
8 estimated by the Commissioner for such period, reduced or increased, as the case may be,  
9 by any sum (not previously adjusted under this paragraph) by which the Commissioner  
10 finds that the estimate of the amount to be paid the State for any prior period under such  
11 subsection was greater or less than the amount which should have been paid to the State for  
12 such prior period under such subsection. Such payment shall be made prior to audit or  
13 settlement by the General Accounting Office, shall be made through the disbursing facilities  
14 of the Treasury Department, and shall be made in such installments as the Commissioner  
15 may determine.

16 (29 U.S.C. 731)

17 SEC. 112 CLIENT ASSISTANCE PROGRAM

18 Sec. 112. (a) From funds appropriated under subsection (h), the Secretary shall, in accordance  
19 with this section, make grants to agencies designated under subsection (c) (referred to  
20 individually in this section as a ‘designated CAP agency’) to establish and carry out client  
21 assistance programs to provide assistance in informing and advising all clients and client  
22 applicants of all available benefits under this Act including under section 114 and 511, and, upon  
23 request of such clients or client applicants, to assist and advocate for such clients or applicants in  
24 their relationships with projects, programs, and services provided under this Act, including  
25 assistance and advocacy in pursuing legal, administrative, or other appropriate remedies to  
26 ensure the protection of the rights and eligibility of such individuals under this Act and to  
27 facilitate access to the services funded under this Act through individual and systemic advocacy.  
28 The client assistance program shall provide information on the available services and benefits  
29 under this Act and title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et  
30 seq.) to individuals with disabilities in the State in which the program is located, especially with  
31 regard to individuals with disabilities who have traditionally been unserved or underserved by  
32 vocational rehabilitation programs. In providing assistance and advocacy under this subsection  
33 with respect to services under this title, a client assistance program may provide the assistance  
34 and advocacy with respect to services that are directly related to facilitating the employment of  
35 the individual.

36 (b) Neither an agency within the State, nor the State, may receive payments from an allotment  
37 under subsection (e) in any fiscal year unless the State has designated under subsection (c) an  
38 agency that—

39 (1) has the authority to pursue legal, administrative, and other appropriate remedies to  
40 ensure the protection of rights of individuals with disabilities who are receiving treatments,  
41 services, or rehabilitation under this Act within the State; and

42 (2) meets the requirements of designation under subsection (c).

43 (c)(1)(A) The Governor shall designate a public or private agency to conduct the client

1 assistance program under this section. Except as provided in the last sentence of this  
2 subparagraph, the Governor shall designate an agency which is independent of any agency which  
3 provides treatment, services, or rehabilitation to individuals under this Act. If there is an agency  
4 in the State which has, or had, prior to the date of enactment of the Rehabilitation Amendments  
5 of 1984, served as a client assistance agency under this section and which received Federal  
6 financial assistance under this Act, the Governor may, in the initial designation, designate an  
7 agency which provides treatment, services, or rehabilitation to individuals with disabilities under  
8 this Act.

9 (B)(i) The Governor may not redesignate the agency designated under subparagraph (A)  
10 without good cause and unless—

11 (I) the Governor has given the agency 30 days notice of the intention to make such  
12 redesignation, including specification of the good cause for such redesignation and an  
13 opportunity to respond to the assertion that good cause has been shown;

14 (II) individuals with disabilities or the individuals' representatives have timely notice of  
15 the redesignation and opportunity for public comment; and

16 (III) the agency has the opportunity to appeal to the Commissioner on the basis that the  
17 redesignation was not for good cause.

18 (ii) If, after the date of enactment of the Rehabilitation Act Amendments of 1998—

19 (I) a designated State agency undergoes any change in the organizational structure of the  
20 agency that results in the creation of one or more new State agencies or departments or  
21 results in the merger of the designated State agency with one or more other State agencies  
22 or departments; and

23 (II) an agency (including an office or other unit) within the designated State agency was  
24 conducting a client assistance program before the change under the last sentence of  
25 subparagraph (A),

26 the Governor shall redesignate the agency conducting the program. In conducting the  
27 redesignation, the Governor shall designate to conduct the program an agency that is independent  
28 of any agency that provides treatment, services, or rehabilitation to individuals with disabilities  
29 under this Act.

30 (2) In carrying out the provisions of this section, the Governor shall consult with the director  
31 of the State vocational rehabilitation agency, the head of the developmental disability protection  
32 and advocacy agency, and with representatives of professional and consumer organizations (as  
33 defined in section 106(a)) serving individuals with disabilities in the State.

34 (3) The designated CAP agency shall be accountable for the proper use of funds made  
35 available to the agency.

36 (d) The designated CAP agency may not bring any class action in carrying out its  
37 responsibilities under this section.

38 (e)(1)(A) After reserving funds under subparagraphs (E) and (F), the Secretary shall allot the  
39 remainder of the sums appropriated for each fiscal year under this section among the designated  
40 CAP agencies within the States on the basis of relative population of each State, except that no  
41 such agency shall receive less than \$50,000.

1 (B) The Secretary shall allot \$30,000 each to the designated CAP agencies located in  
2 American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana  
3 Islands.

4 (C) For the purpose of this paragraph, the term “State” does not include American Samoa,  
5 Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

6 (D)(i) For any fiscal year for which the funds appropriated for such fiscal year under  
7 subsection (h) exceed \$7,500,000, the minimum allotment under this subsection shall be  
8 \$100,000 for the designated CAP agencies located in States and \$45,000 for the designated CAP  
9 agencies located in territories.

10 (ii) For any fiscal year in which the total amount appropriated under subsection (h) exceeds  
11 the total amount appropriated under such subsection (or the corresponding provision) for the  
12 preceding fiscal year, the Secretary shall increase each of the minimum allotments under clause  
13 (i) by a percentage that shall not exceed the percentage increase, calculated by dividing such total  
14 amount for the fiscal year involved by such total amount for the preceding fiscal year. (E)(i) For  
15 any fiscal year for which the amount appropriated under subsection (h) equals or exceeds  
16 \$13,000,000, the Secretary shall reserve funds appropriated under subsection (h) to make a grant  
17 to the protection and advocacy system serving the American Indian Consortium, to provide  
18 designated CAP agency services in accordance with the requirements of this section. The amount  
19 of such a grant shall be the same amount as is provided to a territory under subparagraph (B), as  
20 increased under clauses (i) and, if applicable, (ii) of subparagraph (D).

21 (ii) In this subparagraph:

22 (I) The term ‘American Indian Consortium’ has the meaning given the term in  
23 section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of  
24 2000 (42 U.S.C. 15002).

25 (II) The term ‘protection and advocacy system’ means a protection and advocacy  
26 system established under subtitle C of title I of the Developmental Assistance and  
27 Bill of Rights Act of 2000 (42 U.S.C. 15041 et. seq.)

28 (F) For any fiscal year for which the amount appropriated under subsection (h) equals or  
29 exceeds \$14,000,000, the Secretary shall reserve not less than 1.8 percent and not more than  
30 2.2 percent of such amount to provide a grant for training and technical assistance for the  
31 programs established under this section. Such training and technical assistance shall be  
32 coordinated with activities provided under section 509(c)(1)(A).

33  
34 (2) The amount of an allotment to a designated CAP agency for a fiscal year which the  
35 Secretary determines will not be required by the designated CAP agency during the period for  
36 which it is available for the purpose for which allotted shall be available for reallocation by the  
37 Secretary at appropriate times to other designated CAP agencies with respect to which such a  
38 determination has not been made, in proportion to the original allotments of such States for such  
39 fiscal year, but with such proportionate amount for any of such other designated CAP agencies  
40 being reduced to the extent it exceeds the sum the Secretary estimates such designated CAP  
41 agency needs and will be able to use during such period, and the total of such reduction shall be  
42 similarly reallocated among the designated CAP agencies whose proportionate amounts were not  
43 so reduced. Any such amount so reallocated to a designated CAP agency for a fiscal year shall be

1 deemed to be a part of its allotment for such fiscal year.

2 (3) Except as specifically prohibited by or as otherwise provided in State law, the Secretary  
3 shall pay to the designated CAP agency the amount specified in the application approved under  
4 subsection (f).

5 (f) No grant may be made under this section unless the designated CAP agency submits an  
6 application to the Secretary at such time, in such manner, and containing or accompanied by  
7 such information as the Secretary deems necessary to meet the requirements of this section.

8 (g) The Secretary shall prescribe regulations applicable to the client assistance program which  
9 shall include the following requirements:

10 (1) No employees of the designated CAP agency of a State shall, while so employed,  
11 serve as staff or consultants of any rehabilitation project, program, or facility receiving  
12 assistance under this Act in the State.

13 (2) Each program shall be afforded reasonable access to policymaking and administrative  
14 personnel in the State and local rehabilitation programs, projects, or facilities.

15 (3)(A) Each program shall contain provisions designed to assure that to the maximum  
16 extent possible alternative means of dispute resolution are available for use at the discretion  
17 of an applicant or client of the program prior to resorting to litigation or formal adjudication  
18 to resolve a dispute arising under this section.

19 (B) In subparagraph (A), the term “alternative means of dispute resolution” means any  
20 procedure, including good faith negotiation, conciliation, facilitation, mediation,  
21 factfinding, and arbitration, and any combination of procedures, that is used in lieu of  
22 litigation in a court or formal adjudication in an administrative forum, to resolve a dispute  
23 arising under this section.

24 (4) For purposes of any periodic audit, report, or evaluation of the performance of a client  
25 assistance program under this section, the Secretary shall not require such a program to  
26 disclose the identity of, or any other personally identifiable information related to, any  
27 individual requesting assistance under such program.

28 (h) There are authorized to be appropriated such sums as may be necessary for fiscal years  
29 2012 through 2016 to carry out the provisions of this section.

30

## 31 SEC. 113. ADDITIONAL TECHNICAL ASSISTANCE.

32 The Commissioner shall provide technical assistance for programs provided under this  
33 title regarding improving the quality of vocational rehabilitation services provided through the  
34 programs, including-

35 (1) consulting with the Department of Labor, the Small Business Administration, other  
36 appropriate Federal agencies, State and local workforce development boards, and  
37 businesses or business-led intermediaries;

38 (2) based on information obtained through the consultations, providing-

39 (A) technical assistance that improves that quality by enabling designated State units

1 to develop successful partnerships with local and multi-State businesses in an  
2 effort to employ individuals with disabilities; and

3 (B) technical assistance on developing self-employment opportunities and improving  
4 employment outcomes for individuals with disabilities; and

5 (C) providing technical assistance to improve the quality of vocation[al] rehabilitation  
6 services to programs carried out under section 121.

7  
8 **SEC. 114. PROVISION OF PRE-EMPLOYMENT**  
9 **TRANSITION SERVICES FOR STUDENTS WITH**  
10 **DISABILITIES.**

11 (a) IN GENERAL.-- ~~From the funds reserved under section 110(d), and funds made~~  
12 ~~available through other funding sources,~~ Each State shall ensure that the designated  
13 State unit shall provide, or arrange for the provision of, pre-employment transition  
14 services for all students with disabilities who are in need of such services.

15 (b) LOCAL PRE-EMPLOYMENT TRANSITION COORDINATOR.--

16 (1) COORDINATOR. ~~Each local office of a Designated State unit shall designate an~~  
17 ~~office at least 1 staff person to carry out the responsibilities of a Local Pre-~~  
18 ~~Employment Transition Coordinator for students with disabilities, as well as~~  
19 ~~appropriate staff to support the Coordinator in carrying out the responsibilities as~~  
20 ~~described in paragraph (2).~~

21 (2) RESPONSIBILITIES.-It shall be the responsibility of a Local Pre-Employment  
22 Transition Coordinator to-

23 (A) ~~attend individualized education program meetings, as appropriate, for students~~  
24 ~~with disabilities;~~

25 (B) work with the local workforce development boards, one-stop centers, and  
26 employers to develop job opportunities for students with disabilities, including  
27 internships, summer employment opportunities and other employment  
28 opportunities available throughout the school year, and apprenticeships; and

29 (C) work with schools, including those carrying out activities under section  
30 614(d)(1)(A)(i)(VIII) of the Individuals with Disabilities Education Act (20  
31 U.S.C. 1414(d)(1)(A)(i)(VIII), to coordinate and ensure the provision of pre-  
32 employment transition services for students with disabilities, including  
33 services described in clauses (i) through (v) of section 7(30)(B).

34 (c) NATIONAL PRE-EMPLOYMENT TRANSITION COORDINATION.-

35 (1) IN GENERAL.-The Secretary of Education and the Secretary of Labor shall each  
36 designate a lead staff person to fulfill the responsibilities of a National Pre-  
37 Employment Transition Coordinator for Students with Disabilities. The National  
38 Pre-Employment Transition Coordinators shall work cooperatively, and with  
39 other Federal agencies including the Corporation for National and Community

- 1 Service, to develop and coordinate-
- 2 (A) agency policies related to pre-employment transition services; and
- 3 (B) resources to increase job opportunities for students with disabilities, including
- 4 internships, summer employment opportunities and other employment
- 5 opportunities available through the school year, and apprenticeships.
- 6 (2) CONSTRUCTION.-Nothing in this subsection shall be construed to prohibit
- 7 either Secretary from assigning additional responsibilities, other than the
- 8 responsibilities described in this subsection, to a staff person designated under this
- 9 subsection.

10 (29 U.S.C. 732)

11 Sec. 121

## 12 Part C—American Indian Vocational Rehabilitation Services

13 vocational rehabilitation services grants

14 Sec. 121. (a) The Commissioner, in accordance with the provisions of this part, may make

15 grants to the governing bodies of Indian tribes located on Federal and State reservations (and

16 consortia of such governing bodies) to pay 90 percent of the costs of vocational rehabilitation

17 services for American Indians who are individuals with disabilities residing on or near such

18 reservations (referred to in this section as ‘eligible individuals’), consistent with such eligible

19 individuals’ strengths, resources, priorities, concerns, abilities, capabilities, interests, and

20 informed choice, so that such individuals may prepare for, and engage in, high quality

21 employment that will increase opportunities for economic self-sufficiency. The non-Federal

22 share of such costs may be in cash or in kind, fairly valued, and the Commissioner may waive

23 such non-Federal share requirement in order to carry out the purposes of this Act.

24 (b)(1) No grant may be made under this part for any fiscal year unless an application therefor

25 has been submitted to and approved by the Commissioner. The Commissioner may not approve

26 an application unless the application—

27 (A) is made at such time, in such manner, and contains such information as the

28 Commissioner may require;

29 (B) contains assurances that the rehabilitation services provided under this part to

30 American Indians who are individuals with disabilities residing on or near a reservation in a

31 State shall be, to the maximum extent feasible, comparable to rehabilitation services

32 provided under this title to other individuals with disabilities residing in the State and that,

33 where appropriate, may include services traditionally used by Indian tribes;

34 (C) contains assurances that the application was developed in consultation with the

35 designated State unit of the State; and

36 (D) contains assurances that-

37 (i) all decisions affecting eligibility for vocational rehabilitation services, the

38 nature and scope of available vocational rehabilitation services, and the provision

39 of such services, will be made by a representative of the tribal vocational

40 rehabilitation program funded through the grant; and



1 (ii) such decisions will not be delegated to another agency or individual.

2 (2) The provisions of sections 5, 6, 7, and 102(a) of the Indian Self-Determination and  
3 Education Assistance Act shall be applicable to any application submitted under this part. For  
4 purposes of this paragraph, any reference in any such provision to the Secretary of Education or  
5 to the Secretary of the Interior shall be considered to be a reference to the Commissioner.

6 (3) If an application is approved under this part for a grant, the resulting grant shall be for 5  
7 years, if the grant recipient complies with the program requirements for the program carried out  
8 under this part (including the regulations promulgated for the program). The grant shall be  
9 renewed for additional 5-year periods if the Commissioner determines that the grant recipient  
10 demonstrated acceptable past performance and the grant recipient submits, and obtains approval  
11 by the Commissioner, for a plan, including a proposed budget, that identifies future performance  
12 criteria, goals, and objectives. The State shall continue to provide vocational rehabilitation  
13 services under the State plan to American Indians residing on or near a reservation whenever  
14 such State includes any such American Indians in its State population under section 110(a)(1).

15 (4) In allocating funds for grants under this part, the Secretary shall give priority to paying the  
16 continuation costs of projects in existence on the date of the allocation and may provide for  
17 increases in funding for such projects that the Secretary determines to be necessary. (5) Nothing  
18 in this section may be construed to authorize a separate service delivery system for Indian  
19 residents of a State who reside in non-reservation areas.

20 (c)(1) From the funds appropriated and made available to carry out this part for any fiscal  
21 year, beginning with fiscal year 2012, the Commissioner shall first reserve not less than 1.8  
22 percent and not more than 2 percent of the funds to provide training and technical assistance to  
23 governing bodies described in subsection (a) for such fiscal year.

24 (2) From the funds reserved under paragraph (1), the Commissioner shall make grants to, and  
25 enter into contracts and other arrangements with, entities that have experience in the operation of  
26 vocational rehabilitation services programs under this section to provide such training and  
27 technical assistance with respect to developing, conducting, administering, and evaluating such  
28 programs.

29 (3) The Commissioner shall conduct a survey of the governing bodies regarding training and  
30 technical assistance needs in order to determine funding priorities for such grants, contracts, or  
31 other arrangements.

32 (4) To be eligible to receive a grant or enter into a contract or other arrangement under this  
33 section, such an entity shall submit an application to the Commissioner at such time, in such  
34 manner, and containing a proposal to provide such training and technical assistance, and  
35 containing such additional information as the Commissioner may require. The Commissioner  
36 shall provide for peer review of grant applications by panels that include persons who are not  
37 government employees and who have experience in the operation of vocational rehabilitation  
38 services programs under this section.

39 (d) The term "reservation" includes Indian reservations, public domain Indian allotments,  
40 former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional  
41 corporations, and village corporations under the provisions of the Alaska Native Claims  
42 Settlement Act.

43 (29 U.S.C. 741)

1 **Part D—Vocational Rehabilitation Services Client Information**

2 Sec. 131

3 **SEC. 131. DATA SHARING.**

4 (a) IN GENERAL.—

5 (1) MEMORANDUM OF UNDERSTANDING.—The Secretary of Education and the Secretary  
6 of Health and Human Services shall enter into a memorandum of understanding for the  
7 purposes of exchanging data of mutual importance—

8 (A) that concern clients of designated State agencies; and

9 (B) that are data maintained either by—

10 (i) the Rehabilitation Services Administration, as required by section 13; or

11 (ii) the Social Security Administration, from its Summary Earnings and  
12 Records and Master Beneficiary Records.

13 (2) EMPLOYMENT STATISTICS.—The Secretary of Labor shall provide the Commissioner  
14 with employment statistics specified in section 15 of the Wagner-Peyser Act, that facilitate  
15 evaluation by the Commissioner of the program carried out under part B, and allow the  
16 Commissioner to compare the progress of individuals with disabilities who are assisted  
17 under the program in securing, retaining, regaining, and advancing in employment with the  
18 progress made by individuals who are assisted title II of the Workforce Investment Act of  
19 2011.

20 (b) TREATMENT OF INFORMATION.—For purposes of the exchange described in subsection  
21 (a)(1), the data described in subsection (a)(1)(B)(ii) shall not be considered return information  
22 (as defined in section 6103(b)(2) of the Internal Revenue Code of 1986) and, as appropriate, the  
23 confidentiality of all client information shall be maintained by the Rehabilitation Services  
24 Administration and the Social Security Administration.

25 **SEC. 132 GAO STUDY ON INTERACTION WITH THE**  
26 **TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.**

27 (a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the  
28 interaction of programs carried out under title I of the Rehabilitation Act of 1973 (29  
29 U.S.C. 720 et. seq.) with the Ticket to Work and Self-Sufficiency Program established  
30 under section 1148 of the Social Security Act (42 U.S.C. 1320b-19), including the impact  
31 of the interaction on beneficiaries, community rehabilitation programs (as defined in  
32 section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705)), and designated State agencies  
33 (as so defined).

34 (b) CONDUCT OF STUDY.—In conducting the study under paragraph (1), the Comptroller  
35 General of the United States shall consult with all types of participants in the Ticket to  
36 Work and Self-Sufficiency Program, including the Social Security Administration,  
37 ticketholders, such designated State agencies, entities carrying out such community  
38 rehabilitation programs (including employment networks), protection and advocacy  
39 systems, relevant contractors, and organizations representing the interests of ticketholders.

1 (c) REPORT TO CONGRESS.-Not later than 18 months after the date of enactment of this  
2 Act, the Comptroller General of the United States shall submit a report, based on the  
3 findings of the study conducted pursuant to this subsection, to the Committee on Education  
4 and the Workforce of the House of Representatives, the Committee on Ways and Means of  
5 the House of Representatives, the Committee on Health, Education, Labor, and Pensions  
6 of the Senate, and the Committee on Finance of the Senate.

7  
8 (29 U.S.C. 751)

## 9 TITLE II—RESEARCH AND TRAINING

10 Sec. 200

11 declaration of purpose

12 Sec. 200. The purpose of this title is to—

13 (1) provide for research, demonstration projects, training, technical assistance, and related  
14 activities to maximize the full inclusion and integration into society, employment,  
15 independent living, family support, and economic and social self-sufficiency of individuals  
16 with disabilities of all ages, with particular emphasis on improving the effectiveness of  
17 services authorized under this Act;

18 (2) provide for a comprehensive and coordinated approach to the support and conduct of  
19 such research, demonstration projects, training, technical assistance, and related activities  
20 and to ensure that the approach is in accordance with the 5-year plan developed under  
21 section 202(h);

22 (3) promote the transfer, use, and adoption of rehabilitation technology to individuals  
23 with disabilities in a timely and efficient manner through research and demonstration  
24 projects relating to—

25 (A) the procurement process for the purchase of rehabilitation technology;

26 (B) the utilization of rehabilitation technology on a national basis;

27 (C) specific adaptations or customizations of products to enable individuals with  
28 disabilities to live more independently; and

29 (D) the development or transfer of assistive technology and dissemination of  
30 research findings to individuals with disabilities and other interested entities;

31 (4) ensure the widespread distribution, in usable formats, of practical scientific and  
32 technological information—

33 (A) generated by research, demonstration projects, training, and related activities;  
34 and

35 (B) regarding state-of-the-art practices, improvements in the services authorized  
36 under this Act, rehabilitation technology, and new knowledge regarding disabilities,  
37 to rehabilitation professionals, individuals with disabilities, and other interested parties,  
38 including the general public;

1 (5) identify effective strategies that enhance the opportunities of individuals with  
2 disabilities to engage in employment, including employment involving telecommuting and  
3 self-employment;

4 (6) increase opportunities for researchers who are members of traditionally underserved  
5 populations, including researchers who are members of minority groups and researchers  
6 who are individuals with disabilities; and

7 (7) identify effective strategies for supporting the employment of individuals with  
8 disabilities in competitive integrated employment.

9 (29 U.S.C. 760)

10 Sec. 201

11 authorization of appropriations

12 Sec. 201. (a) There are authorized to be appropriated—

13 (1) for the purpose of providing for the expenses of the National Institute on Disability  
14 and Rehabilitation Research under section 202, which shall include the expenses of the  
15 Rehabilitation Research Advisory Council under section 205, and shall not include the  
16 expenses of such Institute to carry out section 204, such sums as may be necessary for each  
17 of fiscal years 2012 through 2016; and

18 (2) to carry out section 204, such sums as may be necessary for each of fiscal years 2012  
19 through 2016.

20 (b) Funds appropriated under this title shall remain available until expended.

21 (29 U.S.C. 761)

22 Sec. 202

23 national institute on disability and rehabilitation research

24 Sec. 202. (a)(1) There is established within the Department of Education a National Institute  
25 on Disability and Rehabilitation Research (hereinafter in this title referred to as the “Institute”),  
26 which shall be headed by a Director (hereinafter in this title referred to as the “Director”), in  
27 order to—

28 (A) promote, coordinate, and provide for—

29 (i) research;

30 (ii) demonstration projects and training, and technical assistance;

31 (iii) knowledge translation and dissemination; and

32 (iv) related activities,

33 with respect to individuals with disabilities;

34 (B) more effectively carry out activities through the programs under section 204 and  
35 activities under this section;

36 (C) widely disseminate information from the activities described in subparagraphs (A)  
37 and (B); and

- 1 (D) provide leadership in advancing the quality of life of individuals with disabilities.
- 2 (2) In the performance of the functions of the office, the Director shall be directly responsible  
3 to the Secretary or to the same Under Secretary or Assistant Secretary of the Department of  
4 Education to whom the Commissioner is responsible under section 3(a).
- 5 (b) The Director, through the Institute, shall be responsible for—
- 6 (1) administering the programs described in section 204 and activities under this section;
- 7 (2) widely disseminating findings, conclusions, and recommendations, resulting from  
8 research, demonstration projects, training, and related activities (referred to in this title as  
9 “covered activities”) funded by the Institute, to—
- 10 (A) individuals with disabilities and the individuals’ representatives;
- 11 (B) other Federal, State, tribal, and local public agencies;
- 12 (C) private organizations engaged in research relating to rehabilitation or providing  
13 rehabilitation services;
- 14 (D) rehabilitation practitioners; and
- 15 (E) international organizations;
- 16 (3) coordinating, through the Interagency Committee established by section 203 of this  
17 Act, all Federal programs and policies relating to research on disability and rehabilitation;
- 18 (4) widely disseminating educational materials and research results, concerning ways to  
19 maximize the full inclusion and integration into society, employment, independent living,  
20 education, health and health care, family support, and economic and social self-sufficiency  
21 of individuals with disabilities, to—
- 22 (A) public and private entities, including—
- 23 (i) elementary and secondary schools (as defined in section 9101 of the  
24 Elementary and Secondary Education Act of 1965\1; and  
25 \1\So in law. Should insert “)” after “1965”.
- 26 (ii) institutions of higher education; and
- 27 (iii) nongovernmental agencies and organizations;
- 28 (B) rehabilitation practitioners;
- 29 (C) employers and organizations representing employers with respect to  
30 employment-based educational materials or research;
- 31 (D) individuals with disabilities (especially such individuals who are members of  
32 minority groups or of populations that are unserved or underserved by programs under  
33 this Act);
- 34 (E) the individuals’ representatives for the individuals described in subparagraph  
35 (D); and
- 36 (F) the Committee on Health, Education, Labor, and Pensions of the Senate, the  
37 Committee on Appropriations of the Senate, the Committee on Education and the

1 Workforce of the House of Representatives, the Committee on Appropriations of the  
2 House of Representatives, and the National Council on Disability.

3 (5)(A) conducting an education program to inform the public about ways of providing for  
4 the rehabilitation of individuals with disabilities, including information relating to—

5 (i) family care;

6 (ii) self-care; and

7 (iii) assistive technology devices and assistive technology services; and

8 (B) as part of the program, disseminating engineering information about assistive  
9 technology devices;

10 (6) conducting conferences, seminars, and workshops (including in-service training  
11 programs and programs for individuals with disabilities) concerning advances in disability  
12 and rehabilitation research and rehabilitation technology (including advances concerning  
13 the selection and use of assistive technology devices and assistive technology services),  
14 pertinent to the full inclusion and integration into society, employment, independent living,  
15 education, health and health care, family support, and economic and social self-sufficiency  
16 of individuals with disabilities;

17 (7) reporting to Congress on a continuing and yearly basis with respect to the  
18 implementation and conduct of programs and activities carried out under this title, including  
19 dissemination activities;

20 (8) producing, in conjunction with the Department of Labor, the National Center for  
21 Health Statistics, the Bureau of the Census, the Centers for Medicare & Medicaid Services,  
22 the Social Security Administration, the Bureau of Indian Affairs, the Indian Health Service,  
23 and other Federal departments and agencies, as may be appropriate, statistical reports and  
24 studies on the employment, self-employment, telecommuting, health and health care,  
25 income, education,, and other demographic characteristics of individuals with disabilities,  
26 including information on individuals with disabilities who live in rural or inner-city settings,  
27 with particular attention given to underserved populations, and widely disseminating such  
28 reports and studies to rehabilitation professionals, individuals with disabilities, the  
29 individuals' representatives, and others to assist in the planning, assessment, and evaluation  
30 of vocational and other rehabilitation services for individuals with disabilities;

31 (9) conducting research on consumer satisfaction with vocational rehabilitation services  
32 for the purpose of identifying effective rehabilitation programs and policies that promote the  
33 independence of individuals with disabilities and achievement of long-term vocational  
34 goals;

35 (10) conducting research to examine the relationship between the provision of specific  
36 services and successful, sustained employment outcomes, including employment outcomes  
37 involving self-employment, supported employment (including customized employment), and  
38 telecommuting; and

39 (11) coordinating activities with the Attorney General regarding the provision of  
40 information, training, or technical assistance regarding the Americans with Disabilities Act  
41 of 1990 (42 U.S.C. 12101 et seq.) to ensure consistency with the plan for technical  
42 assistance required under section 506 of such Act (42 U.S.C. 12206); and

1 (12) ensuring that the research activities and findings, demonstration projects, reports,  
2 evaluations, studies, information described in this section, as well as information about any  
3 reports in progress, will be made publicly available in a timely manner, including through  
4 electronic means (such as the website of the Department of Education and other relevant  
5 government agency websites) in order to inform the public about the research and activities  
6 performed under this title.

7 (c)(1) The Director, acting through the Institute or one or more entities funded by the Institute,  
8 shall provide for the development and dissemination of models to address consumer-driven  
9 information needs related to assistive technology devices and assistive technology services.

10 (2) The development and dissemination of models may include—

11 (A) convening groups of individuals with disabilities, family members and advocates of  
12 such individuals, commercial producers of assistive technology, and entities funded by the  
13 Institute to develop, assess, and disseminate knowledge about information needs related to  
14 assistive technology;

15 (B) identifying the types of information regarding assistive technology devices and  
16 assistive technology services that individuals with disabilities find especially useful;

17 (C) evaluating current models, and developing new models, for transmitting the  
18 information described in subparagraph (B) to consumers and to commercial producers of  
19 assistive technology; and

20 (D) disseminating through one or more entities funded by the Institute, the models  
21 described in subparagraph (C) and findings regarding the information described in  
22 subparagraph (B) to consumers and commercial producers of assistive technology.

23 (d)(1) The Director of the Institute shall be appointed by the Secretary. The Director shall be  
24 an individual with substantial experience in rehabilitation and in research administration, and  
25 shall not be an employee of the Department of Education during the 90-day period before such  
26 appointment.

27 (2) The Director, subject to the approval of the President, may appoint, for terms not to exceed  
28 three years, without regard to the provisions of title 5, United States Code, governing  
29 appointment in the competitive service, and may compensate, without regard to the provisions of  
30 chapter 51 and subchapter III of chapter 53 of such title relating to classification and General  
31 Schedule pay rates, such technical and professional employees of the Institute as the Director  
32 determines to be necessary to accomplish the functions of the Institute and also appoint and  
33 compensate without regard to such provisions, in a number not to exceed one-fifth of the number  
34 of full-time, regular technical and professional employees of the Institute.

35 (3) The Director may obtain the services of consultants, without regard to the provisions of  
36 title 5, United States Code, governing appointments in the competitive service.

37 (e) The Director, pursuant to regulations which the Secretary shall prescribe, may establish  
38 and maintain fellowships with such stipends and allowances, including travel and subsistence  
39 expenses provided for under title 5, United States Code, as the Director considers necessary to  
40 procure the assistance of highly qualified research fellows, including individuals with  
41 disabilities, from the United States and foreign countries.

42 (f)(1) The Director shall provide for scientific peer review of all applications for financial

1 assistance for research, training, and demonstration projects over which the Director has  
2 authority. The scientific peer review shall be conducted by individuals who are not Department  
3 of Education employees, who are scientists or other experts in the disability and rehabilitation  
4 field (including the independent living field), including individuals with disabilities and the  
5 individuals' representatives, and who have sufficient knowledge to review applications for the  
6 financial assistance. Such panel shall include a member of the covered school community (for  
7 any activity resulting in educational materials or a product to be used in a covered school), a  
8 member of the business community (for an activity resulting in a product to be used in an  
9 employment activity), a member of the assistive technology community (for an activity relating  
10 to assistive technology), and an accessible electronic and information technology vendor or  
11 manufacturer (for an activity relating to accessible electronic and information technology). The  
12 peer review panel shall include a director of a designated State unit for a panel that considers  
13 research related to the operation or administration of the vocational rehabilitation program.

14 (2) In providing for such scientific peer review, the Secretary shall provide for training, as  
15 necessary and appropriate, to facilitate the effective participation of those individuals selected to  
16 participate in such review.

17 (g) Not less than 90 percent of the funds appropriated under this title for any fiscal year shall  
18 be expended by the Director to carry out activities under this title through grants, contracts, or  
19 cooperative agreements. Up to 10 percent of the funds appropriated under this title for any fiscal  
20 year may be expended directly for the purpose of carrying out the functions of the Director under  
21 this section.

22 (h)(1) The Director shall—

23 (A) by October 1, 1998, and every fifth October 1 thereafter, prepare and publish in the  
24 Federal Register for public comment a draft of a 5-year plan that outlines priorities for  
25 disability and rehabilitation research, demonstration projects, training, dissemination, and  
26 related activities and explains the basis for such priorities;

27 (B) by June 1, 1999, and every fifth June 1 thereafter, after considering public comments,  
28 submit the plan in final form to the appropriate committees of Congress;

29 (C) at appropriate intervals, prepare and submit revisions in the plan to the appropriate  
30 committees of Congress; and

31 (D) annually prepare and submit progress reports on the plan to the appropriate  
32 committees of Congress.

33 (2) Such plan shall—

34 (A) identify any covered activity that should be conducted under this section and section  
35 204 respecting the full inclusion and integration into society of individuals with disabilities;

36 (B) determine the funding priorities for covered activities to be conducted under this  
37 section and section 204;

38 (C) specify appropriate goals and timetables for covered activities to be conducted under  
39 this section and section 204;

40 (D) be developed by the Director—

41 (i) after consultation with the Rehabilitation Research Advisory Council established



1 under section 205;

2 (ii) in coordination with the Commissioner;

3 (iii) after consultation with the National Council on Disability established under title  
4 IV, the Secretary of Education, officials responsible for the administration of the  
5 Developmental Disabilities Assistance and Bill of Rights Act of 2000, and the  
6 Interagency Committee on Disability Research established under section 203; and

7 (iv) after full consideration of the input of individuals with disabilities and the  
8 individuals' representatives, organizations representing individuals with disabilities,  
9 providers of services furnished under this Act, researchers in the rehabilitation field,  
10 and any other persons or entities the Director considers to be appropriate;

11 (E) specify plans for widespread dissemination of the results of covered activities, in  
12 accessible formats, to rehabilitation practitioners, individuals with disabilities, and the  
13 individuals' representatives; and

14 (F) specify plans for widespread dissemination of the results of covered activities that  
15 concern individuals with disabilities who are members of minority groups or of populations  
16 that are unserved or underserved by programs carried out under this Act.

17 (i)(1) The Director shall determine if entities that received financial assistance under this  
18 title are complying with the applicable requirements of this Act and achieving measurable  
19 goals, described in section 204(d)(2), that are consistent with the requirements of the  
20 programs under which the entities received the financial assistance.

21 (2) To assist the Director in carrying out the responsibilities described in paragraph (1),  
22 the Director shall require recipients of financial assistance under this title to submit relevant  
23 information to evaluate program outcomes with respect to the measurable goals described in  
24 section 204(d)(2) pursuant to section 75.118 of title 34, Code of Federal Regulations.

25 (j) In order to promote cooperation among Federal departments and agencies conducting  
26 research programs, the Director shall consult with the administrators of such programs, and with  
27 the Interagency Committee established by section 203, regarding the design of research projects  
28 conducted by such entities and the results and applications of such research.

29 (k)(1) The Director shall take appropriate actions to provide for a comprehensive and  
30 coordinated research program under this title. In providing such a program, the Director may  
31 undertake joint activities with other Federal entities engaged in research and with appropriate  
32 private entities. Any Federal entity proposing to establish any research project related to the  
33 purposes of this Act shall consult, through the Interagency Committee established by section  
34 203, with the Director as Chairperson of such Committee and provide the Director with  
35 sufficient prior opportunity to comment on such project.

36 (2) Any person responsible for administering any program of the National Institutes of Health,  
37 the Department of Veterans Affairs, the National Science Foundation, the National Aeronautics  
38 and Space Administration, the Office of Special Education and Rehabilitative Services, or of any  
39 other Federal entity, shall, through the Interagency Committee established by section 203,  
40 consult and cooperate with the Director in carrying out such program if the program is related to  
41 the purposes of this title.

42 (l) The Director shall make grants to institutions of higher education for the training of

1 rehabilitation researchers, including individuals with disabilities and traditionally underserved  
2 populations of individuals with disabilities, as described in section 21, with particular attention to  
3 research areas that-

4 (1) support the implementation and objectives of this Act; and

5 (2) improve the effectiveness of services authorized under this Act.

6 (m)(1) Not later than December 31 of each year, the Director shall prepare, and submit to the  
7 Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the  
8 Committee on Education and the Workforce of the House of Representatives, a report on the  
9 activities funded under this title.

10 (2) The report under paragraph (1) shall include-

11 (A) a compilation and summary of the information provided by recipient of financial  
12 assistance for such activities under this title;

13 (B) a summary of recipients of financial assistance under this title and the progress of the  
14 recipients of financial assistance in achieving the measurable goals described in section  
15 204(d)(2); and

16 (C) a summary of practical implications of research outcomes and anticipated next steps.

17 (n)(1) If the Director determines that an entity that receives financial assistance under this title  
18 fails to comply with the applicable requirements of this Act, or to make progress toward  
19 achieving the measurable goals described in section 204(d)(2), with respect to the covered  
20 activities involved, the Director shall enact monitoring and enforcement measures pursuant to  
21 section 75.253 of title 34, Code of Federal Regulations.

22 (2) As part of the annual report required under subsection (m), the Secretary shall  
23 describe each action taken by the Secretary under paragraph (1) and the outcomes of such  
24 action.

25 (29 U.S.C. 762)

## 26 **Sec. 203**

### 27 **interagency committee**

28 Sec. 203. (a)(1) In order to promote coordination, cooperation, and collaboration among  
29 Federal departments and agencies conducting disability and rehabilitation research programs,  
30 including programs relating to assistive technology research and research that incorporates the  
31 principles of universal design, there is established within the Federal Government an Interagency  
32 Committee on Disability Research (hereinafter in this section referred to as the "Committee"),  
33 chaired by the Director and comprised of such members as the President may designate,  
34 including the following (or their designees): the Director, the Commissioner of the Rehabilitation  
35 Services Administration, the Assistant Secretary for Special Education and Rehabilitative  
36 Services, the Chairman of the National Council on Disability, the Assistant Secretary for  
37 Disability Employment Policy, the Secretary of Defense, the Director of the Office on Disability  
38 of the Department of Health and Human Services, the Secretary of Education, the Secretary of  
39 Veterans Affairs, the Director of the National Institutes of Health, the Director of the National

1 Institute of Mental Health, the Administrator of the National Aeronautics and Space  
2 Administration, the Secretary of Transportation, the Assistant Secretary of the Interior for Indian  
3 Affairs, the Director of the Indian Health Service, the Director of the National Science  
4 Foundation, the Secretary of Commerce, and the Administrator of the Small Business  
5 Administration .

6 (2) The Committee shall meet not less than four times each year.

7 (b)(1) After receiving input from individuals with disabilities and their representatives, the  
8 Committee shall identify, assess, and seek to coordinate all Federal programs, activities, and  
9 projects, and plans for such programs, activities, and projects with respect to the conduct of  
10 research (including assistive technology research and research that incorporates the principles of  
11 universal design) related to rehabilitation of individuals with disabilities.

12 (2) In carrying out its duties with respect to the conduct of Federal research (including  
13 assistive technology research and research that incorporates the principles of universal design)  
14 related to rehabilitation of individuals with disabilities, the Committee shall—

15 (A) share information regarding the range of assistive technology research, rehabilitation  
16 research, and research that incorporates the principles of universal design, that is being  
17 carried out by members of the Committee and other Federal departments and organizations;

18 (B) identify, and make efforts to address, gaps in assistive technology research,  
19 rehabilitation research, and research that incorporates the principles of universal design, that  
20 are not being adequately addressed;

21 (C) identify, and establish, clear research priorities related to assistive technology  
22 research and research that incorporates the principles of universal design for the Federal  
23 Government;

24 (D) promote interagency collaboration and joint research activities relating to assistive  
25 technology research rehabilitation research, and research that incorporated the principles of  
26 universal design at the Federal level, and reduce unnecessary duplication of effort regarding  
27 these types of research within the Federal Government;

28 (E) optimize the productivity of Committee members through resource sharing and other  
29 cost-saving activities, related to assistive technology research, rehabilitation research, and  
30 research that incorporates the principles of universal design; and

31 (c)(1) Not later than 2 years after the date of enactment of the Workforce Investment Act of  
32 2011, and not later than every 3 years thereafter, the Committee shall host a disability and  
33 rehabilitation research summit bringing together policymakers, representatives from Federal  
34 agencies conducting disability and rehabilitation research, nongovernmental funders of  
35 rehabilitation research, nongovernmental funders of rehabilitation research, and organizations  
36 representing individuals with disabilities, researchers, and providers.

37 (2) Based on the proceedings of the summit described in paragraph (1), the Committee  
38 shall develop a comprehensive governmentwide strategic plan for disability and rehabilitation  
39 research. The strategic plan shall include measurable goals and objectives, action-oriented  
40 measures, timetables, budgets, and assignment of responsible individuals and agencies for  
41 carrying out research activities. At a minimum, the strategic plan shall include-

42 (A) research priorities and recommendations;

1 (B) the development of a searchable government-wide inventory of disability and  
2 rehabilitation research for trend and data analysis across Federal agencies;

3 (C) a set of guiding principles and policies and procedures for conducting and  
4 administering disability and rehabilitation research across Federal agencies; and

5 (D) a summary of underemphasized and of duplicative areas of research.

6 (3) Not later than 90 days after the conclusion of the summit described in paragraph (1),  
7 the strategic plan described in paragraph (2) shall be submitted to the President and the  
8 Committee on Health, Education, Labor, and Pensions of the Senate and the Committee  
9 on Education and the Workforce of the House of Representatives.

10 (4) The annual report prepared by the Committee under subsection (d) shall include an  
11 annual accounting of the progress made in implementing the strategic plan described in  
12 paragraph (2), including achievement of measurable goals and objectives, timetables,  
13 budgets, and the assignment of responsible individuals and agencies.

14 (5) The Committee shall have the authority to facilitate collaborative projects among  
15 Federal agencies by receiving the transfer of funds from such agencies.

16  
17 (d) Not later than December 31 of each year, the Committee shall prepare and submit, to the  
18 President and to the Committee on Education and the Workforce of the House of Representatives  
19 and the Committee on Labor and Human Resources of the Senate, a report that—

20 (1) describes the progress of the Committee in fulfilling the duties described in  
21 subsections (b) and (c), and including specifically for subsection (c);

22 (A) a report of the progress made in implementing the strategic plan;

23 (B) a description of the achievement of measurable goals, objectives, and timetables;

24 (C) detailed budgetary information; and

25 (D) the assignment of responsible individuals and agencies.

26 (2) makes such recommendations as the Committee determines to be appropriate with  
27 respect to coordination of policy and development of objectives and priorities for all Federal  
28 programs relating to the conduct of research (including assistive technology research and  
29 research that incorporates the principles of universal design) related to rehabilitation of  
30 individuals with disabilities; and

31 (3) describes the activities that the Committee recommended to be funded through grants,  
32 contracts, cooperative agreements, and other mechanisms, for assistive technology research  
33 and development and research and development that incorporates the principles of universal  
34 design.

35 (e) In this section—

36 (1) the terms “assistive technology” and “universal design” have the meanings given the  
37 terms in section 3 of the Assistive Technology Act of 1998;

38 (2) the term “targeted individuals” has the meaning given the term “targeted individuals  
39 and entities” in section 3 of the Assistive Technology Act of 1998; and

1 (3) the term ‘rehabilitation research’ means research on issues and topics related to  
2 attaining maximum self-sufficiency and function by individuals with disabilities, including  
3 research on assistive technology and universal design, employment, education, health and  
4 function, and community integration and participation.

5 (29 U.S.C. 763)

## 6 **Sec. 204**

### 7 **research and other covered activities**

8 Sec. 204. (a)(1) To the extent consistent with priorities established in the 5-year plan described  
9 in section 202(h), the Director may make grants to and contracts with States and public or private  
10 agencies and organizations, including institutions of higher education, Indian tribes, and tribal  
11 organizations, to pay part of the cost of projects for the purpose of planning and conducting  
12 research, demonstration projects, training, and related activities, the purposes of which are to  
13 develop methods, procedures, and rehabilitation technology, that have practical real life  
14 applications and maximize the full inclusion and integration into society, employment,  
15 education, independent living, health and health care, family support, and economic and social  
16 self-sufficiency of individuals with disabilities, especially individuals with the most significant  
17 disabilities, and improve the effectiveness of services authorized under this Act.

18 (2)(A) In carrying out this section, the Director shall emphasize projects that support the  
19 implementation of titles I, III, V, VI, and VII, including projects addressing the needs described  
20 in the State plans submitted under section 101 or 704 by State agencies and from which the  
21 research findings can be transferred to practice.

22  
23 *Section 204 (a)(2)(A) In no less than 3 months after enactment the Director shall convene*  
24 *stakeholders to examine the case closure system and the standards and indicators used to*  
25 *evaluate VR to assess whether they have a negative impact on the provision of services to*  
26 *people with the most significant disabilities and develop strategies and incentives to*  
27 *address any issues they identify. In no less than 6 months after the stakeholder process is*  
28 *complete, a report will be provided to the RSA Commissioner.*

29  
30 (B) Such projects, as described in the State plans submitted by State agencies, may include—

31 (i) medical and other scientific, technical, methodological, and other investigations into  
32 the nature of disability, methods of analyzing it, and restorative techniques, including basic  
33 research where related to rehabilitation techniques or services;

34 (ii) studies and analysis of policies and the interaction of how particular factors  
35 (industrial, vocational, educational, employment, social, recreational, psychiatric,  
36 psychological, economic, and health and health care) including for traditionally  
37 underserved populations as described in section 21, affect the rehabilitation of individuals  
38 with disabilities;

39 (iii) studies and analysis of special problems of individuals who have significant  
40 challenges attempting to engage with community life outside of their homes and individuals

1 who are institutionalized;

2 (iv) studies, analyses, and demonstrations of architectural and engineering design adapted  
3 to meet the special needs of individuals with disabilities, including the principles of  
4 universal design and the interoperability of products and services;

5 (v) studies, analyses, and other activities related to supported employment, and to  
6 promote employment opportunities in competitive integrated employment;

7 (vi) related activities which hold promise of increasing knowledge and improving  
8 methods in the rehabilitation of individuals with disabilities and individuals with the most  
9 significant disabilities, particularly individuals with disabilities, and individuals with the  
10 most significant disabilities, who are members of populations that are unserved or  
11 underserved by programs under this Act;

12 (vii) studies, analyses, and other activities related to job accommodations, including the  
13 use of rehabilitation engineering, assistive technology, and communications technology;  
14 and

15 (viii) studies, analyses, and other activities affecting employment outcomes as defined in  
16 section 7(11), including self-employment and telecommuting, of individuals with  
17 disabilities.

18 (3) In carrying out this section, the Director shall emphasize covered activities that  
19 include plans for-

20 (A) dissemination of high quality materials, scientifically valid research results, or  
21 findings, conclusions, and recommendations resulting from covered activities,  
22 including through electronic means (such as the website of the Department of  
23 Education), so that such information is available in a timely manner to the general  
24 public; or

25 (B) the commercialization of marketable products, research results, or findings  
26 resulting from the covered activities.

27 (b)(1) In addition to carrying out projects under subsection (a), the Director may make grants  
28 under this subsection (referred to in this subsection as “research grants”) to pay part or all of the  
29 cost of the research or other specialized covered activities described in paragraphs (2) through  
30 (17). A research grant made under any of paragraphs (2) through (17) may only be used in a  
31 manner consistent with priorities established in the 5-year plan described in section 202(h).

32 (2)(A) Research grants may be used for the establishment and support of Rehabilitation  
33 Research and Training Centers, for the purpose of providing an integrated program of research,  
34 which Centers shall—

35 (i) be operated in collaboration with institutions of higher education or providers of  
36 rehabilitation services, developers or providers of assistive technology devices, assistive  
37 technology services, or information technology devices or services, or providers of other  
38 appropriate services ; and

39 (ii) serve as centers of national excellence and national or regional resources for  
40 individuals with disabilities as well as providers, educators, and researchers.

41 (B) The Centers shall conduct research and training activities by—

1 (i) conducting coordinated and advanced programs of research in rehabilitation targeted  
2 toward the production of new knowledge that will improve rehabilitation methodology and  
3 service delivery systems, maximize health and function (including alleviating or stabilizing  
4 conditions, or preventing secondary conditions), and promote maximum social and  
5 economic independence of individuals with disabilities, including promoting the ability of  
6 the individuals to prepare for, secure, retain, regain, or advance in employment;

7 (ii) providing training (including graduate, pre-service, and in-service training) to assist  
8 individuals to more effectively provide rehabilitation services;

9 (iii) providing training (including graduate, pre-service, and in-service training) for  
10 rehabilitation research personnel and other rehabilitation personnel;

11 (iv) serving as an informational and technical assistance resource to individuals with  
12 disabilities, as well as to providers, educators, and researchers, through conferences,  
13 workshops, public education programs, in-service training programs, and similar activities  
14 and providing knowledge translation to promote the use of research findings through  
15 training, technical assistance, and dissemination, including identifying potential new areas  
16 of research; and

17 (v) developing practical applications for the findings of the research of the Centers.

18 (C) The research to be carried out at each such Center may include—

19 (i) basic or applied medical rehabilitation research, including research on assistive  
20 technology devices, assistive technology services, and accessible electronic and information  
21 technology devices;

22 (ii) research regarding the psychological, social, and economic aspects of rehabilitation,  
23 including disability policy;

24 (iii) improving the evaluation process for determining the assistive technology needs of  
25 individuals with disabilities;

26 (iv) research related to vocational rehabilitation, including the use of assistive  
27 technology devices and accessible electronic and information technology devices in  
28 employment;

29 (v) continuation of research that promotes the emotional, social, educational, and  
30 functional growth of children who are individuals with disabilities, as well as their  
31 integration in school, employment, and community activities;

32 (vi) continuation of research to develop and evaluate interventions, policies, and services  
33 that support families of those children and adults who are individuals with disabilities;

34 (vii) continuation of research that will improve services and policies that foster the  
35 independence and social integration of individuals with disabilities, and enable individuals  
36 with disabilities, including individuals with intellectual disability and individuals with  
37 developmental disabilities, to live in their communities; and

38 (viii) research, dissemination, and technical assistance on best practices in supported  
39 employment and other strategies to promote competitive integrated employment for persons  
40 with the most significant disabilities.

1 (D) Training of students preparing to be rehabilitation personnel or to provide rehabilitative,  
2 assistive, or supportive services (such as rehabilitation counseling, personal care services, direct  
3 care, job coaching, aides in school based setting[s], or advice or assistance in utilizing assistive  
4 technology devices, assistive technology services, and accessible electronic and information  
5 technology devices and services) shall be an important priority for each such Center.

6 (E) The Director shall make grants under this paragraph to establish and support both  
7 comprehensive centers dealing with multiple disabilities and centers primarily focused on  
8 particular disabilities.

9 (F) Grants made under this paragraph may be used to provide funds for services rendered by  
10 such a Center to individuals with disabilities in connection with the research and training  
11 activities.

12 (G) Grants made under this paragraph may be used to provide faculty support for teaching—

13 (i) rehabilitation-related courses of study for credit; and

14 (ii) other courses offered by the Centers, either directly or through another entity.

15 (H) The research and training activities conducted by such a Center shall be conducted in a  
16 manner that is accessible to and usable by individuals with disabilities.

17 (I) In awarding grants under this paragraph, the Director shall take into consideration the  
18 location of any proposed Center and the appropriate geographic and regional allocation of such  
19 Centers.

20 (J) To be eligible to receive a grant under this paragraph, each such institution or provider  
21 described in subparagraph (A) shall—

22 (i) be of sufficient size, scope, and quality to effectively carry out the activities in an  
23 efficient manner consistent with appropriate Federal and State law; and

24 (ii) demonstrate the ability to carry out the training activities either directly or through  
25 another entity that can provide such training.

26 (K) The Director shall make grants under this paragraph for periods of 5 years, except that the  
27 Director may make a grant for a period of less than 5 years if—

28 (i) the grant is made to a new recipient; or

29 (ii) the grant supports new or innovative research.

30 (L) Grants made under this paragraph shall be made on a competitive basis. To be eligible to  
31 receive a grant under this paragraph, a prospective grant recipient shall submit an application to  
32 the Director at such time, in such manner, and containing such information as the Director may  
33 require.

34 (M) In conducting scientific peer review under section 202(f) of an application for the renewal  
35 of a grant made under this paragraph, the peer review panel shall take into account the past  
36 performance of the applicant in carrying out the grant and input from individuals with disabilities  
37 and the individuals' representatives.

38 (N) An institution or provider that receives a grant under this paragraph to establish such a  
39 Center may not collect more than 15 percent of the amount of the grant received by the Center in  
40 indirect cost charges.



1 (3)(A) Research grants may be used for the establishment and support of Rehabilitation  
2 Engineering Research Centers, operated by or in collaboration with institutions of higher  
3 education or nonprofit organizations, to conduct research or demonstration activities, and  
4 training activities, regarding rehabilitation technology, including rehabilitation engineering,  
5 assistive technology devices, and assistive technology services, for the purposes of enhancing  
6 opportunities for better meeting the needs of, and addressing the barriers confronted by,  
7 individuals with disabilities in all aspects of their lives.

8 (B) In order to carry out the purposes set forth in subparagraph (A), such a Center shall carry  
9 out the research or demonstration activities by—

10 (i) developing and disseminating innovative methods of applying advanced technology,  
11 scientific achievement, and psychological and social knowledge to—

12 (I) solve rehabilitation problems and remove environmental barriers through  
13 planning and conducting research, including cooperative research with public or  
14 private agencies and organizations, designed to produce new scientific knowledge, and  
15 new or improved methods, equipment, and devices; and

16 (II) study new or emerging technologies, products, or environments, and the  
17 effectiveness and benefits of such technologies, products, or environments;

18 (ii) demonstrating and disseminating—

19 (I) innovative models for the delivery, to rural and urban areas, of cost-effective  
20 rehabilitation technology services that promote utilization of assistive technology  
21 devices; and

22 (II) other scientific research to assist in meeting the educational, employment, and  
23 independent living needs of individuals with significant disabilities; or

24 (iii) conducting research or demonstration activities that facilitate service delivery  
25 systems change by demonstrating, evaluating, documenting, and disseminating—

26 (I) consumer responsive and individual and family-centered innovative models for  
27 the delivery to both rural and urban areas, of innovative cost-effective rehabilitation  
28 technology services that promote utilization of rehabilitation technology; and

29 (II) other scientific research to assist in meeting the educational, employment, and  
30 independent living needs of, and addressing the barriers confronted by, individuals  
31 with disabilities, including individuals with significant disabilities.

32 (C) To the extent consistent with the nature and type of research or demonstration activities  
33 described in subparagraph (B), each Center established or supported through a grant made  
34 available under this paragraph shall—

35 (i) cooperate with programs established under the Assistive Technology Act of 1998 and  
36 other regional and local programs to provide information to individuals with disabilities and  
37 the individuals' representatives to—

38 (I) increase awareness and understanding of how rehabilitation technology can  
39 address their needs; and

40 (II) increase awareness and understanding of the range of options, programs,

1 services, and resources available, including financing options for the technology and  
2 services covered by the area of focus of the Center;

3 (ii) provide training opportunities to individuals, including individuals with disabilities, to  
4 become researchers of rehabilitation technology and practitioners of rehabilitation  
5 technology in conjunction with institutions of higher education and nonprofit organizations;  
6 and

7 (iii) respond, through research or demonstration activities, to the needs of individuals  
8 with all types of disabilities who may benefit from the application of technology within the  
9 area of focus of the Center.

10 (D)(i) In establishing Centers to conduct the research or demonstration activities described in  
11 subparagraph (B)(iii), the Director may establish one Center in each of the following areas of  
12 focus:

13 (I) Early childhood services, including early intervention and family support.

14 (II) Education at the elementary and secondary levels, including transition from school to  
15 postschool activities.

16 (III) Employment, including supported employment, and reasonable accommodations and  
17 the reduction of environmental barriers as required by the Americans with Disabilities Act  
18 of 1990 (42 U.S.C. 12101 et seq.) and title V.

19 (IV) Independent living, including transition from institutional to community living,  
20 maintenance of community living on leaving the workforce, self-help skills, and activities  
21 of daily living.

22 (ii) Each Center conducting the research or demonstration activities described in subparagraph  
23 (B)(iii) shall have an advisory committee, of which the majority of members are individuals with  
24 disabilities who are users of rehabilitation technology, and the individuals' representatives. Each  
25 Center conducting an activity relating to assistive technology or relating to accessible electronic  
26 and information technology shall include in the advisory committee a member of the assistive  
27 technology or accessible electronic and information technology community, respectively. Each  
28 such Center conducting an activity resulting in educational materials or a product to be used in a  
29 covered school, or resulting in a product to be used in an employment activity, shall include in  
30 the advisory committee a member of the covered school community, or a member of the business  
31 community, respectively.

32 (E) Grants made under this paragraph shall be made on a competitive basis and shall be for a  
33 period of 5 years, except that the Director may make a grant for a period of less than 5 years if—

34 (i) the grant is made to a new recipient; or

35 (ii) the grant supports new or innovative research.

36 (F) To be eligible to receive a grant under this paragraph, a prospective grant recipient shall  
37 submit an application to the Director at such time, in such manner, and containing such  
38 information as the Director may require.

39 (G) Each Center established or supported through a grant made available under this paragraph  
40 shall—

1 (i) cooperate with State agencies and other local, State, regional, and national programs  
2 and organizations developing or delivering rehabilitation technology, including State  
3 programs funded under the Assistive Technology Act of 1998; and

4 (ii) prepare and submit to the Director as part of an application for continuation of a  
5 grant, or as a final report, a report that documents the outcomes of the program of the  
6 Center in terms of both short- and long-term impact on the lives of individuals with  
7 disabilities, the success of any commercialized product researched or developed through the  
8 Center, and such other information as may be requested by the Director.

9 (4)(A) Research grants may be used to conduct a program for spinal cord injury research,  
10 including conducting such a program by making grants to public or private agencies and  
11 organizations to pay part or all of the costs of special projects and demonstration projects for  
12 spinal cord injuries, that will—

13 (i) ensure widespread dissemination of research findings among all Spinal Cord Injury  
14 Centers, to rehabilitation practitioners, individuals with spinal cord injury, the individuals'  
15 representatives, and organizations receiving financial assistance under this paragraph;

16 (ii) provide encouragement and support for initiatives and new approaches by individual  
17 and institutional investigators; and

18 (iii) establish and maintain close working relationships with other governmental and  
19 voluntary institutions and organizations engaged in similar efforts in order to unify and  
20 coordinate scientific efforts, encourage joint planning, and promote the interchange of data  
21 and reports among spinal cord injury investigations.

22 (B) Any agency or organization carrying out a project or demonstration project assisted by a  
23 grant under this paragraph that provides services to individuals with spinal cord injuries shall—

24 (i) establish, on an appropriate regional basis, a multidisciplinary system of providing  
25 vocational and other rehabilitation services, specifically designed to meet the unique needs  
26 of individuals with spinal cord injuries, including social and functional needs, and acute  
27 care as well as periodic inpatient or outpatient followup and services;

28 (ii) demonstrate and evaluate the benefits to individuals with spinal cord injuries served  
29 in, and the degree of cost-effectiveness of, such a regional system;

30 (iii) demonstrate and evaluate existing, new, and improved methods and rehabilitation  
31 technology essential to the care, management, and rehabilitation of individuals with spinal  
32 cord injuries; and

33 (iv) demonstrate and evaluate methods of community outreach for individuals with spinal  
34 cord injuries and community education in connection with the problems of such individuals  
35 in areas such as housing, transportation, recreation, employment, education, health and  
36 health care, and community activities.

37 (C) In awarding grants under this paragraph, the Director shall take into account the location  
38 of any proposed Spinal Cord Injury Center and the appropriate geographic and regional  
39 allocation of such Centers.

40 (5) Research grants may be used to conduct a program for end-stage renal disease research, to  
41 include support of projects and demonstrations for providing special services (including

1 transplantation and dialysis), artificial kidneys, and supplies necessary for the rehabilitation of  
2 individuals with such disease and which will—

3 (A) ensure dissemination of research findings;

4 (B) provide encouragement and support for initiatives and new approaches by individuals  
5 and institutional investigators; and

6 (C) establish and maintain close working relationships with other governmental and  
7 voluntary institutions and organizations engaged in similar efforts,

8 in order to unify and coordinate scientific efforts, encourage joint planning, and promote the  
9 interchange of data and reports among investigators in the field of end-stage renal disease. No  
10 person shall be selected to participate in such program who is eligible for services for such  
11 disease under any other provision of law.

12 (6) Research grants may be used to conduct a program for international rehabilitation research,  
13 demonstration, and training for the purpose of developing new knowledge and methods in the  
14 rehabilitation of individuals with disabilities in the United States, cooperating with and assisting  
15 in developing and sharing information found useful in other nations in the rehabilitation of  
16 individuals with disabilities, and initiating a program to exchange experts and technical  
17 assistance in the field of rehabilitation of individuals with disabilities with other nations as a  
18 means of increasing the levels of skill of rehabilitation personnel.

19 (7) Research grants may be used to conduct a research program concerning the use of existing  
20 telecommunications systems (including telephone, television, satellite, radio, and other similar  
21 systems) which have the potential for substantially improving service delivery methods, and the  
22 development of appropriate programming to meet the particular needs of individuals with  
23 disabilities.

24 (8) Grants may be used to conduct a program of joint projects with the National Institutes of  
25 Health, the National Institute of Mental Health, the Health Services Administration, the  
26 Administration on Aging, the National Science Foundation, the Department of Veterans Affairs,  
27 the Department of Defense, the Substance Abuse and Mental Health Services Administration, the  
28 Federal Communications Commission, the Department of Health and Human Services, the  
29 National Aeronautics and Space Administration, the Department of Commerce, the Small  
30 Business Administration, the Department of Labor, other Federal agencies, and private industry  
31 in areas of joint interest involving rehabilitation.

32 (9) Research grants may be used to conduct a research program to develop and demonstrate  
33 innovative methods to attract and retain professionals to serve in rural areas in the rehabilitation  
34 of individuals with disabilities, including individuals with significant disabilities.

35 (10) Research grants may be used to conduct a model research and demonstration program to  
36 develop innovative methods of providing services for preschool age children who are individuals  
37 with disabilities, including—

38 (A) early intervention, assessment, parent counseling, infant stimulation, early  
39 identification, diagnosis, and evaluation of children who are individuals with significant  
40 disabilities up to the age of five, with a special emphasis on children who are individuals  
41 with significant disabilities up to the age of three;

42 (B) such physical therapy, language development, pediatric, nursing, psychological, and

1 psychiatric services as are necessary for such children; and

2 (C) appropriate services for the parents of such children, including psychological and  
3 psychiatric services, parent counseling, and training.

4 (11) Research grants may be used to conduct a model research and training program under  
5 which model training centers shall be established to develop and use more advanced and  
6 effective methods of evaluating and addressing the employment needs, opportunities, and  
7 outcomes (including those relating to self-employment, supported employment, and  
8 telecommuting) of individuals with disabilities, including older individuals with disabilities,  
9 students with disabilities who are transitioning from school to postsecondary life, including  
10 employment, and out of school youth with disabilities that—

11 (A) provide training and continuing education for personnel involved with the  
12 employment of individuals with disabilities;

13 (B) develop model procedures for testing and evaluating the employment and  
14 employment related needs of individuals with disabilities;

15 (C) develop model training programs to teach individuals with disabilities skills which  
16 will lead to appropriate employment;

17 (D) develop new approaches for job placement of individuals with disabilities, including  
18 new followup procedures relating to such placement;

19 (E) provide information services regarding education, training, employment, and job  
20 placement for individuals with disabilities;

21 (F) develop new approaches and provide information regarding job accommodations,  
22 including the use of rehabilitation engineering and assistive technology; and

23 (G) develop models and alternatives to help transition sheltered workshops for  
24 individuals with disabilities to competitive integrated employment for such individuals, and  
25 develop recommendations for decreasing reliance on the special minimum wage certificate  
26 program under section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)).

27 (12) Research grants may be used to conduct a rehabilitation research program under which  
28 financial assistance is provided in order to—

29 (A) test new concepts and innovative ideas;

30 (B) demonstrate research results of high potential benefits;

31 (C) purchase prototype aids and devices for evaluation;

32 (D) develop unique rehabilitation training curricula; and

33 (E) be responsive to special initiatives of the Director.

34 No single grant under this paragraph may exceed \$50,000 in any fiscal year and all payments  
35 made under this paragraph in any fiscal year may not exceed 5 percent of the amount available  
36 for this section to the National Institute on Disability and Rehabilitation Research in any fiscal  
37 year. Regulations and administrative procedures with respect to financial assistance under this  
38 paragraph shall, to the maximum extent possible, be expedited.

39 (13) Research grants may be used to conduct studies of the rehabilitation needs of American

1 Indian populations and of effective mechanisms for the delivery of rehabilitation services to  
2 Indians residing on and off reservations.

3 (14) Research grants may be used to conduct a demonstration program under which one or  
4 more projects national in scope shall be established to develop procedures to provide incentives  
5 for the development, manufacturing, and marketing of orphan technological devices, including  
6 technology transfer concerning such devices, designed to enable individuals with disabilities to  
7 achieve independence, full participation, equal opportunity, and economic self-sufficiency.

8 (15)(A) Research grants may be used to conduct a research program related to quality  
9 assurance in the area of rehabilitation technology.

10 (B) Activities carried out under the research program may include—

11 (i) the development of methodologies to evaluate rehabilitation technology products and  
12 services and the dissemination of the methodologies to consumers and other interested  
13 parties;

14 (ii) identification of models for service provider training and evaluation and certification  
15 of the effectiveness of the models;

16 (iii) identification and dissemination of outcome measurement models for the assessment  
17 of rehabilitation technology products and services; and

18 (iv) development and testing of research-based tools to enhance consumer  
19 decisionmaking about rehabilitation technology products and services.

20 (16) Research grants may be used to provide for research and demonstration projects and  
21 related activities that explore the use and effectiveness of specific alternative or complementary  
22 medical practices for individuals with disabilities. Such projects and activities may include  
23 projects and activities designed to—

24 (A) determine the use of specific alternative or complementary medical practices among  
25 individuals with disabilities and the perceived effectiveness of the practices;

26 (B) determine the specific information sources, decisionmaking methods, and methods of  
27 payment used by individuals with disabilities who access alternative or complementary  
28 medical services;

29 (C) develop criteria to screen and assess the validity of research studies of such practices  
30 for individuals with disabilities; and

31 (D) determine the effectiveness of specific alternative or complementary medical  
32 practices that show promise for promoting increased functioning, prevention of secondary  
33 disabilities, or other positive outcomes for individuals with certain types of disabilities, by  
34 conducting controlled research studies.

35 (17) Research grants may be used to provide for research and training concerning the delivery of  
36 vocational rehabilitation services. Such projects and activities may include projects and activities  
37 designed to-

38 (A) identify, develop, and evaluate evidence-based practices or policies that are effective  
39 in improving employment outcomes for individuals with disabilities;

40 (B) conduct research related to improving the provision of services for underserved or

1 special populations, such as strategies to enhance employment services and outcomes for  
2 middle-aged and older workers with disabilities or American Indians with disabilities;

3 (C) conduct research on the delivery of vocational rehabilitation services to rural areas;

4 (D) demonstrate innovative models of service delivery or testing methods of service  
5 delivery that have the potential to improve the effectiveness of programs authorized  
6 under this Act, including the uses of assistive technology devices and accessible  
7 electronic information technology devices in employment;

8 (E) conduct research on ways to improve the performance of State vocational  
9 rehabilitation agencies;

10 (F) disseminate and promote the implementation of evidence-based practices identified  
11 through these activities; and

12 (G) conduct rigorous evaluations of programs and activities administered by the Rehabilitation  
13 Services Administration or supported under this Act.

14 (c)(1) In carrying out evaluations of covered activities under this section, the Director is  
15 authorized to make arrangements for site visits to obtain information on the accomplishments of  
16 the projects.

17 (2) The Director shall not make a grant under this section that exceeds \$500,00 unless the peer  
18 review of the grant application has included a site visit.

19 (d)(1) In awarding grants, contracts, or other financial assistance under this title, the Director  
20 shall award the financial assistance on a competitive basis.

21 (2)(A) To be eligible to receive financial assistance under this section for a covered activity,  
22 an entity shall submit an application to the Director at such time, in such manner, and containing  
23 such information as the Director may require.

24 (B) The application shall include information describing-

25 (i) measurable goals, as established through section 1115 of title 31, United States Code,  
26 and a timeline and specific plan for meeting the goals, that the applicant has set for  
27 addressing priorities related to-

28 (I) commercialization of a marketable product (including a marketable curriculum  
29 or research) resulting from the covered activity;

30 (II) in the case of a covered activity relating to technology, technology transfer;

31 (III) in the case of research, dissemination of research results to, as applicable,  
32 Government entities, individuals with disabilities, covered schools, the business  
33 community, the assistive technology community, and the accessible electronic  
34 information technology community; and

35 (IV) other priorities as required by the Director; and

36 (ii) how the applicant will quantifiably measure the goals to determine whether the goals  
37 have been accomplished.

38 (3)(A) In the case of an application for financial assistance under this section to carry out  
39 a covered activity that results in the development of a marketable product, the application

1 shall also include a commercialization and dissemination plan, as appropriate, containing  
2 commercialization and marketing strategies for the product involved, and strategies for  
3 disseminating information about the product. The financial assistance shall not be used to  
4 carry out the commercialization and marketing strategies.

5 (B) In the case of any other application for financial assistance to carry out a covered  
6 activity under this section, the application shall also include a dissemination plan,  
7 containing strategies for disseminating educational materials, research results, or  
8 findings, conclusions, and recommendations, resulting from the covered activity.

9 (29 U.S.C. 764)

10 Sec. 205

## 11 SEC. 205. REHABILITATION RESEARCH ADVISORY 12 COUNCIL.

13 (a) ESTABLISHMENT.—Subject to the availability of appropriations, the Secretary shall  
14 establish in the Department of Education a Rehabilitation Research Advisory Council (referred  
15 to in this section as the “Council”) composed of not less than 12 members appointed by the  
16 Secretary.

17 (b) DUTIES.—The Council shall advise the Director with respect to research priorities and the  
18 development and revision of the 5-year plan required by section 202(h).

19 (c) QUALIFICATIONS.—Members of the Council shall be generally representative of the  
20 community of rehabilitation professionals, the community of rehabilitation researchers, the  
21 directors of community rehabilitation programs, the business community (including a  
22 representative of the small business community) that has experience with the system of  
23 vocational rehabilitation services carried out under this Act and with hiring individual with  
24 disabilities, the community of assistive technology developers and manufacturers, the  
25 community of entities carrying out programs under the Assistive Technology Act of 1998 (29  
26 U.S.C. 30001 et. seq.), the community of covered school professionals, the community of  
27 individuals with disabilities, and the individuals’ representatives. At least one-half of the  
28 members shall be individuals with disabilities or the individuals’ representatives.

29 (d) TERMS OF APPOINTMENT.—

30 (1) LENGTH OF TERM.—Each member of the Council shall serve for a term of up to 3  
31 years, determined by the Secretary, except that—

32 (A) a member appointed to fill a vacancy occurring prior to the expiration of the  
33 term for which a predecessor was appointed, shall be appointed for the remainder of  
34 such term; and

35 (B) the terms of service of the members initially appointed shall be (as specified by  
36 the Secretary) for such fewer number of years as will provide for the expiration of  
37 terms on a staggered basis.

38 (2) NUMBER OF TERMS.—No member of the Council may serve more than two  
39 consecutive full terms. Members may serve after the expiration of their terms until their  
40 successors have taken office.



1 (e) VACANCIES.—Any vacancy occurring in the membership of the Council shall be filled in  
2 the same manner as the original appointment for the position being vacated. The vacancy shall  
3 not affect the power of the remaining members to execute the duties of the Council.

4 (f) PAYMENT AND EXPENSES.—

5 (1) PAYMENT.—Each member of the Council who is not an officer or full-time employee  
6 of the Federal Government shall receive a payment of \$150 for each day (including travel  
7 time) during which the member is engaged in the performance of duties for the Council. All  
8 members of the Council who are officers or full-time employees of the United States shall  
9 serve without compensation in addition to compensation received for their services as  
10 officers or employees of the United States.

11 (2) TRAVEL EXPENSES.—Each member of the Council may receive travel expenses,  
12 including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United  
13 States Code, for employees serving intermittently in the Government service, for each day  
14 the member is engaged in the performance of duties away from the home or regular place of  
15 business of the member.

16 (g) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Council, the Secretary may detail,  
17 with or without reimbursement, any of the personnel of the Department of Education to the  
18 Council to assist the Council in carrying out its duties. Any detail shall not interrupt or otherwise  
19 affect the civil service status or privileges of the Federal employee.

20 (h) TECHNICAL ASSISTANCE.—On the request of the Council, the Secretary shall provide such  
21 technical assistance to the Council as the Council determines to be necessary to carry out its  
22 duties.

23 (i) TERMINATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall  
24 not apply with respect to the Council.

## 25 **Sec. 206. DEFINITION OF COVERED SCHOOL.**

26 In this title, the term ‘covered school’ means an elementary school or secondary school (as  
27 such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965  
28 (20 U.S.C. 7801)) or an institution of higher education.

29 (29 U.S.C. 765)

## 30 **TITLE III—PROFESSIONAL DEVELOPMENT AND** 31 **SPECIAL PROJECTS AND DEMONSTRATIONS**

32 **Sec. 301**

### 33 **SEC. 301. DECLARATION OF PURPOSE AND** 34 **COMPETITIVE BASIS OF GRANTS AND CONTRACTS.**

35 (a) PURPOSE.—It is the purpose of this title to authorize grants and contracts to—

36 (1)(A) provide academic training to ensure that skilled personnel are available to provide  
37 rehabilitation services to individuals with disabilities through vocational, medical, social,  
38 and psychological rehabilitation programs (including supported employment programs),

1 through economic and business development programs, through independent living services  
2 programs, and through client assistance programs; and

3 (B) provide training to maintain and upgrade basic skills and knowledge of personnel  
4 (including personnel specifically trained to deliver services to individuals with disabilities  
5 whose employment outcome is self-employment or telecommuting) employed to provide  
6 state-of-the-art service delivery and rehabilitation technology services;

7 (2) conduct special projects and demonstrations that expand and improve the provision of  
8 rehabilitation and other services (including those services provided through community  
9 rehabilitation programs) authorized under this Act, or that otherwise further the purposes of  
10 this Act, including related research and evaluation;

11 (3) provide vocational rehabilitation services to individuals with disabilities who are  
12 migrant or seasonal farmworkers;

13 (4) initiate recreational programs to provide recreational activities and related experiences  
14 for individuals with disabilities to aid such individuals in employment, mobility,  
15 socialization, independence, and community integration; and

16 (5) provide training and information to individuals with disabilities and the individuals'  
17 representatives, and other appropriate parties to develop the skills necessary for individuals with  
18 disabilities to gain access to the rehabilitation system and statewide workforce development  
19 systems and to become active decisionmakers in the rehabilitation process.  
20

21 *(6)Section 301 -- Support the development of working relationships between VR agencies, their  
22 community partners and employers on a multi-state and national level. These VR networks work  
23 collaboratively to promote the development of careers and employment outcomes for individuals  
24 with disabilities by referring qualified VR applicants and providing support services to employer  
25 partners, including those that do business on a national, multi-state and regional level." (b)*

26 COMPETITIVE BASIS OF GRANTS AND CONTRACTS.—The Secretary shall ensure that all grants and  
27 contracts are awarded under this title on a competitive basis.  
28

29 (29 U.S.C. 771)

## 30 SEC. 302. TRAINING.

31 (a) GRANTS AND CONTRACTS FOR PERSONNEL TRAINING.—

32 (1) AUTHORITY.—The Commissioner shall make grants to, and enter into contracts with,  
33 States and public or nonprofit agencies and organizations (including institutions of higher  
34 education) to pay part of the cost of projects to provide training, traineeships, and related  
35 activities, including the provision of technical assistance, that are designed to assist in  
36 increasing the numbers of, and upgrading the skills of, qualified personnel (especially  
37 rehabilitation counselors) who are trained in providing vocational, medical, social, and  
38 psychological rehabilitation services, who are trained to assist individuals with  
39 communication and related disorders, who are trained to provide other services provided  
40 under this Act, to individuals with disabilities, and who may include—

41 (A) personnel specifically trained in providing employment assistance to individuals  
42 with disabilities through job development and job placement services;

1 (B) personnel specifically trained to identify, assess, and meet the individual  
2 rehabilitation needs of individuals with disabilities, including needs for rehabilitation  
3 technology;

4 (C) personnel specifically trained to deliver services to individuals who may benefit  
5 from receiving independent living services;

6 (D) personnel specifically trained to deliver services in the client assistance  
7 programs;

8 (E) personnel specifically trained to deliver supported employment services and  
9 customized employment services to individuals with the most significant disabilities;  
10 and

11 (F) personnel specifically trained to deliver services to individuals with disabilities  
12 pursuing self-employment, business ownership, and telecommuting;

13 (G) personnel trained in performing other functions necessary to the provision of  
14 vocational, medical, social, and psychological rehabilitation services, and other  
15 services provided under this Act; and

16 (H) personnel trained in providing assistive technology services.

17 (2) AUTHORITY TO PROVIDE SCHOLARSHIPS.—Grants and contracts under paragraph (1)  
18 may be expended for scholarships and may include necessary stipends and allowances.

19 (3) RELATED FEDERAL STATUTES.—In carrying out this subsection, the Commissioner  
20 may make grants to and enter into contracts with States and public or nonprofit agencies  
21 and organizations, including institutions of higher education, to furnish training regarding  
22 provisions of Federal statutes, including section 504, title I of the Americans with  
23 Disabilities Act of 1990 (42 U.S.C. 12111 et seq.), and the provisions of titles II and XVI of  
24 the Social Security Act (42 U.S.C. 401 et seq. and 1381 et seq.), that are related to work  
25 incentives for individuals with disabilities.

26 (4) TRAINING FOR STATEWIDE WORKFORCE SYSTEMS PERSONNEL.—The Commissioner  
27 may make grants to and enter into contracts under this subsection with States and public or  
28 nonprofit agencies and organizations, including institutions of higher education, to furnish  
29 training to personnel providing services to individuals with disabilities under title II of the  
30 Workforce Investment Act of 2011 Under this paragraph, personnel may be trained—

31 (A) in evaluative skills to determine whether an individual with a disability may be  
32 served by the State vocational rehabilitation program or another component of a  
33 statewide workforce development system; or

34 (B) to assist individuals with disabilities seeking assistance through one-stop  
35 delivery systems described in section 221(e) of the Workforce Investment Act of  
36 2011.

37 (5) JOINT FUNDING.—Training and other activities provided under paragraph (4) for  
38 personnel may be jointly funded with the Department of Labor, using funds made available  
39 under title II of the Workforce Investment Act of 2011.

40 (b) GRANTS AND CONTRACTS FOR ACADEMIC DEGREES AND ACADEMIC CERTIFICATE  
41 GRANTING TRAINING PROJECTS.—

1 (1) AUTHORITY.—

2 (A) IN GENERAL.—The Commissioner may make grants to, and enter into contracts  
3 with, States and public or nonprofit agencies and organizations (including institutions  
4 of higher education) to pay part of the costs of academic training projects to provide  
5 training that leads to an academic degree or academic certificate. In making such  
6 grants or entering into such contracts, the Commissioner shall target funds to areas  
7 determined under subsection (e) to have shortages of qualified personnel.

8 (B) TYPES OF PROJECTS.—Academic training projects described in this subsection  
9 may include—

10 (i) projects to train personnel in the areas of assisting and supporting  
11 individuals with disabilities pursuing self-employment, business ownership, and  
12 telecommuting, and of vocational rehabilitation counseling, rehabilitation  
13 technology, rehabilitation medicine, rehabilitation nursing, rehabilitation social  
14 work, rehabilitation psychiatry, rehabilitation psychology, rehabilitation dentistry,  
15 physical therapy, occupational therapy, speech pathology and audiology, physical  
16 education, therapeutic recreation, community rehabilitation programs, or  
17 prosthetics and orthotics, rehabilitation teaching for the blind, or orientation and  
18 mobility instruction;

19 (ii) projects to train personnel to provide—

20 (I) services to individuals with specific disabilities or individuals with  
21 disabilities who have specific impediments to rehabilitation, including  
22 individuals who are members of populations that are unserved or  
23 underserved by programs under this Act;

24 (II) job development and job placement services to individuals with  
25 disabilities;

26 (III) supported employment services, including services of employment  
27 specialists for individuals with disabilities;

28 (IV) specialized services for individuals with significant disabilities; or

29 (V) recreation for individuals with disabilities;

30 (iii) projects to train personnel in other fields contributing to the rehabilitation  
31 of individuals with disabilities; and

32 (iv) projects to train personnel in the use, applications, and benefits of  
33 rehabilitation technology.

34 (2) APPLICATION.—No grant shall be awarded or contract entered into under this  
35 subsection unless the applicant has submitted to the Commissioner an application at such  
36 time, in such form, in accordance with such procedures, and including such information as  
37 the Secretary may require, including—

38 (A) a description of how the designated State unit or units will participate in the  
39 project to be funded under the grant or contract, including, as appropriate, participation  
40 on advisory committees, as practicum sites, in curriculum development, and in other  
41 ways so as to build closer relationships between the applicant and the designated State

1 unit and to encourage students to pursue careers in public vocational rehabilitation  
2 programs;

3 (B) the identification of potential employers that provide employment that meets the  
4 requirements of paragraph (5)(A)(i); and

5 (C) an assurance that data on the employment of graduates or trainees who  
6 participate in the project is accurate.

7 (3) LIMITATION.—

8 (A) IN GENERAL.—Except as provided in subparagraph (B), no grant or contract  
9 under this subsection may be used to provide any one course of study to an individual  
10 for a period of more than 4 years.

11 (B) EXCEPTION.—If a grant or contract recipient under this subsection determines  
12 that an individual has a disability which seriously affects the completion of training  
13 under this subsection, the grant or contract recipient may extend the period referred to  
14 in subparagraph (A).

15 (4) AUTHORITY TO PROVIDE SCHOLARSHIPS.—Grants and contracts under paragraph (1)  
16 may be expanded to provide services that include the provision of scholarships and  
17 necessary stipends and allowances.

18 (5) AGREEMENTS.—

19 (A) CONTENTS.—A recipient of a grant or contract under this subsection shall  
20 provide assurances to the Commissioner that each individual who receives a  
21 scholarship, for any academic year beginning after June 1, 1992, utilizing funds  
22 provided under such grant or contract shall enter into an agreement with the recipient  
23 under which the individual shall—

24 (i) maintain employment—

25 (I) in a nonprofit rehabilitation agency or related agency or in a State  
26 rehabilitation agency or related agency, including a professional corporation  
27 or professional practice group through which the individual has a service  
28 arrangement with the designated State agency;

29 (II) on a full- or part-time basis; and

30 (III) for a period of not less than the full-time equivalent of 2 years for  
31 each year for which assistance under this section was received by the  
32 individual,

33 within a period, beginning after the recipient completes the training for which the  
34 scholarship was awarded, of not more than the sum of the number of years in the  
35 period described in subclause (III) and 2 additional years; and

36 (ii) repay all or part of any scholarship received, plus interest, if the individual  
37 does not fulfill the requirements of clause (i),

38 except as the Commissioner by regulation may provide for repayment exceptions and  
39 deferrals.

40 (B) ENFORCEMENT.—The Commissioner shall be responsible for the enforcement of

1 each agreement entered into under subparagraph (A) upon completion of the training  
2 involved under such subparagraph.

3 (c) GRANTS TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—The Commissioner, in  
4 carrying out this section, shall make grants to historically Black colleges and universities and  
5 other institutions of higher education whose minority student enrollment is at least 50 percent of  
6 the total enrollment of the institution.

7 (d) APPLICATION.—A grant may not be awarded to a State or other organization under this  
8 section unless the State or organization has submitted an application to the Commissioner at such  
9 time, in such form, in accordance with such procedures, and containing such information as the  
10 Commissioner may require. Any such application shall include a detailed description of  
11 strategies that will be utilized to recruit and train individuals so as to reflect the diverse  
12 populations of the United States as part of the effort to increase the number of individuals with  
13 disabilities, and individuals who are from linguistically and culturally diverse backgrounds, who  
14 are available to provide rehabilitation services.

15 (e) EVALUATION AND COLLECTION OF DATA.—The Commissioner shall evaluate the impact of  
16 the training programs conducted under this section, and collect information on the training needs  
17 of, and data on shortages of qualified personnel necessary to provide services to individuals with  
18 disabilities. The Commissioner shall prepare and submit to Congress, by September 30 of each  
19 fiscal year, a report setting forth and justifying in detail how the funds made available for  
20 training under this section for the fiscal year prior to such submission are allocated by  
21 professional discipline and other program areas. The report shall also contain findings on such  
22 personnel shortages, how funds proposed for the succeeding fiscal year will be allocated under  
23 the President’s budget proposal, and how the findings on personnel shortages justify the  
24 allocations.

25 (f) GRANTS FOR THE TRAINING OF INTERPRETERS.—

26 (1) AUTHORITY.—

27 (A) IN GENERAL.—For the purpose of training a sufficient number of qualified  
28 interpreters to meet the communications needs of individuals who are deaf or hard of  
29 hearing, and individuals who are deaf-blind, the Commissioner, acting through a  
30 Federal office responsible for deafness and communicative disorders, may award  
31 grants to public or private nonprofit agencies or organizations to pay part of the  
32 costs—

33 (i) for the establishment of interpreter training programs; or

34 (ii) to enable such agencies or organizations to provide financial assistance for  
35 ongoing interpreter training programs.

36 (B) GEOGRAPHIC AREAS.—The Commissioner shall award grants under this  
37 subsection for programs in geographic areas throughout the United States that the  
38 Commissioner considers appropriate to best carry out the objectives of this section.

39 (C) PRIORITY.—In awarding grants under this subsection, the Commissioner shall  
40 give priority to public or private nonprofit agencies or organizations with existing  
41 programs that have a demonstrated capacity for providing interpreter training services.

42 (D) FUNDING.—The Commissioner may award grants under this subsection through

1 the use of—

2 (i) amounts appropriated to carry out this section; or

3 (ii) pursuant to an agreement with the Director of the Office of the Special  
4 Education Program (established under section 603 of the Individuals with  
5 Disabilities Education Act), amounts appropriated under section 686 of the  
6 Individuals with Disabilities Education Act.

7 (2) APPLICATION.—A grant may not be awarded to an agency or organization under  
8 paragraph (1) unless the agency or organization has submitted an application to the  
9 Commissioner at such time, in such form, in accordance with such procedures, and  
10 containing such information as the Commissioner may require, including—

11 (A) a description of the manner in which an interpreter training program will be  
12 developed and operated during the 5-year period following the date on which a grant is  
13 received by the applicant under this subsection;

14 (B) a demonstration of the applicant's capacity or potential for providing training for  
15 interpreters for individuals who are deaf or hard of hearing, and individuals who are  
16 deaf-blind;

17 (C) assurances that any interpreter trained or retrained under a program funded  
18 under the grant will meet such minimum standards of competency as the  
19 Commissioner may establish for purposes of this subsection; and

20 (D) such other information as the Commissioner may require.

21 (g) TECHNICAL ASSISTANCE AND IN-SERVICE TRAINING.—

22 (1) TECHNICAL ASSISTANCE.—The Commissioner is authorized to provide technical  
23 assistance to State designated agencies and community rehabilitation programs, directly or  
24 through contracts with State designated agencies or nonprofit organizations. Any technical  
25 assistance provided to community rehabilitation programs shall be focused on the  
26 employment outcome of competitive integrated employment for individuals with  
27 disabilities.

28 (2) COMPENSATION.—An expert or consultant appointed or serving under contract  
29 pursuant to this section shall be compensated at a rate, subject to approval of the  
30 Commissioner, that shall not exceed the daily equivalent of the rate of pay for level 4 of the  
31 Senior Executive Service Schedule under section 5382 of title 5, United States Code. Such  
32 an expert or consultant may be allowed travel and transportation expenses in accordance  
33 with section 5703 of title 5, United States Code.

34 (3) IN-SERVICE TRAINING OF REHABILITATION PERSONNEL.—

35 (A) PROJECTS.—Subject to subparagraph (B), at least 15 percent of the sums  
36 appropriated to carry out this section shall be allocated to designated State agencies to  
37 be used, directly or indirectly, for projects for in-service training for rehabilitation  
38 personnel, consistent with the needs identified through the comprehensive system for  
39 personnel development required by section 101(a)(7), including projects designed—

40 (i) to address recruitment and retention of qualified rehabilitation professionals;

- 1 (ii) to provide for succession planning;
- 2 (iii) to provide for leadership development and capacity building; and
- 3 (iv) for the 2 years following the date of enactment of the Workforce
- 4 Investment Act of 2011, to provide training regarding the amendments made to
- 5 this Act under title V of the Workforce Investment Act of 2011.

6 (B) LIMITATION.—If the allocation to designated State agencies required by  
7 subparagraph (A) would result in a lower level of funding for projects being carried out  
8 on the date of enactment of the Workforce Investment Act of 2011 by other recipients  
9 of funds under this section, the Commissioner may allocate less than 15 percent of the  
10 sums described in subparagraph (A) to designated State agencies for such in-service  
11 training.

12 (h) PROVISION OF INFORMATION.—The Commissioner, subject to the provisions of section  
13 306, may require that recipients of grants or contracts under this section provide information,  
14 including data, with regard to the impact of activities funded under this section.

15 (i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry  
16 out this section such sums as may be necessary for each of the fiscal years 2012 through 2016.

17 (29 U.S.C. 772)

18 Sec. 303

## 19 SEC. 303. DEMONSTRATION AND TRAINING 20 PROGRAMS.

21 (a) DEMONSTRATION PROJECTS TO INCREASE CLIENT CHOICE.—

22 (1) GRANTS.—The Commissioner may make grants to States and public or nonprofit  
23 agencies and organizations to pay all or part of the costs of projects to demonstrate ways to  
24 increase client choice in the rehabilitation process, including the selection of providers of  
25 vocational rehabilitation services.

26 (2) USE OF FUNDS.—An entity that receives a grant under this subsection shall use the  
27 grant only—

28 (A) for activities that are directly related to planning, operating, and evaluating the  
29 demonstration projects; and

30 (B) to supplement, and not supplant, funds made available from Federal and non-  
31 Federal sources for such projects.

32 (3) APPLICATION.—Any eligible entity that desires to receive a grant under this  
33 subsection shall submit an application at such time, in such manner, and containing such  
34 information and assurances as the Commissioner may require, including—

35 (A) a description of—

36 (i) how the entity intends to promote increased client choice in the  
37 rehabilitation process, including a description, if appropriate, of how an applicant  
38 will determine the cost of any service or product offered to an eligible client;



1 (ii) how the entity intends to ensure that any vocational rehabilitation service or  
2 related service is provided by a qualified provider who is accredited or meets such  
3 other quality assurance and cost-control criteria as the State may establish; and

4 (iii) the outreach activities to be conducted by the applicant to obtain eligible  
5 clients; and

6 (B) assurances that a written plan will be established with the full participation of  
7 the client, which plan shall, at a minimum, include—

8 (i) a statement of the vocational rehabilitation goals to be achieved;

9 (ii) a statement of the specific vocational rehabilitation services to be provided,  
10 the projected dates for their initiation, and the anticipated duration of each such  
11 service; and

12 (iii) objective criteria, an evaluation procedure, and a schedule, for determining  
13 whether such goals are being achieved.

14 (4) AWARD OF GRANTS.—In selecting entities to receive grants under paragraph (1), the  
15 Commissioner shall take into consideration—

16 (A) the diversity of strategies used to increase client choice, including selection  
17 among qualified service providers;

18 (B) the geographic distribution of projects; and

19 (C) the diversity of clients to be served.

20 (5) RECORDS.—Entities that receive grants under paragraph (1) shall maintain such  
21 records as the Commissioner may require and comply with any request from the  
22 Commissioner for such records.

23 (6) DIRECT SERVICES.—At least 80 percent of the funds awarded for any project under  
24 this subsection shall be used for direct services, as specifically chosen by eligible clients.

25 (7) EVALUATION.—The Commissioner may conduct an evaluation of the demonstration  
26 projects with respect to the services provided, clients served, client outcomes obtained,  
27 implementation issues addressed, the cost-effectiveness of the project, and the effects of  
28 increased choice on clients and service providers. The Commissioner may reserve funds for  
29 the evaluation for a fiscal year from the amounts appropriated to carry out projects under  
30 this section for the fiscal year.

31 (8) DEFINITIONS.—For the purposes of this subsection:

32 (A) DIRECT SERVICES.—The term “direct services” means vocational rehabilitation  
33 services, as described in section 103(a).

34 (B) ELIGIBLE CLIENT.—The term “eligible client” means an individual with a  
35 disability, as defined in section 7(20)(A), who is not currently receiving services under  
36 an individualized plan for employment established through a designated State unit.

37 (b) SPECIAL DEMONSTRATION PROGRAMS.—

38 (1) GRANTS; CONTRACTS.—The Commissioner, subject to the provisions of section 306,  
39 may provide grants to, or enter into contracts with, eligible entities to pay all or part of the

1 cost of programs that expand and improve the provision of rehabilitation and other services  
2 authorized under this Act or that further the purposes of the Act, including related research  
3 and evaluation activities.

4 (2) ELIGIBLE ENTITIES; TERMS AND CONDITIONS.—

5 (A) ELIGIBLE ENTITIES.—To be eligible to receive a grant, or enter into a contract,  
6 under paragraph (1), an entity shall be a State vocational rehabilitation agency,  
7 community rehabilitation program, Indian tribe or tribal organization, or other public  
8 or nonprofit agency or organization, or as the Commissioner determines appropriate, a  
9 for-profit organization. The Commissioner may limit competitions to one or more  
10 types of organizations described in this subparagraph.

11 (B) TERMS AND CONDITIONS.—A grant or contract under paragraph (1) shall contain  
12 such terms and conditions as the Commissioner may require.

13 (3) APPLICATION.—An eligible entity that desires to receive a grant, or enter into a  
14 contract, under paragraph (1) shall submit an application to the Secretary at such time, in  
15 such form, and containing such information and assurances as the Commissioner may  
16 require, including, if the Commissioner determines appropriate, a description of how the  
17 proposed project or demonstration program—

18 (A) is based on current research findings, which may include research conducted by  
19 the National Institute on Disability and Rehabilitation Research, the National Institutes  
20 of Health, and other public or private organizations; and

21 (B) is of national significance.

22 (4) TYPES OF PROJECTS.—The programs that may be funded under this subsection may  
23 include—

24 (A) special projects and demonstrations of service delivery;

25 (B) model demonstration projects;

26 (C) technical assistance projects;

27 (D) systems change projects;

28 (E) special studies and evaluations; and

29 (F) dissemination and utilization activities.

30 (G) Systems change projects to increase competitive employment for persons with  
31 developmental disabilities

32 (5) PRIORITY FOR COMPETITIONS.—

33 (A) IN GENERAL.—In announcing competitions for grants and contracts under this  
34 subsection, the Commissioner shall give priority consideration to—

35 (i) not less than 2 special projects and demonstration programs, including-

36 (I) 1 focused on improving transition from education to employment for  
37 youth who are individuals with significant disabilities, particularly in competitive  
38 integrated employment, as described in subsection (c); and

1 (II) 1 focused on increasing the employment opportunities (particularly in  
2 competitive integrated employment) for adults who are deaf or hard of hearing  
3 and who have cognitive disabilities, as described in subsection (e); (ii) supported  
4 employment, including community-based supported employment programs to  
5 meet the needs of individuals with the most significant disabilities or to provide  
6 technical assistance to States and community organizations to improve and  
7 expand the provision of supported employment services; and

8 (iii) increasing competitive integrated employment for individuals with  
9 significant disabilities.

10 (iv) projects that assist individual community rehabilitation programs or groups  
11 of programs to build their internal capacity to provide individualized services and  
12 supports leading to competitive employment

13 (B) ADDITIONAL COMPETITIONS.—In announcing competitions for grants and  
14 contracts under this subsection, the Commissioner may require that applicants address  
15 one or more of the following:

16 (i) Age ranges.

17 (ii) Types of disabilities.

18 (iii) Types of services.

19 (iv) Models of service delivery.

20 (v) Stage of the rehabilitation process.

21 (vi) The needs of underserved populations, unserved and underserved areas,  
22 individuals with significant disabilities, low-incidence disability population or  
23 individuals residing in federally designated empowerment zones and enterprise  
24 communities.

25 (vii) Expansion of employment opportunities for individuals with disabilities.

26 (viii) Systems change projects to promote meaningful access of individuals  
27 with disabilities to employment-related services under title II of the Workforce  
28 Investment Act of 2011 and under other Federal laws.

29 (ix) Innovative methods of promoting achievement of high-quality employment  
30 outcomes.

31 (x) The demonstration of the effectiveness of early intervention activities in  
32 improving employment outcomes.

33 (xi) Alternative methods of providing affordable transportation services to  
34 individuals with disabilities who are employed, seeking employment, or receiving  
35 vocational rehabilitation services from public or private organizations and who  
36 reside in geographic areas in which public transportation or paratransit service is  
37 not available.

38 (c) NATIONAL TRANSITION INITIATIVE FOR YOUTH WITH SIGNIFICANT  
39 DISABILITIES.-

40 (1) PURPOSE.-The purpose of this subsection is to demonstrate and increase systemic

1 reforms necessary for promoting the effective transition of covered students from secondary  
2 school to competitive integrated employment settings and opportunities, and ultimately to create  
3 enduring systems of service delivery and training within States that facilitate the transition of  
4 covered students from school to post-secondary life with the emphasis on achieving the outcome  
5 of competitive integrated employment.

6 (2) COVERED STUDENTS.-

7 (A) IN GENERAL.-In this subsection, the term ‘covered student’ means an  
8 individual who is not younger than 14 years of age and has not yet attained 23 years of age who  
9 is within 3 years of leaving secondary school and for whom, without an alternative intervention,  
10 the anticipated outcome would likely be placement in a segregated facility-based day habilitation  
11 program, or in a vocational or employment program where the individual is paid less than  
12 minimum wage, or a lack of further training and assistance and who-

13 (i) is an individual with an intellectual disability;

14 (ii) is an individual with a developmental disability, as the term is defined  
15 in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42  
16 U.S.C. 15002); or

17 (iii) is an individual with a mental illness.

18 (B) INDIVIDUAL WITH AN INTELLECTUAL DISABILITY.-In this  
19 paragraph, the term ‘individual with an intellectual disability’ means a disability that originates  
20 before the age of 18 and is characterized by significant limitations in both intellectual  
21 functioning and adaptive behavior.

22 .  
23 (3) AWARDS AUTHORIZED.-

24 (A) COMPETITIVE AWARDS AUTHORIZED.-The Commissioner may award  
25 grants, contracts, and cooperative agreements, on a competitive basis, to eligible entities  
26 described in paragraph (4), to enable such entities to carry out activities aimed at creating  
27 systemic reform focused on improvement of employment outcomes in integrated settings at  
28 minimum wage or higher with commensurate benefits for covered students.

29 (B) DURATION.-The Commissioner shall award grants, contracts, and  
30 cooperative agreements under this subsection for 5 years.

31 (4) ELIGIBLE ENTITIES.-To be eligible to receive a grant, contract, or cooperative  
32 agreement under this subsection, an applicant shall establish a consortium that-

33 (A) is managed by a multidisciplinary team to include the State Department of  
34 Education, the State vocational rehabilitation agency, and either the State Agency on  
35 Developmental Disabilities Services or the State Department of Mental Health Services, or both  
36 if individuals with intellectual disability, developmental disabilities, and mental illness are  
37 targeted populations of the applicant;

38 (B) includes representatives from the developmental disability and mental health  
39 services community (including statewide provider agencies such as the Developmental  
40 Disabilities Planning Councils and the University Centers for Excellence in Developmental  
41 Disabilities), as well as individuals with disabilities and their advocates; and

1 (C) includes additional public and private entities, with demonstrated expertise in  
2 providing supported employment services in integrated settings at minimum wage or higher with  
3 commensurate benefits for covered students and with expertise in the provision of employment  
4 supports, and that-

5 (i) have a proven track record in successfully running supported  
6 employment programs;

7 ~~(ii) provide employment services that are exclusively integrated~~  
8 ~~community-based supported employment services resulting in jobs at minimum wage or higher~~  
9 ~~with commensurate benefits;~~

10 (iii) have expertise in creating natural supports for employment;

11 (iv) have expertise in providing computer training for the targeted  
12 population for the project involved; and

13 (v) have experience operating mentoring programs for the target  
14 population in middle schools and high schools for not less than the previous 10 years in diverse  
15 communities through the Nation.

16 (5) APPLICATIONS.-Each eligible entity desiring to receive a grant, contract, or  
17 cooperative agreement under this subsection shall submit an application to the Commissioner at  
18 such time, in such manner, and including such information as the Commissioner may require.  
19 Each application shall include-

20 (A) a comprehensive implementation plan describing the actions the consortium  
21 intends to take to carry out the activities authorized in this subsection;

22 (B) a description of the means and mechanisms by which participating State  
23 agencies will coordinate efforts to evaluate and reform existing State policies, regulations,  
24 guidelines, operational procedures, and funding structures to institute systemic change focused  
25 on improving employment outcomes in integrated settings at minimum wage or higher with  
26 commensurate benefits;

27 (C) an evaluation plan detailing the strategy the consortium will deploy to  
28 evaluate the project, with a specific focus on the collection of data on participants, including the  
29 following information:

30 (i) The number of covered students who directly enter competitive  
31 integrated employment upon exiting the school system.

32 (ii) The wages and number of hours worked of such covered students per  
33 pay period.

34 (iii) The impact of employment on any Federal and State benefits  
35 received.

36 (iv) Indicators of improved economic status and self-sufficiency.

37 (v) Data on those covered students who have not yet been placed in  
38 competitive integrated employment, including the reasons that the covered students were not  
39 placed in competitive integrated employment, as well as the progress made to date in the  
40 acquisition of skills, training, and development necessary to attain competitive integrated

1 employment.

2 (D) a description of the ways in which the consortium will disseminate  
3 information about the activities and the impact of the activities on the lives of covered students  
4 served by the project; and

5 (E) a description of the approaches the consortium intends to use to coordinate  
6 activities with other relevant service providers in the localities in which the effort will be  
7 focused, including Centers for Independent Living under title VII.

8 (6) AUTHORIZED ACTIVITIES.-An eligible entity that receives a grant, contract, or  
9 cooperative agreement under this subsection shall use the funds made available through the  
10 grant, contract, or cooperative agreement to carry out the following activities for covered  
11 students:

12 (A) PROVIDING SUPPORTED COMPETITIVE INTEGRATED  
13 EMPLOYMENT EXPERIENCES. -- The development of innovative and effective strategies for  
14 attaining competitive integrated employment experiences after school, on weekends, and in the  
15 summer, utilizing natural supports that lead to competitive high-paying jobs.

16 (B) PROVIDING SUPPORT ACTIVITIES FOR THE SUCCESSFUL  
17 TRANSITION OF YOUTH WITH DISABILITIES.-The development of school-based  
18 preparatory experiences, career preparation and work-based learning experiences (including in-  
19 school, after school, and work experiences outside the traditional school setting), youth  
20 development and leadership, connecting activities, and family involvement and supports directly  
21 linked to the successful attainment of competitive integrated employment.

22 (C) PROVIDING TRAINING TO SCHOOL AND TRANSITION  
23 PERSONNEL.-The development of appropriate and effective curricula and the deployment of  
24 professionals with expertise to provide training to school and transition personnel to enable them  
25 to develop the skills needed to train covered students to be successful in attaining competitive  
26 integrated employment in a range of settings, including office settings. The training shall include  
27 providing instruction to covered students in computer skills, office skills, etiquette, and  
28 appropriate social behavior required for successful long-term employment in professional  
29 environments.

30 (D) PROVIDING ASSISTANCE TO STUDENTS AND FAMILIES IN THE  
31 APPROPRIATE NAVIGATION OF VARIOUS SUPPORTS, SERVICES, BENEFITS, AND  
32 PROGRAMS.-The provision of formal assistance to covered students and their families in  
33 navigating the complex system of supports and services across the array of relevant Federal and  
34 State programs, including the following:

35 (i) An informed decision process leading to an employment outcome and  
36 the securing of funding supports for attaining the outcome.

37 (ii) A benefits planning process in order to educate covered students and  
38 their families regarding strategies for identifying, optimizing, and managing available benefits  
39 and resources.

40 (iii) Individualized economic advancement strategies to increase a covered  
41 student's economic self-sufficiency, with specific asset goals, including the use of favorable tax  
42 benefits, work incentives, matched savings plans, and financial education.

1 (7) PROHIBITED ACTIVITIES.-An eligible entity that receives a grant, contract, or  
2 cooperative agreement under this subsection shall not use any funding under this subsection on  
3 activities that result in individuals being placed in center-based services (including sheltered  
4 workshops, day habilitation, and similar settings) as an employment or postsecondary outcome.

5 (8) CONTINGENCY ON RECEIPT OF FUNDING.-An eligible entity that receives a  
6 grant, contract, or cooperative agreement under this subsection shall develop a draft  
7 memorandum of understanding among State government agencies participating in the  
8 consortium outlining key steps to be taken to collaborate and coordinate efforts to institute  
9 systemic change (including braided funding across agencies as methodology for streamlining  
10 multiple funding streams, sharing of expertise among agencies, and collaboration among key  
11 personnel) focused on increasing opportunities for competitive integrated employment for  
12 covered students.

13 (9) OUTCOMES AND EVALUATION.-An eligible entity that receives a grant, contract,  
14 or cooperative agreement under this subsection shall collect data and report annually on, at a  
15 minimum, progress in achieving specific outcomes outlined by the Commissioner, including-

16 (A) the number of covered students who directly enter competitive integrated  
17 employment upon exiting the school system;

18 (B) the wages and number of hours worked of such covered students per pay  
19 period;

20 (C) the impact of employment on any Federal and State benefits received;

21 (D) indicators of improved economic status and self-sufficiency; and

22 (E) data on those covered students who have not yet been placed in competitive  
23 integrated employment, including the reasons that the covered students were not placed in  
24 competitive integrated employment, as well as the progress made to date in the acquisition of  
25 skills, training, and development necessary to attain competitive integrated employment.

26 (10) AUTHORIZATION OF APPROPRIATIONS.- For the purpose of carrying out this  
27 subsection, there are authorized to be appropriated such sums as may be necessary for each of  
28 the fiscal years 2012 through 2016.

29  
30 (d) COMMISSIONER'S SCHOLAR PROGRAM. --

31 (1) IN GENERAL.-The Commissioner shall carry out a Commissioner's Scholar Program, to  
32 provide funds to designated State units to support individuals with significant disabilities in  
33 the successful completion of a postgraduate degree in law, business, or medicine (including  
34 ~~completing any residency program~~).

35 (2) RESERVATION.-The Commissioner shall reserve funds to carry out the program by  
36 reserving, from the total funds available under section 110(a), for each fiscal year-

37 (A) a base amount of \$10,000,000; and

38 (B) if the funds appropriated under section 100(b) for the fiscal year exceed the funds  
39 so appropriated for the prior fiscal year, a supplemental amount equivalent to 1  
40 percent of the amount of the excess.

1 (3) STUDENT APPLICATIONS TO STATES.-Not later than May of 2013 and each  
2 subsequent year, each designated State unit shall solicit and consider the applications of  
3 individuals with significant disabilities who have the potential to complete rigorous  
4 professional training in law, medicine, or business. The designated State unit shall select  
5 not more than 2 individuals, who are otherwise eligible for vocational rehabilitation  
6 services under Title I (but without regard to any order of selection established under  
7 section 101(a)(5) in the State), for assistance through the Commissioner's Scholar  
8 Program.

9 (4) ELIGIBILITY OF STUDENTS.-In order to be eligible to receive assistance through  
10 the program, an applicant-

11 (A) shall have previously completed a bachelor's degree program at an institution of  
12 higher education or to be scheduled to complete the degree not later than the July  
13 preceding the first school year for which the applicant proposes to use the assistance;  
14 and

15 (B) shall have applied to, and been accepted by, a program at an accredited institution  
16 of higher education in the United States that confers either a juris doctor, a master's  
17 of business administration, a doctor of medicine, or a doctor of osteopathic medicine  
18 degree.

19 (5) YEARLY PLANS.-Each successful applicant and the appropriate designated State unit  
20 shall jointly develop a yearly plan, for each year of the individual's degree program, that  
21 outlines the estimated specific services and supports needed for the individual, along with  
22 the estimated cost. In order for a designated State unit to be eligible to receive funds under  
23 paragraph (1), such plan, including the cost estimate, shall be submitted to, and approved  
24 by, the Commissioner.

25 (6) DETERMINATION BY THE COMMISSIONER.-In the event that it is not possible to  
26 fund all the yearly plans submitted under paragraph (5) from the funds reserved under  
27 paragraph (2), the Commissioner shall determine the priority for funding the individual  
28 yearly plans.

29 (7) SERVICES AND SUPPORTS.-An individual selected for the Commissioner's Scholar  
30 Program in the State shall be eligible for the services and supports (including tuition)  
31 needed in order to successfully complete the individual's degree program. Such services  
32 and supports (including tuition) shall be paid for from the funds reserved under paragraph  
33 (2) and may be supplemented by vocational rehabilitation services provided under section  
34 103.

35 (8) EFFORTS TO SECURE ASSISTANCE FROM OTHER SOURCES.-The limitations  
36 of section 103(a)(5) that apply to training services shall apply to services and supports  
37 described in paragraph (7).

38 (9) CARRYOVER.-Funds reserved under paragraph (b) for a fiscal year shall remain  
39 available until expended.

40 (10) RULE OF CONSTRUCTION.-Nothing in this section shall prevent any designated  
41 State unit from providing educational supports and services, similar to the supports and  
42 services described in paragraph (7), to eligible individuals with disabilities within the State  
43 who are not served under this subsection.



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(e) DEMONSTRATION PROJECT FOR EMPLOYMENT OF INDIVIDUALS WHO ARE DEAF OR HARD OF HEARING AND WHO HAVE COGNITIVE DISABILITIES.-

(1) PURPOSE.-The purpose of this subsection is to support a model demonstration project to provide training, support services, and competitive integrated employment experiences for individuals who are deaf or hard of hearing and who have cognitive disabilities to enable such individuals to gain employment skills that will help them become employed and economically self-sufficient.

(2) GRANTS AUTHORIZED.-

(A) COMPETITIVE GRANTS AUTHORIZED.- The Commissioner may award grants to State agencies, other public agencies or organizations, or nonprofit organizations with expertise in providing training, support services, and competitive integrated employment experiences for individuals who are deaf or hard of hearing and who have cognitive disabilities to support model demonstration projects.

(B) DURATION.-Grant under this subsection shall be awarded for a period not to exceed 5 years.

(3) AUTHORIZED ACTIVITIES.-

(A) DEVELOPING A COMPREHENSIVE TRAINING PROGRAM.-Each grant recipient under this subsection shall develop an innovative, comprehensive training program for individuals who are deaf or hard of hearing and who have cognitive disabilities that can be implemented at multiple training locations through such means as distance learning and the use of advanced technology, as appropriate. Such training program shall be developed to maximize the potential for replication of the program by other training providers.

(B) IMPLEMENTATION.-Each grant recipient under this subsection shall implement the comprehensive training program developed under subparagraph (A) as soon as feasible. Such training shall provide instruction on the job and the social skills necessary for successful long-term employment of individuals who are deaf or hard of hearing and who have cognitive disabilities.

(C) ESTABLISHING A POST-TRAINING PROGRAM FOR SUPPORT SERVICES AND COMPETITIVE INTEGRATED EMPLOYMENT EXPERIENCES.-Each grant recipient under this subsection shall implement a post-training program for support services and competitive integrated employment experiences to assist program participants who have completed the training program under subparagraph (A) to transition into competitive integrated employment opportunities, and shall provide ongoing support for a period of not less than 90 days following placement in employment.

(4) APPLICATIONS.-Each entity desiring to receive a grant under this subsection for a model demonstration project shall submit an application to the Commissioner at such time, in such manner, and accompanied by such information as the Commissioner may require, including-

(A) a description of how the applicant plans to address the activities authorized under this subsection;

1 (B) a description of the evaluation plan to be used in the model demonstration  
2 project;

3 (C) a description of how the applicant will disseminate information about the  
4 training program developed and the results of the project; and

5 (D) a description of how the entity will coordinate activities with any other  
6 relevant service providers or entities providing training, support services, and other competitive  
7 integrated employment experiences for individuals who are deaf or hard of hearing and who have  
8 cognitive disabilities.

9 (5) MANDATED EVALUATION AND DISSEMINATION ACTIVITIES.-

10 (A) ANNUAL REPORT.-Not later than 2 years after the date on which a grant  
11 under this subsection is awarded and annually thereafter, the grant recipient shall submit to the  
12 Commissioner a report containing information on-

13 (i) the number of individuals who are participating in the demonstration  
14 project funded under this subsection;

15 (ii) the skills being taught during the training portion of the project.

16 (iii) the number of individuals participating in the project that are placed in  
17 competitive integrated employment;

18 (iv) the job sites in which those individuals are placed and the type of jobs  
19 in which the individuals are placed; and

20 (b) the number of individuals who have dropped out of the project and the  
21 reasons for their terminating participation in the program.

22 (B) EVALUATION OF THE PROJECT.- Each grant recipient under this  
23 subsection shall implement the evaluation plan approved in its application for determining the  
24 results of the project within the timeframe specified in, and following the provisions of, the  
25 approved application.

26 (C) PARTICIPATION EVALUATION PROCESS; FINAL EVALUATION.- In  
27 the final year of the demonstration project funded under this subsection, the grant recipient shall  
28 prepare and submit to the Commissioner a final evaluation report of the results of the model  
29 demonstration project containing-

30 (i) information on-

31 (I) the number of individuals who participated in the project;

32 (II) the number of such individuals who are placed in competitive  
33 integrated employment;

34 (III) the job sites in which such individuals were placed and the  
35 type of jobs in which the individuals were placed;

36 (IV) the number of such individuals who have dropped out of the  
37 project and the reasons for their terminating participation in the project; and

38 (V) the number of such individuals who participated in the project  
39 and who remain employed as of 2 months prior to the date on which the final evaluation report is

1 submitted to the Commissioner;

2 (ii) a written analysis of the project, including both the strengths and  
3 weaknesses of the project, to assist other entities in replicating the training program developed  
4 through the project; and

5 (iii) such other information as the Commissioner determines appropriate.

6 (D) DISSEMINATION.-Not later than 5 years after the date on which the grant is  
7 awarded under this subsection, the evaluation report containing such results of activities funded  
8 by such grant shall be disseminated to designated State agencies, school systems providing  
9 instruction to students who are individuals who are deaf or hard of hearing and who have  
10 cognitive disabilities, supported employment providers, postsecondary vocational training  
11 programs, employers, the Social Security Administration, and other interested parties.

12 (6) AUTHORIZATION OF APPROPRIATIONS.-For the purpose of carrying out this  
13 subsection, there are authorized to be appropriated such sums as may be necessary for each of  
14 the fiscal years 2012 through 2016.

15

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17 (f) TRAINING AND TECHNICAL ASSISTANCE CENTER TO PROMOTE HIGH-  
18 QUALITY EMPLOYMENT OUTCOMES FOR INDIVIDUALS RECEIVING SERVICES  
19 FROM DESIGNATED STATE AGENCIES AND AIVRS GRANTEES.-

20 (1) IN GENERAL.-The Commissioner shall award a grant, contract, or cooperative  
21 agreement to an eligible entity to support a training and technical assistance program that--

22 (A) responds to agency specific information requests concerning high-quality  
23 employment outcomes, from designated States agencies and recipients of American Indian  
24 vocational rehabilitation services grants funded under part C of title I (referred to in this  
25 subsection as 'AIVRS grantees') funded under title I, including-

26 (i) requests for information on the expansion of self-employment, business  
27 ownership, business development opportunities, and other types of entrepreneurial employment  
28 opportunities for individuals with disabilities;

29 (ii) requests for information on the expansion and improvement of services  
30 to facilitate the transition of students with disabilities from school to postsecondary life,  
31 including competitive integrated employment;

32 (iii) requests for examples of policies, practices, procedures, or regulations  
33 that have enhanced or may enhance access to funding for assistive technology devices and  
34 assistive technology services for individuals with disabilities;

35 (iv) requests for information on effective approaches to enhance informed  
36 choice and consumer-directed State vocational rehabilitation system;

37 (v) requests for assistance developing corrective action plans;

38 (vi) requests for assistance in developing and implementing effective data  
39 collection and reporting systems that measure the outcomes of the vocational rehabilitation  
40 services, and preparing reports for the Commissioner as described in section 106(b)(1); and

1 (vii) requests for information on effective approaches that enhance  
2 employment outcomes for individuals with disabilities, including conducting outreach and  
3 forming partnerships with business and industry; and

4 (B) provides agency specific, regional, and national training and technical  
5 assistance concerning vocational rehabilitation services and related information to designated  
6 State agencies and AIVRS grantees, including-

7 (i) facilitating on-site and electronic information sharing using  
8 state-of-the-art technologies, such as real-time on-line discussions, multipoint video  
9 conferencing, and web-based audio/video broadcasts, on emerging topics that affect vocational  
10 rehabilitation programs authorized under title I;

11 (ii) enabling the designated State agencies and AIVRS grantees to  
12 coordinate training and data collection efforts with one-stop centers established under section  
13 221(e) of the Workforce Investment Act of 2011;

14 (iii) enabling the designated State agencies and AIVRS grantees to  
15 provide information on how the vocational rehabilitation programs authorized under title I can  
16 provide technical assistance to the one-stop centers on making programs offered through the  
17 centers physically and programmatically accessible to individuals with disabilities;

18 (iv) sharing evidence-based and promising practices among the  
19 vocational rehabilitation programs;

20 (v) maintaining an accessible website that includes links to-

21 (I) the vocational rehabilitation programs;

22 (II) appropriate Federal departments and agencies, and  
23 private associations;

24 (III) State assistive technology device and assistive  
25 technology service demonstration programs, device loan programs, device reutilization  
26 programs, alternative financing systems, or State financing activities, operated through, or  
27 independently of, comprehensive statewide programs of technology-related assistance carried out  
28 under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003), telework programs,  
29 and other programs that provide sources of funding for assistive technology devices; and

30 (IV) various programs, including programs with tax credits,  
31 available to employers for hiring or accommodating employees who are individuals with  
32 disabilities;

33 (vi) enhancing employment outcomes for individuals with mental  
34 illness and individuals with cognitive disabilities, particularly in competitive integrated  
35 employment;

36 (vii) convening experts from the vocational rehabilitation programs  
37 to discuss and make recommendation with regard to the employment of individuals with  
38 disabilities and national emerging issues of importance to individuals with vocational  
39 rehabilitation needs;

40 (viii) enabling the designated State agencies and AIVRS grantees  
41 to provide practical information on effective approaches for business and industry to use in

1 employing individuals with disabilities, including provision of reasonable accommodations;  
2 (ix) providing information on other emerging issues concerning the  
3 delivery of publicly funded employment and training services and supports to assist individuals  
4 with disabilities to enter the workforce, achieve improved employment outcomes, and become  
5 economically self-sufficient;  
6 (x) carrying out such other activities as the Commissioner may  
7 require.

8 (2) ELIGIBLE ENTITIES.-In this subsection, the term ‘eligible entity’ means an entity  
9 that has-

10 (A) experience and expertise in administering vocational rehabilitation services;

11 (B) documented experience with and knowledge about self-employment, business  
12 ownership, business development, and other types of entrepreneurial employment opportunities  
13 and outcomes for individuals with disabilities, providing transition services for students with  
14 disabilities, and assistive technology;

15 (C) the expertise necessary to identify the additional data elements needed to  
16 provide comprehensive reporting of activities and outcomes of the vocational rehabilitation  
17 programs authorized under title I, and experience in utilizing data to provide annual reports; and

18 (D) personnel with the skill and background necessary to provide guidance or  
19 training to entities carrying out programs authorized under section 121.

20 (3) COLLABORATION.-In developing and providing training and technical assistance  
21 under this subsection, a recipient of a grant, contract, or cooperative agreement under this  
22 subsection shall collaborate with other entities or individuals, in particular-

23 (A) agencies carrying out vocational rehabilitation programs under title I  
24 (including the programs authorized under section 121) and national organizations representing  
25 such programs;

26 (B) organizations representing individuals with disabilities;

27 (C) organizations representing State officials and agencies engaged in the delivery  
28 of assistive technology;

29 (D) relevant employees from Federal department and agencies other than the  
30 Department of Education;

31 (E) representatives of businesses;

32 (F) individuals with disabilities, including individuals who use assistive  
33 technology and understand the barriers to the acquisition of such technology and related services;

34 (G) family members, guardians, advocates and authorized representatives of such  
35 individuals.

36 (4) RULE OF CONSTRUCTION. – The training and technical assistance provided under  
37 this subsection may be delivered through the technical assistance and continuing education  
38 centers funded under this title.

39

1 (g) PARENT INFORMATION AND TRAINING PROGRAM.—

2 (1) GRANTS.—The Commissioner is authorized to make grants to private nonprofit  
3 organizations for the purpose of establishing programs to provide training and information  
4 to enable individuals with disabilities, and the parents, family members, guardians,  
5 advocates, or other authorized representatives of the individuals to participate more  
6 effectively with professionals in meeting the vocational, independent living, and  
7 rehabilitation needs of individuals with disabilities. Such grants shall be designed to meet  
8 the unique training and information needs of the individuals described in the preceding  
9 sentence, who live in the area to be served, particularly those who are members of  
10 populations that have been unserved or underserved by programs under this Act.

11 (2) USE OF GRANTS.—An organization that receives a grant to establish training and  
12 information programs under this subsection shall use the grant to assist individuals with  
13 disabilities, and the parents, family members, guardians, advocates, or authorized  
14 representatives of the individuals—

15 (A) to better understand vocational rehabilitation and independent living programs  
16 and services;

17 (B) to provide followup support for transition and employment programs;

18 (C) to communicate more effectively with transition and rehabilitation personnel and  
19 other relevant professionals;

20 (D) to provide support in the development of the individualized plan for  
21 employment;

22 (E) to provide support and expertise in obtaining information about rehabilitation  
23 and independent living programs, services, and resources that are appropriate;

24 (F) to provide support and guidance in helping individuals with significant  
25 disabilities, including students with disabilities, transition to competitive integrated  
26 employment; and

27 (G) to understand the provisions of this Act, particularly provisions relating to  
28 employment, supported employment, and independent living.

29 (3) AWARD OF GRANTS.—The Commissioner shall ensure that grants under this  
30 subsection—

31 (A) shall be distributed geographically to the greatest extent possible throughout all  
32 States; and

33 (B) shall be targeted to individuals with disabilities, and the parents, family  
34 members, guardians, advocates, or authorized representatives of the individuals, in  
35 both urban and rural areas or on a State or regional basis.

36 (4) ELIGIBLE ORGANIZATIONS.—In order to receive a grant under this subsection, an  
37 organization—

38 (A) shall submit an application to the Commissioner at such time, in such manner,  
39 and containing such information as the Commissioner may require, including  
40 information demonstrating the capacity and expertise of the organization—

1 (i) to coordinate training and information activities with Centers for  
2 Independent Living;

3 (ii) to coordinate and work closely with parent training and information centers  
4 established pursuant to section 671 of the Individuals with Disabilities Education  
5 Act; and

6 (iii) to effectively conduct the training and information activities authorized  
7 under this subsection;

8 (B)(i) shall be governed by a board of directors—

9 (I) that includes professionals in the field of vocational rehabilitation; and

10 (II) on which a majority of the members are individuals with disabilities or the  
11 parents, family members, guardians, advocates, or authorized representatives of  
12 the individuals; or

13 (ii)(I) shall have a membership that represents the interests of individuals with  
14 disabilities; and

15 (II) shall establish a special governing committee that meets the requirements  
16 specified in subclauses (I) and (II) of clause (i) to operate a training and information  
17 program under this subsection; and

18 (C) shall serve individuals with a full range of disabilities, and the parents, family  
19 members, guardians, advocates, or authorized representatives of the individuals.

20 (5) CONSULTATION.—Each organization carrying out a program receiving assistance  
21 under this subsection shall consult with appropriate agencies that serve or assist individuals  
22 with disabilities, and the parents, family members, guardians, advocates, or authorized  
23 representatives of the individuals, located in the jurisdiction served by the program.

24 (6) COORDINATION.—The Commissioner shall provide coordination and technical  
25 assistance by grant or cooperative agreement for establishing, developing, and coordinating  
26 the training and information programs. To the extent practicable, such assistance shall be  
27 provided by the parent training and information centers established pursuant to section 671  
28 of the Individuals with Disabilities Education Act.

29 (7) REVIEW.—

30 (A) QUARTERLY REVIEW.—The board of directors or special governing committee of  
31 an organization receiving a grant under this subsection shall meet at least once in each  
32 calendar quarter to review the training and information program, and each such  
33 committee shall directly advise the governing board regarding the views and  
34 recommendations of the committee.

35 (B) REVIEW FOR GRANT RENEWAL.—If a nonprofit private organization requests the  
36 renewal of a grant under this subsection, the board of directors or the special governing  
37 committee shall prepare and submit to the Commissioner a written review of the  
38 training and information program conducted by the organization during the preceding  
39 fiscal year.

40 (h) BRAILLE TRAINING PROGRAMS.—

1 (1) ESTABLISHMENT.—The Commissioner shall make grants to, and enter into contracts  
2 with, States and public or nonprofit agencies and organizations, including institutions of  
3 higher education, to pay all or part of the cost of training in the use of braille for personnel  
4 providing vocational rehabilitation services or educational services to youth and adults who  
5 are blind.

6 (2) PROJECTS.—Such grants shall be used for the establishment or continuation of  
7 projects that may provide—

8 (A) development of braille training materials;

9 (B) in-service or pre-service training in the use of braille, the importance of braille  
10 literacy, and methods of teaching braille to youth and adults who are blind; and

11 (C) activities to promote knowledge and use of braille and nonvisual access  
12 technology for blind youth and adults through a program of training, demonstration,  
13 and evaluation conducted with leadership of experienced blind individuals, including  
14 the use of comprehensive, state-of-the-art technology.

15 (3) APPLICATION.—To be eligible to receive a grant, or enter into a contract, under  
16 paragraph (1), an agency or organization shall submit an application to the Commissioner at  
17 such time, in such manner, and containing such information as the Commissioner may  
18 require.

19 (i) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) IN GENERAL.—For the purpose of carrying out this section (other than subsections  
21 (c) and (e)), there are authorized to be appropriated such sums as may be necessary  
22 for each of the fiscal years 2012 through 2016.

23 (2) RESERVATIONS.—Of the sums appropriated under paragraph (1) for a fiscal year,  
24 the Secretary may reserve not more than \$500,000 to carry out subsection (f).

25 (29 U.S.C. 773)

## 26 SEC. 304. MIGRANT AND SEASONAL FARMWORKERS.

27 (a) GRANTS.—

28 (1) AUTHORITY.—The Commissioner, subject to the provisions of section 306, may make  
29 grants to eligible entities to pay up to 90 percent of the cost of projects or demonstration  
30 programs for the provision of vocational rehabilitation services to individuals with  
31 disabilities who are migrant or seasonal farmworkers, as determined in accordance with  
32 rules prescribed by the Secretary of Labor, and to the family members who are residing with  
33 such individuals (whether or not such family members are individuals with disabilities).

34 (2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under paragraph (1), an entity  
35 shall be—

36 (A) a State designated agency;

37 (B) a nonprofit agency working in collaboration with a State agency described in  
38 subparagraph (A); or

39 (C) a local agency working in collaboration with a State agency described in



1           subparagraph (A).

2           (3) MAINTENANCE AND TRANSPORTATION.—

3           (A) IN GENERAL.—Amounts provided under a grant under this section may be used  
4           to provide for the maintenance of and transportation for individuals and family  
5           members described in paragraph (1) as necessary for the rehabilitation of such  
6           individuals.

7           (B) REQUIREMENT.—Maintenance payments under this paragraph shall be provided  
8           in a manner consistent with any maintenance payments provided to other individuals  
9           with disabilities in the State under this Act.

10          (4) ASSURANCE OF COOPERATION.—To be eligible to receive a grant under this section an  
11          entity shall provide assurances (satisfactory to the Commissioner) that in the provision of  
12          services under the grant there will be appropriate cooperation between the grantee and other  
13          public or nonprofit agencies and organizations having special skills and experience in the  
14          provision of services to migrant or seasonal farmworkers or their families.

15          (5) COORDINATION WITH OTHER PROGRAMS.—The Commissioner shall administer this  
16          section in coordination with other programs serving migrant and seasonal farmworkers,  
17          including programs under title I of the Elementary and Secondary Education Act of 1965  
18          (20 U.S.C. 6301 et seq.), section 330 of the Public Health Service Act (42 U.S.C. 254b), the  
19          Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.), and the  
20          Workforce Investment Act of 1998.

21          (b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums  
22          as may be necessary to carry out this section, for each of the fiscal years 2012 through 2016.

23          (29 U.S.C. 774)

24        **SEC. 305. RECREATIONAL PROGRAMS.**

25          (a) GRANTS.—

26           (1) AUTHORITY.—

27           (A) IN GENERAL.—The Commissioner, subject to the provisions of section 306, shall  
28           make grants to States, public agencies, and nonprofit private organizations to pay the  
29           Federal share of the cost of the establishment and operation of recreation programs to  
30           provide individuals with disabilities with recreational activities and related experiences  
31           to aid in the employment, mobility, socialization, independence, and community  
32           integration of such individuals.

33           (B) RECREATION PROGRAMS.—The recreation programs that may be funded using  
34           assistance provided under a grant under this section may include vocational skills  
35           development, leisure education, leisure networking, leisure resource development,  
36           physical education and sports, scouting and camping, 4-H activities, construction of  
37           facilities for aquatic rehabilitation therapy music, dancing, handicrafts, art, and  
38           homemaking. When possible and appropriate, such programs and activities should be  
39           provided in settings with peers who are not individuals with disabilities.

40           (C) DESIGN OF PROGRAM.—Programs and activities carried out under this section

1 shall be designed to demonstrate ways in which such programs assist in maximizing  
2 the independence and integration of individuals with disabilities.

3 (2) MAXIMUM TERM OF GRANT.—A grant under this section shall be made for a period of  
4 not more than 3 years.

5 (3) AVAILABILITY OF NONGRANT RESOURCES.—

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

11 (B) FEDERAL SHARE.—The Federal share of the costs of the recreation programs  
12 carried out under this section shall be—

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

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

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

19 (4) APPLICATION.—To be eligible to receive a grant under this section, a State, agency, or  
20 organization shall submit an application to the Commissioner at such time, in such manner,  
21 and containing such information as the Commissioner may require, including a description  
22 of—

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

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

28 (5) LEVEL OF SERVICES.—Recreation programs funded under this section shall maintain,  
29 at a minimum, the same level of services over a 3-year project period.

30 (6) REPORTS BY GRANTEEES.—

31 (A) REQUIREMENT.—The Commissioner shall require that each recipient of a grant  
32 under this section annually prepare and submit to the Commissioner a report  
33 concerning the results of the activities funded under the grant.

34 (B) LIMITATION.—The Commissioner may not make financial assistance available  
35 to a grant recipient for a subsequent year until the Commissioner has received and  
36 evaluated the annual report of the recipient under subparagraph (A) for the current  
37 year.

38 (b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry  
39 out this section, such sums as may be necessary for each of the fiscal years 2012 through 2016.

40 (29 U.S.C. 776)

1 Sec. 306

2 **SEC. 306. MEASURING OF PROJECT OUTCOMES AND**  
3 **PERFORMANCE.**

4 The Commissioner may require that recipients of grants under this title submit information,  
5 including data, as determined by the Commissioner to be necessary to measure project outcomes  
6 and performance, including any data needed to comply with the Government Performance and  
7 Results Act\1\.

8 \1\So in law. Should probably insert “of 1993” after “Act”.

9 (29 U.S.C. 776)

10 **TITLE IV—NATIONAL COUNCIL ON DISABILITY**

11 establishment of national council on disability

12 Sec. 400

13 Sec. 400. (a)(1)(A) There is established within the Federal Government a National Council on  
14 Disability (hereinafter in this title referred to as the “National Council”), which shall be  
15 composed of fifteen members appointed by the President, by and with the advice and consent of  
16 the Senate.

17 (B) The President shall select members of the National Council after soliciting  
18 recommendations from representatives of—

19 (i) organizations representing a broad range of individuals with disabilities; and

20 (ii) organizations interested in individuals with disabilities.

21 (C) The members of the National Council shall be individuals with disabilities, parents or  
22 guardians of individuals with disabilities, or other individuals who have substantial knowledge or  
23 experience relating to disability policy or programs. The members of the National Council shall  
24 be appointed so as to be representative of individuals with disabilities, national organizations  
25 concerned with individuals with disabilities, providers and administrators of services to  
26 individuals with disabilities, individuals engaged in conducting medical or scientific research  
27 relating to individuals with disabilities, business concerns, and labor organizations. A majority of  
28 the members of the National Council shall be individuals with disabilities. The members of the  
29 National Council shall be broadly representative of minority and other individuals and groups.

30 (2) The purpose of the National Council is to promote policies, programs, practices, and  
31 procedures that—

32 (A) guarantee equal opportunity for all individuals with disabilities, regardless of the  
33 nature or severity of the disability; and

34 (B) empower individuals with disabilities to achieve economic self-sufficiency,  
35 independent living, and inclusion and integration into all aspects of society.

36 (b)(1) Each member of the National Council shall serve for a term of 3 years, except that the  
37 terms of service of the members initially appointed after the date of enactment of the  
38 Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978

1 shall be (as specified by the President) for such fewer number of years as will provide for the  
2 expiration of terms on a staggered basis.

3 (2)(A) No member of the National Council may serve more than two consecutive full terms  
4 beginning on the date of commencement of the first full term on the Council. Members may  
5 serve after the expiration of their terms until their successors have taken office.

6 (B) As used in this paragraph, the term “full term” means a term of 3 years.

7 (3) Any member appointed to fill a vacancy occurring before the expiration of the term for  
8 which such member’s predecessor was appointed shall be appointed only for the remainder of  
9 such term.

10 (c) The President shall designate the Chairperson from among the members appointed to the  
11 National Council. The National Council shall meet at the call of the Chairperson, but not less  
12 often than four times each year.

13 (d) Eight members of the National Council shall constitute a quorum and any vacancy in the  
14 National Council shall not affect its power to function.Q04

15 (29 U.S.C. 780)

16 Sec. 401

17 NATIONAL COUNCIL ON DISABILITY

18 Sec. 401. (a) The National Council shall—

19 (1) provide advice to the Director with respect to the policies and conduct of the National  
20 Institute on Disability and Rehabilitation Research, including ways to improve research  
21 concerning individuals with disabilities and the methods of collecting and disseminating  
22 findings of such research;

23 (2) provide advice to the Commissioner with respect to the policies of and conduct of the  
24 Rehabilitation Services Administration;

25 (3) advise the President, the Congress, the Commissioner, the appropriate Assistant  
26 Secretary of the Department of Education, and the Director of the National Institute on  
27 Disability and Rehabilitation Research on the development of the programs to be carried out  
28 under this Act;

29 (4) provide advice regarding priorities for the activities of the Interagency Disability  
30 Coordinating Council and review the recommendations of such Council for legislative and  
31 administrative changes to ensure that such recommendations are consistent with the  
32 purposes of the Council to promote the full integration, independence, and productivity of  
33 individuals with disabilities;

34 (5) review and evaluate on a continuing basis—

35 (A) policies, programs, practices, and procedures concerning individuals with  
36 disabilities conducted or assisted by Federal departments and agencies, including  
37 programs established or assisted under this Act or under the Developmental  
38 Disabilities Assistance and Bill of Rights Act\1\; and

39 \1\Section 401(b)(3)(B) of the Developmental Disabilities Assistance and Bill of Rights Act of  
40 2000 (Public Law 106–402; 114 Stat. 1737–38) attempts to amend this subparagraph by striking

1 “Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)” and  
2 inserting “Developmental Disabilities Assistance and Bill of Rights Act of 2000”. The  
3 amendment probably should not have included the United States Code citation appearing inside  
4 the parenthesis in the matter proposed to be struck.

5 (B) all statutes and regulations pertaining to Federal programs which assist such  
6 individuals with disabilities;

7 in order to assess the effectiveness of such policies, programs, practices, procedures,  
8 statutes, and regulations in meeting the needs of individuals with disabilities;

9 (6) assess the extent to which such policies, programs, practices, and procedures facilitate  
10 or impede the promotion of the policies set forth in subparagraphs (A) and (B) of section  
11 400(a)(2);

12 (7) gather information about the implementation, effectiveness, and impact of the  
13 Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

14 (8) make recommendations to the President, the Congress, the Secretary, the Director of  
15 the National Institute on Disability and Rehabilitation Research, and other officials of  
16 Federal agencies or other Federal entities, respecting ways to better promote the policies set  
17 forth in section 400(a)(2);

18 (9) provide to the Congress on a continuing basis advice, recommendations, legislative  
19 proposals, and any additional information that the National Council or the Congress deems  
20 appropriate; and

21 (10) review and evaluate on a continuing basis new and emerging disability policy issues  
22 affecting individuals with disabilities at the Federal, State, and local levels, and in the  
23 private sector, including the need for and coordination of adult services, access to personal  
24 assistance services, school reform efforts and the impact of such efforts on individuals with  
25 disabilities, access to health care, and policies that operate as disincentives for the  
26 individuals to seek and retain employment.

27 (b)(1) Not later than October 31, 1998, and annually thereafter, the National Council shall  
28 prepare and submit to the President and the appropriate committees of the Congress a report  
29 entitled “National Disability Policy: A Progress Report”.

30 (2) The report shall assess the status of the Nation in achieving the policies set forth in section  
31 400(a)(2), with particular focus on the new and emerging issues impacting on the lives of  
32 individuals with disabilities. The report shall present, as appropriate, available data on health,  
33 housing, employment, insurance, transportation, recreation, training, prevention, early  
34 intervention, and education. The report shall include recommendations for policy change.

35 (3) In determining the issues to focus on and the findings, conclusions, and recommendations  
36 to include in the report, the National Council shall seek input from the public, particularly  
37 individuals with disabilities, representatives of organizations representing a broad range of  
38 individuals with disabilities, and organizations and agencies interested in individuals with  
39 disabilities.

40 (29 U.S.C. 781)

41 Sec. 402

1 COMPENSATION OF NATIONAL COUNCIL MEMBERS

2 Sec. 402. (a) Members of the National Council shall be entitled to receive compensation at a  
3 rate equal to the rate of pay for level 4 of the Senior Executive Service Schedule under section  
4 5382 of title 5, United States Code, including travel time, for each day they are engaged in the  
5 performance of their duties as members of the National Council.

6 (b) Members of the National Council who are full-time officers or employees of the United  
7 States shall receive no additional pay on account of their service on the National Council except  
8 for compensation for travel expenses as provided under subsection (c) of this section.

9 (c) While away from their homes or regular places of business in the performance of services  
10 for the National Council, members of the National Council shall be allowed travel expenses,  
11 including per diem in lieu of subsistence, in the same manner as persons employed intermittently  
12 in the Government service are allowed expenses under section 5703 of title 5, United States  
13 Code.

14 (29 U.S.C. 782)

15 Sec. 403

16 STAFF OF NATIONAL COUNCIL

17 Sec. 403. (a)(1) The Chairperson of the National Council may appoint and remove, without  
18 regard to the provisions of title 5, United States Code, governing appointments, the provisions of  
19 chapter 75 of such title (relating to adverse actions), the provisions of chapter 77 of such title  
20 (relating to appeals), or the provisions of chapter 51 and subchapter III of chapter 53 of such title  
21 (relating to classification and General Schedule pay rates), an Executive Director to assist the  
22 National Council to carry out its duties. The Executive Director shall be appointed from among  
23 individuals who are experienced in the planning or operation of programs for individuals with  
24 disabilities.

25 (2) The Executive Director is authorized to hire technical and professional employees to assist  
26 the National Council to carry out its duties.

27 (b)(1) The National Council may procure temporary and intermittent services to the same  
28 extent as is authorized by section 3109(b) of title 5, United States Code (but at rates for  
29 individuals not to exceed the daily equivalent of the rate of pay for level 4 of the Senior  
30 Executive Service Schedule under section 5382 of title 5, United States Code).

31 (2) The National Council may—

32 (A) accept voluntary and uncompensated services, notwithstanding the provisions of  
33 section 1342 of title 31, United States Code;

34 (B) in the name of the Council, solicit, accept, employ, and dispose of, in furtherance of  
35 this Act, any money or property, real or personal, or mixed, tangible or nontangible,  
36 received by gift, devise, bequest, or otherwise; and

37 (C) enter into contracts and cooperative agreements with Federal and State agencies,  
38 private firms, institutions, and individuals for the conduct of research and surveys,  
39 preparation of reports and other activities necessary to the discharge of the Council's duties  
40 and responsibilities.

1 (3) Not more than 10 per centum of the total amounts available to the National Council in each  
2 fiscal year may be used for official representation and reception.

3 (c) The Administrator of General Services shall provide to the National Council on a  
4 reimbursable basis such administrative support services as the Council may request.

5 (d)(1) It shall be the duty of the Secretary of the Treasury to invest such portion of the  
6 amounts made available under subsection (a)(2)(B)\1\ as is not, in the Secretary's judgment,  
7 required to meet current withdrawals. Such investments may be made only in interest-bearing  
8 obligations of the United States or in obligations guaranteed as to both principal and interest by  
9 the United States.

10 \1\So in law. Should probably be "(b)(2)(B)".

11 (2) The amounts described in paragraph (1), and the interest on, and the proceeds from the sale  
12 or redemption of, the obligations described in paragraph (1) shall be available to the National  
13 Council to carry out this title.

14 (29 U.S.C. 783)

15 Sec. 404

#### 16 ADMINISTRATIVE POWERS OF NATIONAL COUNCIL

17 Sec. 404. (a) The National Council may prescribe such bylaws and rules as may be necessary  
18 to carry out its duties under this title.

19 (b) The National Council may hold such hearings, sit and act at such times and places, take  
20 such testimony, and receive such evidence as it deems advisable.

21 (c) The National Council may appoint advisory committees to assist the National Council in  
22 carrying out its duties. The members thereof shall serve without compensation.

23 (d) The National Council may use the United States mails in the same manner and upon the  
24 same conditions as other departments and agencies of the United States.

25 (e) The National Council may use, with the consent of the agencies represented on the  
26 Interagency Disability Coordinating Council, and as authorized in title V, such services,  
27 personnel, information, and facilities as may be needed to carry out its duties under this title,  
28 with or without reimbursement to such agencies.

29 (29 U.S.C. 784)

30 Sec. 405

#### 31 AUTHORIZATION OF APPROPRIATIONS

32 Sec. 405. There are authorized to be appropriated to carry out this title such sums as may be  
33 necessary for each of the fiscal years 2012 through 2016.

34 (29 U.S.C. 785)

### 35 TITLE V—RIGHTS AND ADVOCACY

36 Sec. 501

#### 37 EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES

1       Sec. 501. (a) There is established within the Federal Government an Interagency Committee  
2 on Employees who are Individuals with Disabilities (hereinafter in this section referred to as the  
3 “Committee”), comprised of such members as the President may select, including the following  
4 (or their designees whose positions are Executive Level IV or higher): the Chairman of the Equal  
5 Employment Opportunity Commission, (hereafter in this section referred to as the  
6 “Commission”), the Director of the Office of Personnel Management, the Secretary of Veterans  
7 Affairs, the Secretary of Labor, the Secretary of Education, and the Secretary of Health and  
8 Human Services. Either the Director of the Office of Personnel Management and the Chairman  
9 of the Commission shall serve as co-chairpersons of the Committee or the Director or Chairman  
10 shall serve as the sole chairperson of the Committee, as the Director and Chairman jointly  
11 determine, from time to time, to be appropriate. The resources of the President’s Disability  
12 Employment Partnership Board and the President’s Committee for People with Intellectual  
13 Disabilities shall be made fully available to the Committee. It shall be the purpose and function  
14 of the Committee (1) to provide a focus for Federal and other employment of individuals with  
15 disabilities, and to review, on a periodic basis, in cooperation with the Commission, the  
16 adequacy of hiring, placement, and advancement practices with respect to individuals with  
17 disabilities, by each department, agency, and instrumentality in the executive branch of  
18 Government and the Smithsonian Institution, and to insure that the special needs of such  
19 individuals are being met; and (2) to consult with the Commission to assist the Commission to  
20 carry out its responsibilities under subsections (b), (c), and (d) of this section. On the basis of  
21 such review and consultation, the Committee shall periodically make to the Commission such  
22 recommendations for legislative and administrative changes as it deems necessary or desirable.  
23 The Commission shall timely transmit to the appropriate committees of Congress any such  
24 recommendations.

25       (b) Each department, agency, and instrumentality (including the United States Postal Service  
26 and the Postal Regulatory Commission) in the executive branch and the Smithsonian Institution  
27 shall, within one hundred and eighty days after the date of enactment of this Act, submit to the  
28 Commission and to the Committee an affirmative action program plan for the hiring, placement,  
29 and advancement of individuals with disabilities in such department, agency, instrumentality, or  
30 Institution. Such plan shall include a description of the extent to which and methods whereby the  
31 special needs of employees who are individuals with disabilities are being met. Such plan shall  
32 be updated annually, and shall be reviewed annually and approved by the Commission, if the  
33 Commission determines, after consultation with the Committee, that such plan provides  
34 sufficient assurances, procedures, and commitments to provide adequate hiring, placement, and  
35 advancement opportunities for individuals with disabilities.

36       (c) The Commission, after consultation with the Committee, shall develop and recommend to  
37 the Secretary for referral to the appropriate State agencies, policies and procedures which will  
38 facilitate the hiring, placement, and advancement in employment of individuals who have  
39 received rehabilitation services under State vocational rehabilitation programs, veterans’  
40 programs, or any other program for individuals with disabilities, including the promotion of job  
41 opportunities for such individuals. The Secretary shall encourage such State agencies to adopt  
42 and implement such policies and procedures.

43       (d) The Commission, after consultation with the Committee, shall, on June 30, 1974, and at  
44 the end of each subsequent fiscal year, make a complete report to the appropriate committees of  
45 the Congress with respect to the practices of and achievements in hiring, placement, and



1 advancement of individuals with disabilities by each department, agency, and instrumentality  
2 and the Smithsonian Institution and the effectiveness of the affirmative action programs required  
3 by subsection (b) of this section, together with recommendations as to legislation which have  
4 been submitted to the Commission under subsection (a) of this section, or other appropriate  
5 action to insure the adequacy of such practices. Such report shall also include an evaluation by  
6 the Committee of the effectiveness of the activities of the Commission under subsection (b) and  
7 (c) of this section.

8 (e) An individual who, as a part of an individualized plan for employment under a State plan  
9 approved under this Act, participates in a program of unpaid work experience in a Federal  
10 agency, shall not, by reason thereof, be considered to be a Federal employee or to be subject to  
11 the provisions of law relating to Federal employment, including those relating to hours of work,  
12 rates of compensation, leaves, unemployment compensation, and Federal employee benefits.

13 (f)(1) The Secretary of Labor and the Secretary of Education are authorized and directed to  
14 cooperate with the President's Committee on Employment of People With Disabilities in  
15 carrying out its functions.

16 (2) In selecting personnel to fill all positions on the President's Committee on Employment of  
17 People With Disabilities, special consideration shall be given to qualified individuals with  
18 disabilities.

19 (g) The standards used to determine whether this section has been violated in a complaint  
20 alleging nonaffirmative action employment discrimination under this section shall be the  
21 standards applied under title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111  
22 et seq.) and the provisions of sections 501 through 504, and 510, of the Americans with  
23 Disabilities Act of 1990 (42 U.S.C. 12201–12204 and 12210), as such sections relate to  
24 employment.

25 (29 U.S.C. 791)

## 26 ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

### 27 Sec. 502

28 Sec. 502. (a)(1) There is established within the Federal Government the Architectural and  
29 Transportation Barriers Compliance Board (hereinafter referred to as the "Access Board") which  
30 shall be composed as follows:

31 (A) Thirteen members shall be appointed by the President from among members of the  
32 general public of whom at least a majority shall be individuals with disabilities.

33 (B) The remaining members shall be the heads of each of the following departments or  
34 agencies (or their designees whose positions are executive level IV or higher):

35 (i) Department of Health and Human Services.

36 (ii) Department of Transportation.

37 (iii) Department of Housing and Urban Development.

38 (iv) Department of Labor.

39 (v) Department of the Interior.

40 (vi) Department of Defense.

- 1 (vii) Department of Justice.
- 2 (viii) General Services Administration.
- 3 (ix) Department of Veterans Affairs.
- 4 (x) United States Postal Service.
- 5 (xi) Department of Education.
- 6 (xii) Department of Commerce.

7 The chairperson and vice-chairperson of the Access Board shall be elected by majority vote of  
8 the members of the Access Board to serve for terms of one year. When the chairperson is a  
9 member of the general public, the vice-chairperson shall be a Federal official; and when the  
10 chairperson is a Federal official, the vice-chairperson shall be a member of the general public.  
11 Upon the expiration of the term as chairperson of a member who is a Federal official, the  
12 subsequent chairperson shall be a member of the general public; and vice versa.

13 (2)(A)(i) The term of office of each appointed member of the Access Board shall be 4 years,  
14 except as provided in clause (ii). Each year, the terms of office of at least three appointed  
15 members of the Access Board shall expire.

16 (ii)(I) One member appointed for a term beginning December 4, 1992 shall serve for a term of  
17 3 years.

18 (II) One member appointed for a term beginning December 4, 1993 shall serve for a term of 2  
19 years.

20 (III) One member appointed for a term beginning December 4, 1994 shall serve for a term of 1  
21 year.

22 (IV) Members appointed for terms beginning before December 4, 1992 shall serve for terms of  
23 3 years.

24 (B) A member whose term has expired may continue to serve until a successor has been  
25 appointed.

26 (C) A member appointed to fill a vacancy shall serve for the remainder of the term to which  
27 that member's predecessor was appointed.

28 (3) If any appointed member of the Access Board becomes a Federal employee, such member  
29 may continue as a member of the Access Board for not longer than the sixty-day period  
30 beginning on the date the member becomes a Federal employee.

31 (4) No individual appointed under paragraph (1)(A) of this subsection who has served as a  
32 member of the Access Board may be reappointed to the Access Board more than once unless  
33 such individual has not served on the Access Board for a period of two years prior to the  
34 effective date of such individual's appointment.

35 (5)(A) Members of the Access Board who are not regular full-time employees of the United  
36 States shall, while serving on the business of the Access Board, be entitled to receive  
37 compensation at rates fixed by the President, but not to exceed the daily equivalent of the rate of  
38 pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code,  
39 including travel time, for each day they are engaged in the performance of their duties as  
40 members of the Access Board; and shall be entitled to reimbursement for travel, subsistence, and

1 other necessary expenses incurred by them in carrying out their duties under this section.

2 (B) Members of the Access Board who are employed by the Federal Government shall serve  
3 without compensation, but shall be reimbursed for travel, subsistence, and other necessary  
4 expenses incurred by them in carrying out their duties under this section.

5 (6)(A) The Access Board shall establish such bylaws and other rules as may be appropriate to  
6 enable the Access Board to carry out its functions under this Act.

7 (B) The bylaws shall include quorum requirements. The quorum requirements shall provide  
8 that (i) a proxy may not be counted for purposes of establishing a quorum, and (ii) not less than  
9 half the members required for a quorum shall be members of the general public appointed under  
10 paragraph (1)(A).

11 (b) It shall be the function of the Access Board to—

12 (1) ensure compliance with the standards prescribed pursuant to the Act entitled “An Act  
13 to ensure that certain buildings financed with Federal funds are so designed and constructed  
14 as to be accessible to the physically handicapped”, approved August 12, 1968 (commonly  
15 known as the Architectural Barriers Act of 1968; 42 U.S.C. 4151 et seq.) (including the  
16 application of such Act to the United States Postal Service), including enforcing all  
17 standards under such Act, and ensuring that all waivers and modifications to the standards  
18 are based on findings of fact and are not inconsistent with the provisions of this section;

19 (2) develop advisory information for, and provide appropriate technical assistance to,  
20 individuals or entities with rights or duties under regulations prescribed pursuant to this title  
21 or titles II and III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.  
22 and 12181 et seq.) with respect to overcoming architectural, transportation, and  
23 communication barriers;

24 (3) establish and maintain—

25 (A) minimum guidelines and requirements for the standards issued pursuant to the  
26 Act commonly known as the Architectural Barriers Act of 1968;

27 (B) minimum guidelines and requirements for the standards issued pursuant to titles  
28 II and III of the Americans with Disabilities Act of 1990;

29 (C) guidelines for accessibility of telecommunications equipment and customer  
30 premises equipment under section 255 of the Telecommunications Act of 1934 (47  
31 U.S.C. 255); and

32 (D) standards for accessible electronic and information technology under section  
33 508;

34 (4) promote accessibility throughout all segments of society;

35 (5) investigate and examine alternative approaches to the architectural, transportation,  
36 communication, and attitudinal barriers confronting individuals with disabilities,  
37 particularly with respect to telecommunications devices, public buildings and monuments,  
38 parks and parklands, public transportation (including air, water, and surface transportation,  
39 whether interstate, foreign, intrastate, or local), and residential and institutional housing;

40 (6) determine what measures are being taken by Federal, State, and local governments

1 and by other public or nonprofit agencies to eliminate the barriers described in paragraph  
2 (5);

3 (7) promote the use of the International Accessibility Symbol in all public facilities that  
4 are in compliance with the standards prescribed by the Administrator of General Services,  
5 the Secretary of Defense, and the Secretary of Housing and Urban Development pursuant to  
6 the Act commonly known as the Architectural Barriers Act of 1968;

7 (8) make to the President and to the Congress reports that shall describe in detail the  
8 results of its investigations under paragraphs (5) and (6);

9 (9) make to the President and to the Congress such recommendations for legislative and  
10 administrative changes as the Access Board determines to be necessary or desirable to  
11 eliminate the barriers described in paragraph (5);

12 (10) ensure that public conveyances, including rolling stock, are readily accessible to, and  
13 usable by, individuals with physical disabilities; and

14 (11) carry out the responsibilities specified for the Access Board in section 508.

15 (c) The Access Board shall also (1)(A) determine how and to what extent transportation  
16 barriers impede the mobility of individuals with disabilities and aged individuals with disabilities  
17 and consider ways in which travel expenses in connection with transportation to and from work  
18 for individuals with disabilities can be met or subsidized when such individuals are unable to use  
19 mass transit systems or need special equipment in private transportation, and (B) consider the  
20 housing needs of individuals with disabilities; (2) determine what measures are being taken,  
21 especially by public and other nonprofit agencies and groups having an interest in and a capacity  
22 to deal with such problems, (A) to eliminate barriers from public transportation systems  
23 (including vehicles used in such systems), and to prevent their incorporation in new or expanded  
24 transportation systems, and (B) to make housing available and accessible to individuals with  
25 disabilities or to meet sheltered housing needs; and (3) prepare plans and proposals for such  
26 further actions as may be necessary to the goals of adequate transportation and housing for  
27 individuals with disabilities, including proposals for bringing together in a cooperative effort,  
28 agencies, organizations, and groups already working toward such goals or whose cooperation is  
29 essential to effective and comprehensive action.

30 (d) Beginning in fiscal year 2000, the Access Board, after consultation with the Secretary,  
31 representatives of such public and private entities as the Access Board determines to be  
32 appropriate (including the electronic and information technology industry), targeted individuals  
33 and entities (as defined in section 3 of the Assistive Technology Act of 1998), and State  
34 information technology officers, shall provide training for Federal and State employees on any  
35 obligations related to section 508 of the Rehabilitation Act of 1973.

36 (e)(1) The Access Board shall conduct investigations, hold public hearings, and issue such  
37 orders as it deems necessary to ensure compliance with the provisions of the Acts cited in  
38 subsection (b). Except as provided in paragraph (3) of subsection (f), the provisions of  
39 subchapter II of chapter 5, and chapter 7 of title 5, United States Code, shall apply to procedures  
40 under this subsection, and an order of compliance issued by the Access Board shall be a final  
41 order for purposes of judicial review. Any such order affecting any Federal department, agency,  
42 or instrumentality of the United States shall be final and binding on such department, agency, or  
43 instrumentality. An order of compliance may include the withholding or suspension of Federal

1 funds with respect to any building or public conveyance or rolling stock found not to be in  
2 compliance with standards enforced under this section. Pursuant to chapter 7 of title 5, United  
3 States Code, any complainant or participant in a proceeding under this subsection may obtain  
4 review of a final order issued in such proceeding.

5 (2) The Executive Director is authorized, at the direction of the Access Board—

6 (A) to bring a civil action in any appropriate United States district court to enforce, in  
7 whole or in part, any final order of the Access Board under this subsection; and

8 (B) to intervene, appear, and participate, or to appear as amicus curiae, in any court of the  
9 United States or in any court of a State in civil actions that relate to this section or to the  
10 Architectural Barriers Act of 1968.

11 Except as provided in section 518(a) of title 28, United States Code, relating to litigation before  
12 the Supreme Court, the executive director may appear for and represent the Access Board in any  
13 civil litigation brought under this section.

14 (f)(1) There shall be appointed by the Access Board an executive director and such other  
15 professional and clerical personnel as are necessary to carry out its functions under this Act. The  
16 Access Board is authorized to appoint as many hearing examiners as are necessary for  
17 proceedings required to be conducted under this section. The provisions applicable to hearing  
18 examiners appointed under section 3105 of title 5, United States Code, shall apply to hearing  
19 examiners appointed under this subsection.

20 (2) The Executive Director shall exercise general supervision over all personnel employed by  
21 the Access Board (other than hearing examiners and their assistants). The Executive Director  
22 shall have final authority on behalf of the Access Board, with respect to the investigation of  
23 alleged noncompliance and in the issuance of formal complaints before the Access Board, and  
24 shall have such other duties as the Access Board may prescribe.

25 (3) For the purpose of this section, an order of compliance issued by a hearing examiner shall  
26 be deemed to be an order of the Access Board and shall be the final order for the purpose of  
27 judicial review.

28 (g)(1)(A) In carrying out the technical assistance responsibilities of the Access Board under  
29 this section, the Board may enter into an interagency agreement with another Federal department  
30 or agency.

31 (B) Any funds appropriated to such a department or agency for the purpose of providing  
32 technical assistance may be transferred to the Access Board. Any funds appropriated to the  
33 Access Board for the purpose of providing such technical assistance may be transferred to such  
34 department or agency.

35 (C) The Access Board may arrange to carry out the technical assistance responsibilities of the  
36 Board under this section through such other departments and agencies for such periods as the  
37 Board determines to be appropriate.

38 (D) The Access Board shall establish a procedure to ensure separation of its compliance and  
39 technical assistance responsibilities under this section.

40 (2) The departments or agencies specified in subsection (a) of this section shall make available  
41 to the Access Board such technical, administrative, or other assistance as it may require to carry

1 out its functions under this section, and the Access Board may appoint such other advisers,  
2 technical experts, and consultants as it deems necessary to assist it in carrying out its functions  
3 under this section. Special advisory and technical experts and consultants appointed pursuant to  
4 this paragraph shall, while performing their functions under this section, be entitled to receive  
5 compensation at rates fixed by the Chairperson, but not exceeding the daily equivalent of the rate  
6 of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United  
7 States Code, including travel time, and while serving away from their homes or regular places of  
8 business they may be allowed travel expenses, including per diem in lieu of subsistence, as  
9 authorized by section 5703 of such title 5 for persons in the Government service employed  
10 intermittently.

11 (h)(1) The Access Board shall, at the end of each fiscal year, report its activities during the  
12 preceding fiscal year to the Congress. Such report shall include an assessment of the extent of  
13 compliance with the Acts cited in subsection (b) of this section, along with a description and  
14 analysis of investigations made and actions taken by the Access Board, and the reports and  
15 recommendations described in paragraphs (8) and (9) of such subsection.

16 (2) The Access Board shall, at the same time that the Access Board transmits the report  
17 required under section 7(b) of the Act commonly known as the Architectural Barriers Act of  
18 1968 (42 U.S.C. 4157(b)), transmit the report to the Committee on Education and the Workforce  
19 of the House of Representatives and the Committee on Labor and Human Resources of the  
20 Senate.

21 (i)(1) The Access Board may make grants to, or enter into contracts with, public or private  
22 organizations to carry out its duties under subsections (b) and (c).

23 (2)(A) The Access Board may accept, hold, administer, and utilize gifts, devises, and bequests  
24 of property, both real and personal, for the purpose of aiding and facilitating the functions of the  
25 Access Board under paragraphs (2) and (4) of subsection (b). Gifts and bequests of money and  
26 proceeds from sales of other property received as gifts, devises, or bequests shall be deposited in  
27 the Treasury and shall be disbursed upon the order of the Chairperson. Property accepted  
28 pursuant to this section, and the proceeds thereof, shall be used as nearly as possible in  
29 accordance with the terms of the gifts, devises, or bequests. For purposes of Federal income,  
30 estate, or gift taxes, property accepted under this section shall be considered as a gift, devise, or  
31 bequest to the United States.

32 (B) The Access Board shall publish regulations setting forth the criteria the Board will use in  
33 determining whether the acceptance of gifts, devises, and bequests of property, both real and  
34 personal, would reflect unfavorably upon the ability of the Board or any employee to carry out  
35 the responsibilities or official duties of the Board in a fair and objective manner, or would  
36 compromise the integrity of or the appearance of the integrity of a Government program or any  
37 official involved in that program.

38 (j) There are authorized to be appropriated for the purpose of carrying out the duties and  
39 functions of the Access Board under this section such sums as may be necessary for each of the  
40 fiscal years 2012 through 2016.

41 (29 U.S.C. 792)

42 Sec. 503

43 EMPLOYMENT UNDER FEDERAL CONTRACTS

1       Sec. 503. (a) Any contract in excess of \$10,000 entered into by any Federal department or  
2 agency for the procurement of personal property and nonpersonal services (including  
3 construction) for the United States shall contain a provision requiring that the party contracting  
4 with the United States shall take affirmative action to employ and advance in employment  
5 qualified individuals with disabilities. The provisions of this section shall apply to any  
6 subcontract in excess of \$10,000 entered into by a prime contractor in carrying out any contract  
7 for the procurement of personal property and nonpersonal services (including construction) for  
8 the United States. The President shall implement the provisions of this section by promulgating  
9 regulations within ninety days after the date of enactment of this section.

10       (b) If any individual with a disability believes any contractor has failed or refused to comply  
11 with the provisions of a contract with the United States, relating to employment of individuals  
12 with disabilities, such individual may file a complaint with the Department of Labor. The  
13 Department shall promptly investigate such complaint and shall take such action thereon as the  
14 facts and circumstances warrant, consistent with the terms of such contract and the laws and  
15 regulations applicable thereto.

16       (c)(1) The requirements of this section may be waived, in whole or in part, by the President  
17 with respect to a particular contract or subcontract, in accordance with guidelines set forth in  
18 regulations which the President shall prescribe, when the President determines that special  
19 circumstances in the national interest so require and states in writing the reasons for such  
20 determination.

21       (2)(A) The Secretary of Labor may waive the requirements of the affirmative action clause  
22 required by regulations promulgated under subsection (a) with respect to any of a prime  
23 contractor's or subcontractor's facilities that are found to be in all respects separate and distinct  
24 from activities of the prime contractor or subcontractor related to the performance of the contract  
25 or subcontract, if the Secretary of Labor also finds that such a waiver will not interfere with or  
26 impede the effectuation of this Act.

27       (B) Such waivers shall be considered only upon the request of the contractor or subcontractor.  
28 The Secretary of Labor shall promulgate regulations that set forth the standards used for granting  
29 such a waiver.

30       (d) The standards used to determine whether this section has been violated in a complaint  
31 alleging nonaffirmative action employment discrimination under this section shall be the  
32 standards applied under title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111  
33 et seq.) and the provisions of sections 501 through 504, and 510, of the Americans with  
34 Disabilities Act of 1990 (42 U.S.C. 12201–12204 and 12210), as such sections relate to  
35 employment.

36       (e) The Secretary shall develop procedures to ensure that administrative complaints filed under  
37 this section and under the Americans with Disabilities Act of 1990 are dealt with in a manner  
38 that avoids duplication of effort and prevents imposition of inconsistent or conflicting standards  
39 for the same requirements under this section and the Americans with Disabilities Act of 1990.

40 (29 U.S.C. 793)

41 Sec. 504

42 NONDISCRIMINATION UNDER FEDERAL GRANTS AND PROGRAMS

1       Sec. 504. (a) No otherwise qualified individual with a disability in the United States, as  
2 defined in section 7(20), shall, solely by reason of her or his disability, be excluded from the  
3 participation in, be denied the benefits of, or be subjected to discrimination under any program or  
4 activity receiving Federal financial assistance or under any program or activity conducted by any  
5 Executive agency or by the United States Postal Service. The head of each such agency shall  
6 promulgate such regulations as may be necessary to carry out the amendments to this section  
7 made by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of  
8 1978. Copies of any proposed regulation shall be submitted to appropriate authorizing  
9 committees of the Congress, and such regulation may take effect no earlier than the thirtieth day  
10 after the date on which such regulation is so submitted to such committees.

11       (b) For the purposes of this section, the term “program or activity” means all of the operations  
12 of—

13               (1)(A) a department, agency, special purpose district, or other instrumentality of a State  
14 or of a local government; or

15               (B) the entity of such State or local government that distributes such assistance and each  
16 such department or agency (and each other State or local government entity) to which the  
17 assistance is extended, in the case of assistance to a State or local government;

18               (2)(A) a college, university, or other postsecondary institution, or a public system of  
19 higher education; or

20               (B) a local educational agency (as defined in section 9101 of the Elementary and  
21 Secondary Education Act of 1965), system of career and technical education, or other  
22 school system;

23               (3)(A) an entire corporation, partnership, or other private organization, or an entire sole  
24 proprietorship—

25                       (i) if assistance is extended to such corporation, partnership, private organization, or  
26 sole proprietorship as a whole; or

27                       (ii) which is principally engaged in the business of providing education, health care,  
28 housing, social services, or parks and recreation; or

29               (B) the entire plant or other comparable, geographically separate facility to which Federal  
30 financial assistance is extended, in the case of any other corporation, partnership, private  
31 organization, or sole proprietorship; or

32               (4) any other entity which is established by two or more of the entities described in  
33 paragraph (1), (2), or (3);

34 any part of which is extended Federal financial assistance.

35       (c) Small providers are not required by subsection (a) to make significant structural alterations  
36 to their existing facilities for the purpose of assuring program accessibility, if alternative means  
37 of providing the services are available. The terms used in this subsection shall be construed with  
38 reference to the regulations existing on the date of the enactment of this subsection.

39       (d) The standards used to determine whether this section has been violated in a complaint  
40 alleging employment discrimination under this section shall be the standards applied under title I  
41 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and the provisions of



1 sections 501 through 504, and 510, of the Americans with Disabilities Act of 1990 (42 U.S.C.  
2 12201–12204 and 12210), as such sections relate to employment.

3 (29 U.S.C. 794)

4 Sec. 505

#### 5 REMEDIES AND ATTORNEYS' FEES

6 Sec. 505.\1\ (a)(1) The remedies, procedures, and rights set forth in section 717 of the Civil  
7 Rights Act of 1964 (42 U.S.C. 2000e–16), including the application of sections 706(f) through  
8 706(k) (42 U.S.C. 2000e–5 (f) through (k)) (and the application of section 706(e)(3) (42 U.S.C.  
9 2000e–5(e)(3)) to claims of discrimination in compensation), shall be available, with respect to  
10 any complaint under section 501 of this Act, to any employee or applicant for employment  
11 aggrieved by the final disposition of such complaint, or by the failure to take final action on such  
12 complaint. In fashioning an equitable or affirmative action remedy under such section, a court  
13 may take into account the reasonableness of the cost of any necessary work place  
14 accommodation, and the availability of alternatives therefor or other appropriate relief in order to  
15 achieve an equitable and appropriate remedy.

16 \1\Section 1003 of Public Law 99–506 (42 U.S.C. 2000 d–7) provides in part that a “State shall  
17 not be immune under the Eleventh Amendment of the Constitution of the United States from suit  
18 in Federal court for a violation of section 504 of the Rehabilitation Act of 1973”. Such section  
19 1003 further provides in part that in a suit for a violation of such section 504 “remedies  
20 (including remedies both at law and in equity) are available for such a violation to the same  
21 extent as such remedies are available for such a violation in the suit against any public or private  
22 entity other than a State”.

23 (2) The remedies, procedures, and rights set forth in title VI of the Civil Rights Act of 1964  
24 (42 U.S.C. 2000d et seq.) (and in subsection (e)(3) of section 706 of such Act (42 U.S.C. 2000e–  
25 5), applied to claims of discrimination in compensation) shall be available to any person  
26 aggrieved by any act or failure to act by any recipient of Federal assistance or Federal provider  
27 of such assistance under section 504 of this Act.

28 (b) In any action or proceeding to enforce or charge a violation of a provision of this title, the  
29 court, in its discretion, may allow the prevailing party, other than the United States, a reasonable  
30 attorney’s fee as part of the costs.

31 (29 U.S.C. 794a)

32 Sec. 506

#### 33 SECRETARIAL RESPONSIBILITIES

34 Sec. 506. (a) The Secretary may provide directly or by contract with State vocational  
35 rehabilitation agencies or experts or consultants or groups thereof, technical assistance—

36 (1) to persons operating community rehabilitation programs; and

37 (2) with the concurrence of the Access Board established by section 502, to any public or  
38 nonprofit agency, institution, or organization;

39 for the purpose of assisting such persons or entities in removing architectural, transportation, or  
40 communication barriers.Any concurrence of the Access Board under paragraph (2) shall reflect

1 its consideration of cost studies carried out by States.

2 (b) Any such experts or consultants, while serving pursuant to such contracts, shall be entitled  
3 to receive compensation at rates fixed by the Secretary, but not exceeding the daily equivalent of  
4 the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5,  
5 United States Code, including travel time, and while so serving away from their homes or regular  
6 places of business, they may be allowed travel expenses, including per diem in lieu of  
7 subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the  
8 Government service employed intermittently.

9 (c) The Secretary, with the concurrence of the Access Board and the President, may provide,  
10 directly or by contract, financial assistance to any public or nonprofit agency, institution, or  
11 organization for the purpose of removing architectural, transportation, and communication  
12 barriers. No assistance may be provided under this subsection until a study demonstrating the  
13 need for such assistance has been conducted and submitted under section 502(i)(1) of this title.

14 (d) In order to carry out this section, there are authorized to be appropriated such sums as may  
15 be necessary.

16 (29 U.S.C. 794b)

17 Sec. 507

## 18 SEC. 507. INTERAGENCY DISABILITY COORDINATING 19 COUNCIL.

20 (a) ESTABLISHMENT.—There is hereby established an Interagency Disability Coordinating  
21 Council (hereafter in this section referred to as the “Council”) composed of the Secretary of  
22 Education, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of  
23 Housing and Urban Development, the Secretary of Transportation, the Assistant Secretary of the  
24 Interior for Indian Affairs, the Attorney General, the Director of the Office of Personnel  
25 Management, the Chairperson of the Equal Employment Opportunity Commission, the  
26 Chairperson of the Architectural and Transportation Barriers Compliance Board, the Chairperson  
27 of the National Council on Disability, and such other officials as may be designated by the  
28 President.

29 (b) DUTIES.—The Council shall—

30 (1) have the responsibility for developing and implementing agreements, policies, and  
31 practices designed to maximize effort, promote efficiency, and eliminate conflict,  
32 competition, duplication, and inconsistencies among the operations, functions, and  
33 jurisdictions of the various departments, agencies, and branches of the Federal Government  
34 responsible for the implementation and enforcement of the provisions of this title, and the  
35 regulations prescribed thereunder;

36 (2) be responsible for developing and implementing agreements, policies, and practices  
37 designed to coordinate operations, functions, and jurisdictions of the various departments  
38 and agencies of the Federal Government responsible for promoting the full integration into  
39 society, independence, and productivity of individuals with disabilities; and

40 (3) carry out such studies and other activities, subject to the availability of resources, with  
41 advice from the National Council on Disability, in order to identify methods for overcoming

1 barriers to integration into society, independence, and productivity of individuals with  
2 disabilities.

3 (c) REPORT.—On or before July 1 of each year, the Interagency Disability Coordinating  
4 Council shall prepare and submit to the President and to the Congress a report of the activities of  
5 the Council designed to promote and meet the employment needs of individuals with disabilities,  
6 together with such recommendations for legislative and administrative changes as the Council  
7 concludes are desirable to further promote this section, along with any comments submitted by  
8 the National Council on Disability as to the effectiveness of such activities and recommendations  
9 in meeting the needs of individuals with disabilities. Nothing in this section shall impair any  
10 responsibilities assigned by any Executive order to any Federal department, agency, or  
11 instrumentality to act as a lead Federal agency with respect to any provisions of this title.

12 (29 U.S.C. 794c)

13 Sec. 508

## 14 SEC. 508. ELECTRONIC AND INFORMATION 15 TECHNOLOGY.

16 (a) REQUIREMENTS FOR FEDERAL DEPARTMENTS AND AGENCIES.—

17 (1) ACCESSIBILITY.—

18 (A) DEVELOPMENT, PROCUREMENT, MAINTENANCE, OR USE OF ELECTRONIC AND  
19 INFORMATION TECHNOLOGY.—When developing, procuring, maintaining, or using  
20 electronic and information technology, each Federal department or agency, including  
21 the United States Postal Service, shall ensure, unless an undue burden would be  
22 imposed on the department or agency, that the electronic and information technology  
23 allows, regardless of the type of medium of the technology—

24 (i) individuals with disabilities who are Federal employees to have access to  
25 and use of information and data that is comparable to the access to and use of the  
26 information and data by Federal employees who are not individuals with  
27 disabilities; and

28 (ii) individuals with disabilities who are members of the public seeking  
29 information or services from a Federal department or agency to have access to  
30 and use of information and data that is comparable to the access to and use of the  
31 information and data by such members of the public who are not individuals with  
32 disabilities.

33 (B) ALTERNATIVE MEANS EFFORTS.—When development, procurement,  
34 maintenance, or use of electronic and information technology that meets the standards  
35 published by the Access Board under paragraph (2) would impose an undue burden,  
36 the Federal department or agency shall provide individuals with disabilities covered by  
37 paragraph (1) with the information and data involved by an alternative means of access  
38 that allows the individual to use the information and data.

39 (2) ELECTRONIC AND INFORMATION TECHNOLOGY STANDARDS.—

40 (A) IN GENERAL.—Not later than 18 months after the date of enactment of the

1 Rehabilitation Act Amendments of 1998, the Architectural and Transportation Barriers  
2 Compliance Board (referred to in this section as the “Access Board”), after  
3 consultation with the Secretary of Education, the Administrator of General Services,  
4 the Secretary of Commerce, the Chairman of the Federal Communications  
5 Commission, the Secretary of Defense, and the head of any other Federal department  
6 or agency that the Access Board determines to be appropriate, including consultation  
7 on relevant research findings, and after consultation with the electronic and  
8 information technology industry and appropriate public or nonprofit agencies or  
9 organizations, including organizations representing individuals with disabilities, shall  
10 issue and publish standards setting forth—

11 (i) for purposes of this section, a definition of electronic and information  
12 technology that is consistent with the definition of information technology  
13 specified in section 5002(3) of the Clinger-Cohen Act of 1996 (40 U.S.C.  
14 1401(3)); and

15 (ii) the technical and functional performance criteria necessary to implement  
16 the requirements set forth in paragraph (1).

17 (B) REVIEW AND AMENDMENT.—The Access Board shall periodically review and, as  
18 appropriate, amend the standards required under subparagraph (A) to reflect  
19 technological advances or changes in electronic and information technology.

20 (3) INCORPORATION OF STANDARDS.—Not later than 6 months after the Access Board  
21 publishes the standards required under paragraph (2), the Federal Acquisition Regulatory  
22 Council shall revise the Federal Acquisition Regulation and each Federal department or  
23 agency shall revise the Federal procurement policies and directives under the control of the  
24 department or agency to incorporate those standards. Not later than 6 months after the  
25 Access Board revises any standards required under paragraph (2), the Council shall revise  
26 the Federal Acquisition Regulation and each appropriate Federal department or agency shall  
27 revise the procurement policies and directives, as necessary, to incorporate the revisions.

28 (4) ACQUISITION PLANNING.—In the event that a Federal department or agency  
29 determines that compliance with the standards issued by the Access Board under paragraph  
30 (2) relating to procurement imposes an undue burden, the documentation by the department  
31 or agency supporting the procurement shall explain why compliance creates an undue  
32 burden.

33 (5) EXEMPTION FOR NATIONAL SECURITY SYSTEMS.—This section shall not apply to  
34 national security systems, as that term is defined in section 5142 of the Clinger-Cohen Act  
35 of 1996 (40 U.S.C. 1452).

36 (6) CONSTRUCTION.—

37 (A) EQUIPMENT.—In a case in which the Federal Government provides access to the  
38 public to information or data through electronic and information technology, nothing in  
39 this section shall be construed to require a Federal department or agency—

40 (i) to make equipment owned by the Federal Government available for access  
41 and use by individuals with disabilities covered by paragraph (1) at a location  
42 other than that where the electronic and information technology is provided to the  
43 public; or

1 (ii) to purchase equipment for access and use by individuals with disabilities  
2 covered by paragraph (1) at a location other than that where the electronic and  
3 information technology is provided to the public.

4 (B) SOFTWARE AND PERIPHERAL DEVICES.—Except as required to comply with  
5 standards issued by the Access Board under paragraph (2), nothing in paragraph (1)  
6 requires the installation of specific accessibility-related software or the attachment of a  
7 specific accessibility-related peripheral device at a workstation of a Federal employee  
8 who is not an individual with a disability.

9 (b) TECHNICAL ASSISTANCE.—The Administrator of General Services and the Access Board  
10 shall provide technical assistance to individuals and Federal departments and agencies  
11 concerning the requirements of this section.

12 (c) AGENCY EVALUATIONS.—Not later than 6 months after the date of enactment of the  
13 Rehabilitation Act Amendments of 1998, the head of each Federal department or agency shall  
14 evaluate the extent to which the electronic and information technology of the department or  
15 agency is accessible to and usable by individuals with disabilities described in subsection (a)(1),  
16 compared to the access to and use of the technology by individuals described in such subsection  
17 who are not individuals with disabilities, and submit a report containing the evaluation to the  
18 Attorney General.

19 (d) REPORTS.—

20 (1) INTERIM REPORT.—Not later than 18 months after the date of enactment of the  
21 Rehabilitation Act Amendments of 1998, the Attorney General shall prepare and submit to  
22 the President a report containing information on and recommendations regarding the extent  
23 to which the electronic and information technology of the Federal Government is accessible  
24 to and usable by individuals with disabilities described in subsection (a)(1).

25 (2) BIENNIAL REPORTS.—Not later than 3 years after the date of enactment of the  
26 Rehabilitation Act Amendments of 1998, and every 2 years thereafter, the Attorney General  
27 shall prepare and submit to the President and Congress a report containing information on  
28 and recommendations regarding the state of Federal department and agency compliance  
29 with the requirements of this section, including actions regarding individual complaints  
30 under subsection (f).

31 (e) COOPERATION.—Each head of a Federal department or agency (including the Access  
32 Board, the Equal Employment Opportunity Commission, and the General Services  
33 Administration) shall provide to the Attorney General such information as the Attorney General  
34 determines is necessary to conduct the evaluations under subsection (c) and prepare the reports  
35 under subsection (d).

36 (f) ENFORCEMENT.—

37 (1) GENERAL.—

38 (A) COMPLAINTS.—Effective 6 months after the date of publication by the Access  
39 Board of final standards described in subsection (a)(2), any individual with a disability  
40 may file a complaint alleging that a Federal department or agency fails to comply with  
41 subsection (a)(1) in providing electronic and information technology.

42 (B) APPLICATION.—This subsection shall apply only to electronic and information

1 technology that is procured by a Federal department or agency not less than 6 months  
2 after the date of publication by the Access Board of final standards described in  
3 subsection (a)(2).

4 (2) ADMINISTRATIVE COMPLAINTS.—Complaints filed under paragraph (1) shall be filed  
5 with the Federal department or agency alleged to be in noncompliance. The Federal  
6 department or agency receiving the complaint shall apply the complaint procedures  
7 established to implement section 504 for resolving allegations of discrimination in a  
8 federally conducted program or activity.

9 (3) CIVIL ACTIONS.—The remedies, procedures, and rights set forth in sections 505(a)(2)  
10 and 505(b) shall be the remedies, procedures, and rights available to any individual with a  
11 disability filing a complaint under paragraph (1).

12 (g) APPLICATION TO OTHER FEDERAL LAWS.—This section shall not be construed to limit any  
13 right, remedy, or procedure otherwise available under any provision of Federal law (including  
14 sections 501 through 505) that provides greater or equal protection for the rights of individuals  
15 with disabilities than this section.

16 (29 U.S.C. 794d)

17 Sec. 509

## 18 SEC. 509. PROTECTION AND ADVOCACY OF 19 INDIVIDUAL RIGHTS.

20 (a) PURPOSE AND CONSTRUCTION.—

21 (1) PURPOSE.—The purpose of this section is to support a system in each State to protect  
22 the legal and human rights of individuals with disabilities who—

23 (A) need services that are beyond the scope of services authorized to be provided by  
24 the client assistance program under section 112; and

25 (B)(i) are ineligible for protection and advocacy programs under subtitle C of the  
26 Developmental Disabilities Assistance and Bill of Rights Act of 2000\1\ because the  
27 individuals do not have a developmental disability, as defined in section 102 of such  
28 Act (42 U.S.C. 6002); and

29 \1\So in law. Probably should read “subtitle C of title I of the Developmental Disabilities  
30 Assistance and Bill of Rights Act of 2000”. See the amendment made by section 401(b)(3)(C) of  
31 the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (Public Law 106–402;  
32 114 Stat. 1738).

33 (ii) are ineligible for services under the Protection and Advocacy for Mentally Ill  
34 Individuals Act of 1986 (42 U.S.C. 10801 et seq.) because the individuals are not  
35 individuals with mental illness, as defined in section 102 of such Act (42 U.S.C.  
36 10802).

37 (2) CONSTRUCTION.—This section shall not be construed to require the provision of  
38 protection and advocacy services that can be provided under the Assistive Technology Act  
39 of 1998.

1 (b) APPROPRIATIONS LESS THAN \$5,500,000.—For any fiscal year in which the amount  
2 appropriated to carry out this section is less than \$5,500,000, the Commissioner may make grants  
3 from such amount to eligible systems within States to plan for, develop outreach strategies for,  
4 and carry out protection and advocacy programs authorized under this section for individuals  
5 with disabilities who meet the requirements of subparagraphs (A) and (B) of subsection (a)(1).

6 (c) APPROPRIATIONS OF \$5,500,000 OR MORE.—

7 (1) RESERVATIONS.—

8 (A) TECHNICAL ASSISTANCE.—For any fiscal year in which the amount appropriated  
9 to carry out this section equals or exceeds \$5,500,000, the Commissioner shall set  
10 aside not less than 1.8 percent and not more than 2.2 percent of the amount to provide  
11 a grant or contract for training and technical assistance to the systems established  
12 under this section.

13 (B) GRANT FOR THE ELIGIBLE SYSTEM SERVING THE AMERICAN INDIAN  
14 CONSORTIUM.—For any fiscal year in which the amount appropriated to carry out this  
15 section equals or exceeds \$10,500,000, the Commissioner shall reserve a portion, and  
16 use the portion to make a grant for the eligible system serving the American Indian  
17 consortium. The Commission shall make the grant in an amount of not less than  
18 \$50,000 for the fiscal year.

19 (2) ALLOTMENTS.—For any such fiscal year, after the reservations required by paragraph  
20 (1) have been made, the Commissioner shall make allotments from the remainder of such  
21 amount in accordance with paragraph (3) to eligible systems within States to enable such  
22 systems to carry out protection and advocacy programs authorized under this section for  
23 individuals referred to in subsection (b).

24 (3) SYSTEMS WITHIN STATES.—

25 (A) POPULATION BASIS.—Except as provided in subparagraph (B), from such  
26 remainder for each such fiscal year, the Commissioner shall make an allotment to the  
27 eligible system within a State of an amount bearing the same ratio to such remainder as  
28 the population of the State bears to the population of all States.

29 (B) MINIMUMS.—Subject to the availability of appropriations to carry out this  
30 section, and except as provided in paragraph (4), the allotment to any system under  
31 subparagraph (A) shall be not less than \$100,000 or  $\frac{1}{3}$  of 1 percent of the remainder  
32 for the fiscal year for which the allotment is made, whichever is greater, and the  
33 allotment to any system under this section for any fiscal year that is less than \$100,000  
34 or  $\frac{1}{3}$  of 1 percent of such remainder shall be increased to the greater of the two  
35 amounts.

36 (4) SYSTEMS WITHIN OTHER JURISDICTIONS.—

37 (A) IN GENERAL.—For the purposes of paragraph (3)(B), Guam, American Samoa,  
38 the United States Virgin Islands, and the Commonwealth of the Northern Mariana  
39 Islands shall not be considered to be States.

40 (B) ALLOTMENT.—The eligible system within a jurisdiction described in  
41 subparagraph (A) shall be allotted under paragraph (3)(A) not less than \$50,000 for the  
42 fiscal year for which the allotment is made.

1 (5) ADJUSTMENT FOR INFLATION.—For any fiscal year, beginning in fiscal year 1999, in  
2 which the total amount appropriated to carry out this section exceeds the total amount  
3 appropriated to carry out this section for the preceding fiscal year, the Commissioner shall  
4 increase each of the minimum grants or allotments under paragraphs (1)(B), (3)(B), and  
5 (4)(B) by a percentage that shall not exceed the percentage increase in the total amount  
6 appropriated to carry out this section between the preceding fiscal year and the fiscal year  
7 involved.

8 (d) PROPORTIONAL REDUCTION.—To provide minimum allotments to systems within States (as  
9 increased under subsection (c)(5)) under subsection (c)(3)(B), or to provide minimum allotments  
10 to systems within States (as increased under subsection (c)(5)) under subsection (c)(4)(B), the  
11 Commissioner shall proportionately reduce the allotments of the remaining systems within States  
12 under subsection (c)(3), with such adjustments as may be necessary to prevent the allotment of  
13 any such remaining system within a State from being reduced to less than the minimum  
14 allotment for a system within a State (as increased under subsection (c)(5)) under subsection  
15 (c)(3)(B), or the minimum allotment for a State (as increased under subsection (c)(5)) under  
16 subsection (c)(4)(B), as appropriate.

17 (e) REALLOTMENT.—Whenever the Commissioner determines that any amount of an allotment  
18 to a system within a State for any fiscal year described in subsection (c)(1) will not be expended  
19 by such system in carrying out the provisions of this section, the Commissioner shall make such  
20 amount available for carrying out the provisions of this section to one or more of the systems that  
21 the Commissioner determines will be able to use additional amounts during such year for  
22 carrying out such provisions. Any amount made available to a system for any fiscal year  
23 pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an  
24 increase in the allotment of the system (as determined under the preceding provisions of this  
25 section) for such year.

26 (f) APPLICATION.—In order to receive assistance under this section, an eligible system shall  
27 submit an application to the Commissioner, at such time, in such form and manner, and  
28 containing such information and assurances as the Commissioner determines necessary to meet  
29 the requirements of this section, including assurances that the eligible system will—

30 (1) have in effect a system to protect and advocate the rights of individuals with  
31 disabilities;

32 (2) have the same general authorities (including rights and remedies), including the  
33 authority to access records and program income, as are set forth in subtitle C of title I of the  
34 Developmental Disabilities Assistance and Bill of Rights Act of 2000\1\;

35 \1\So in law. Probably should read “subtitle C of title I of the Developmental Disabilities  
36 Assistance and Bill of Rights Act of 2000”. See the amendment made by section 401(b)(3)(C) of  
37 the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (Public Law 106–402;  
38 114 Stat. 1738).

39 (3) have the authority (including the right) to pursue legal, administrative, and other  
40 appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights  
41 of such individuals within the State or the American Indian consortium who are individuals  
42 described in subsection (a)(1);

43 (4) provide information on and make referrals to programs and services addressing the



1 needs of individuals with disabilities in the State or the American Indian consortium;

2 (5) develop a statement of objectives and priorities on an annual basis, and provide to the  
3 public, including individuals with disabilities and, as appropriate, the individuals'  
4 representatives, an opportunity to comment on the objectives and priorities established by,  
5 and activities of, the system including—

6 (A) the objectives and priorities for the activities of the system for each year and the  
7 rationale for the establishment of such objectives and priorities; and

8 (B) the coordination of programs provided through the system under this section  
9 with the advocacy programs of the client assistance program under section 112, the  
10 State long-term care ombudsman program established under the Older Americans Act  
11 of 1965 (42 U.S.C. 3001 et seq.), the Developmental Disabilities Assistance and Bill of  
12 Rights Act of 2000, and the Protection and Advocacy for Mentally Ill Individuals Act  
13 of 1986 (42 U.S.C. 10801 et seq.);

14 (6) establish a grievance procedure for clients or prospective clients of the system to  
15 ensure that individuals with disabilities are afforded equal opportunity to access the services  
16 of the system; and

17 (7) provide assurances to the Commissioner that funds made available under this section  
18 will be used to supplement and not supplant the non-Federal funds that would otherwise be  
19 made available for the purpose for which Federal funds are provided.

20 (g) CARRYOVER AND DIRECT PAYMENT.—

21 (1) DIRECT PAYMENT.—Notwithstanding any other provision of law, the Commissioner  
22 shall pay directly to any system that complies with the provisions of this section, the amount  
23 of the allotment of the State or the grant for the eligible system that serves the American  
24 Indian consortium involved under this section, unless the State or American Indian  
25 consortium provides otherwise.

26 (2) CARRYOVER.—Any amount paid to an eligible system that serves a State or American  
27 Indian consortium for a fiscal year that remains unobligated at the end of such year shall  
28 remain available to such system that serves the State or American Indian consortium for  
29 obligation during the next fiscal year for the purposes for which such amount was paid,  
30 except that program income generated from the amount paid to an eligible system for a  
31 fiscal year shall remain available to such system for the following 4 fiscal years.

32 (h) LIMITATION ON DISCLOSURE REQUIREMENTS.—For purposes of any audit, report, or  
33 evaluation of the performance of the program established under this section, the Commissioner  
34 shall not require such a program to disclose the identity of, or any other personally identifiable  
35 information related to, any individual requesting assistance under such program.

36 (i) ADMINISTRATIVE COST.—In any State in which an eligible system is located within a State  
37 agency, a State may use a portion of any allotment under subsection (c) for the cost of the  
38 administration of the system required by this section. Such portion may not exceed 5 percent of  
39 the allotment.

40 (j) DELEGATION.—The Commissioner may delegate the administration of this program to the  
41 Commissioner of the Administration on Developmental Disabilities within the Department of  
42 Health and Human Services.

1 (k) REPORT.—The Commissioner shall annually prepare and submit to the Committee on  
2 Education and the Workforce of the House of Representatives and the Committee on Labor and  
3 Human Resources of the Senate a report describing the types of services and activities being  
4 undertaken by programs funded under this section, the total number of individuals served under  
5 this section, the types of disabilities represented by such individuals, and the types of issues  
6 being addressed on behalf of such individuals.

7 (l) SYSTEM AUTHORITY.—For purpose of serving persons eligible for services under this  
8 section, an eligible system shall have the same general authorities, including access to records, as  
9 the system is afforded under subtitle C of title I of the Developmental Disabilities Assistance and  
10 Bill of Rights Act of 2000 (42 U.S.C. 15041 et. seq.), as determined by the Commissioner of the  
11 Administration on Developmental Disabilities.

12 (m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry  
13 out this section such sums as may be necessary for each of the fiscal years 2012 through 2016.

14 (n) DEFINITIONS.—As used in this section:

15 (1) ELIGIBLE SYSTEM.—The term “eligible system” means a protection and advocacy  
16 system that is established under subtitle C of the Developmental Disabilities Assistance and  
17 Bill of Rights Act of 2000\1\ and that meets the requirements of subsection (f).

18 \1\So in law. Probably should read “subtitle C of title I of the Developmental Disabilities  
19 Assistance and Bill of Rights Act of 2000”. See the amendment made by section 401(b)(3)(C) of  
20 the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (Public Law 106–402;  
21 114 Stat. 1738).

22 (2) AMERICAN INDIAN CONSORTIUM.—The term “American Indian consortium” means a  
23 consortium established as described in section 142 of the Developmental Disabilities  
24 Assistance and Bill of Rights Act (42 U.S.C. 6042).

25 (29 U.S.C. 794e)

26 Sec. 510

## 27 SEC. 510. ESTABLISHMENT OF STANDARDS FOR 28 ACCESSIBLE MEDICAL DIAGNOSTIC EQUIPMENT.

29 \*\*NOTE: the only changes are to (c) and (d) in this section -- the strike out and re-entry is a  
30 result of a technical problem with the base document we used]\*\*

31 (a) Standards.—Not later than 24 months after the date of enactment of the Affordable  
32 Health Choices Act, the Architectural and Transportation Barriers Compliance Board shall, in  
33 consultation with the Commissioner of the Food and Drug Administration, promulgate  
34 regulatory standards in accordance with the Administrative Procedure Act (2 U.S.C. 551 et. seq.)  
35 setting forth the minimum technical criteria for medical diagnostic equipment used in (or in  
36 conjunction with) physician’s offices, clinics, emergency rooms, hospitals, and other medical  
37 settings. The standards shall ensure that such equipment is accessible to, and usable by,  
38 individuals with accessibility needs, and shall allow independent entry to, use of, and exit from  
39 the equipment by such individuals to the maximum extent possible.

40 (b) Medical Diagnostic Equipment Covered.—The standards issued under subsection (a) for

1 medical diagnostic equipment shall apply to equipment that includes examination tables,  
2 examination chairs (including chairs used for eye examinations or procedures, and dental  
3 examinations or procedures), weight scales, mammography equipment, x-ray machines, and  
4 other radiological equipment commonly used for diagnostic purposes by health professionals.

5 (c) REGULATIONS.-Not later than 6 months after the date of the issuance of the standards  
6 under subsection (a), each appropriate Federal agency authorized to promulgate regulations  
7 under section 504 or the Americans with Disabilities Act of 1990 shall prescribe regulations in  
8 an accessible format, to the extent necessary to carry out the provisions of this section, section  
9 504, and the Americans with Disabilities Act of 1990, as applicable, that include accessibility  
10 standards that are consistent with the standards issued under subsection (a).

11 (d) Review and Amendment.—The Architectural and Transportation Barriers Compliance  
12 Board, in consultation with the Commissioner of the Food and Drug Administration, shall  
13 periodically review and, as appropriate, amend the standards. Not later than 6 months after the  
14 date of the issuance of such amended standards, each Federal agency covered by subsection (c)  
15 shall prescribe revised regulations, in an accessible format, that are consistent with the amended  
16 standards.

17 ~~SEC. 511 EMPLOYMENT OF INDIVIDUALS WITH~~  
18 ~~SIGNIFICANT DISABILITIES AT WAGES BELOW~~  
19 ~~MINIMUM WAGE.~~

20 ~~(1) IN GENERAL. An entity, including a contractor or subcontractor of the~~  
21 ~~entity, may not employ an individual with a significant disability at a wage~~  
22 ~~(referred to in this section as a ‘subminimum wage’) that is less than the~~  
23 ~~Federal minimum wage unless the entity has complied with the requirements~~  
24 ~~of section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)),~~  
25 ~~and any of the following additional conditions is met:~~

26 ~~(1)The individual is currently employed, as of the effective date of this~~  
27 ~~section, by an entity that holds a valid certificate pursuant to section 14(c) of~~  
28 ~~the Fair Labor Standards Act of 1938 (referred to in this section as a~~  
29 ~~‘certificate holder’).~~

30 ~~(2)The individual is older than age 24 on the date when the individual begins~~  
31 ~~employment at a subminimum wage.~~

32 ~~(3)The individual is age 24 or younger and, before beginning work at a~~  
33 ~~subminimum wage, has completed, and produces, documentation indicating~~  
34 ~~completion of, each of the following 3 actions:~~

35 ~~(A)The individual has received pre-employment transition services that~~  
36 ~~are available to the individual under section 114, or transition services~~  
37 ~~under the Individuals with Disabilities Education Act (20 U.S.C. 1400~~  
38 ~~et. seq.) such as transition services available to the individual under~~  
39 ~~section 614(d) of that Act (20 U.S.C. 1414(d)).~~

40 ~~(B)The individual has applied for vocational rehabilitation services under~~  
41 ~~title I, with the result that~~

- 1 (i) ~~the individual has been found ineligible for the services~~  
2 ~~pursuant to that title; or~~
- 3 (ii)(I) ~~the individual has been determined to be eligible for~~  
4 ~~vocational rehabilitation services;~~
- 5 (II) ~~the individual has an individualized plan for employment~~  
6 ~~under section 102;~~
- 7 (III) ~~the individual has been working toward an employment~~  
8 ~~outcome specified in such individualized plan for employment,~~  
9 ~~with appropriated supports and services, for a reasonable period of~~  
10 ~~time without success; and~~
- 11 ~~(IV) the individual's vocational rehabilitation case is closed after~~  
12 ~~the individual's qualified vocational rehabilitation counselor and~~  
13 ~~the individual both agree that continued efforts by the individual to~~  
14 ~~work toward an employment outcome at the present time will~~  
15 ~~likely not be successful.~~
- 16 (C) ~~The individual (with, in an appropriate case, the individual's parent or~~  
17 ~~guardian)-~~
- 18 (i) ~~has been provided career counseling, and information and~~  
19 ~~referrals to Federal and State programs and other resources in~~  
20 ~~the individuals' geographic area that offer employment related~~  
21 ~~services and supports designed to enable the individual to~~  
22 ~~explore, discover, experience, and attain competitive integrated~~  
23 ~~employment;~~
- 24 (ii) ~~understands the conditions under which a subminimum wage~~  
25 ~~may be paid; and~~
- 26 (iii) ~~consents to work for the employer and be paid a subminimum~~  
27 ~~wage.~~
- 28 (4) ~~The individual, regardless of age, is receiving work readiness or job~~  
29 ~~training services provided by a certificate holder, as part of the individual's~~  
30 ~~preparation for competitive integrated employment, for-~~
- 31 (A) ~~a period of not more than 6 months; or~~
- 32 (B) ~~a longer period, if the individual wishes to continue to receive such~~  
33 ~~services after an initial 6-month period and is reassessed by the agency~~  
34 ~~referring the individual for such services, or an appropriate entity, not less~~  
35 ~~often than every 6 months, to determine the individual's ability to~~  
36 ~~transition to competitive integrated employment.~~
- 37 (b) ~~CONSTRUCTION.~~ ~~Nothing in subsection (a)(3)(B) shall be construed to prohibit a~~  
38 ~~designated State unit from allowing an individual to receive work readiness or job training~~  
39 ~~services provided by a certificate holder, for a period of not more than 6 months.~~
- 40 (c) ~~DURING EMPLOYMENT.~~ ~~—~~

1 ~~—(1) IN GENERAL—The entity described in subsection (a) may not continue to employ~~  
2 ~~an individual at a subminimum wage unless, after the individual begins work at that wage, at~~  
3 ~~the intervals described in paragraph (2), the individual (with, in an appropriate case, the~~  
4 ~~individual's parent or guardian)—~~

5 ~~(A) is provided career counseling, and information and referrals described~~  
6 ~~in subsection (a)(3)(C)(i), delivered in a manner that facilitates independent~~  
7 ~~decisionmaking and informed choice, as the individual makes decisions~~  
8 ~~regarding employment and career advancement; and~~

9 ~~(B) is informed by the employer of self-advocacy, self-determination, and~~  
10 ~~peer mentoring training opportunities available in the individual's~~  
11 ~~geographic area, provided by an entity that does not have a financial~~  
12 ~~interest in the individual's employment outcome, under applicable Federal~~  
13 ~~and State programs or other sources.~~

14 ~~(2) TIMING—The actions required under subparagraphs (A) and (B) of paragraph (1)~~  
15 ~~shall be carried out once every 6 months for the first year of the individual's~~  
16 ~~employment at a subminimum wage, and annually thereafter for the duration of such~~  
17 ~~employment.~~

18 ~~(d) DOCUMENTATION.—~~

19 ~~(1) IN GENERAL. The designated State unit and the State educational agency shall~~  
20 ~~develop a new process or utilize an existing process, consistent with guidelines~~  
21 ~~developed by the Secretary, to document the completion of the actions described in~~  
22 ~~subparagraphs (A), (B), and (C) of subsection (a)(3) by a youth with a disability who~~  
23 ~~is an individual with a significant disability.~~

24 ~~(2) DOCUMENTATION PROCESS—Such process shall require that—~~

25 ~~(A) in the case of a student with a disability, for documentation of actions described in~~  
26 ~~subsection (a)(3)(A)—~~

27 ~~(i) —if such student with a disability receives and completes each~~  
28 ~~category described in clauses (i) through (v) of section 7(30)(B) of~~  
29 ~~available pre-employment transition services, such completion of~~  
30 ~~services shall be documented by the designated State unit in a~~  
31 ~~manner consistent with this section;~~

32 ~~(ii) —if such a student with a disability receives and completes any~~  
33 ~~transition services available for students with disabilities under the~~  
34 ~~Individuals with Disabilities Education Act, including those~~  
35 ~~provided under section 614(d)(1)(A)(i)(VIII) (20 U.S.C.~~  
36 ~~1414(d)(1)(A)(i)(VIII)), such completion of services shall be~~  
37 ~~documented by the appropriate school official responsible for the~~  
38 ~~provisions of such transition services for students with disabilities~~  
39 ~~in the school or school district, in a manner consistent with this~~  
40 ~~section; and~~

41 ~~(iii) —a Local Pre-Employment Transition Coordinator shall provide the~~  
42 ~~final documentation, in a form and manner consistent with this~~

1 section, of the completion of pre-employment transition services as  
2 described in clause (i), or transition services under the Individuals  
3 with Disabilities Education Act as described in clause (ii), to the  
4 student with a disability within a reasonable period of time  
5 following the completion; and

6 (B) when an individual has completed the actions described in subsection (a)(3)(C),  
7 following the completion of the actions described in subparagraphs (A) and (B) of  
8 subsection (a)(3), the designated State unit shall provide the individual a  
9 document indicating such completion, in a manner consistent with this section,  
10 within a reasonable time period following the completion of the actions described  
11 in this subparagraph.

12 (e) VERIFICATION.

13 (1) BEFORE EMPLOYMENT. Before an individual covered by subsection (a)(3) begins  
14 work for an employer at a subminimum wage, the employer shall review the  
15 documentation received by the individual under subsection (d), and provided by the  
16 individual to the employer, that indicates that the individual has completed the actions  
17 described in subparagraphs (A), (B), and (C) of subsection (a)(3) and the employer  
18 shall maintain copies of the documentation.

19 (2) DURING EMPLOYMENT. In order to continue to employ an individual at a  
20 subminimum wage, the employer shall verify satisfaction of the requirements of  
21 subsection (e), including reviewing any relevant documents provided by the individual,  
22 and shall maintain copies of the documentation.

23 (f) FEDERAL MINIMUM WAGE. In this section, the term ‘Federal minimum wage’  
24 means the rate applicable under section 6(a)(1) of the Fair Labor Standards Act of 1938  
25 (29 U.S.C. 206(a)(1)).

26  
27 (b) EFFECTIVE DATE. This section takes effect 2 years after the date of enactment of  
28 the Workforce Investment Act of 2011.

29 (29 U.S.C. 794f)

30 **TITLE VI—EMPLOYMENT OPPORTUNITIES FOR**  
31 **INDIVIDUALS WITH DISABILITIES**

32 short title

33 Sec. 601

34 Sec. 601. This title may be cited as the ‘Employment Opportunities for Individuals With  
35 Disabilities Act’.

36 (29 U.S.C. 701 note)

37 **Part A—Projects With Industry**

38 Sec. 611

1 projects with industry

2 Sec. 611. (a)(1) The purpose of this part is to create and expand job and career opportunities  
3 for individuals with disabilities in competitive integrated employment in the labor market by  
4 engaging the talent and leadership of private industry as partners in the rehabilitation process, to  
5 identify competitive job and career opportunities and the skills needed to perform such jobs, to  
6 create practical job and career readiness and training programs, and to provide job placements  
7 and career advancement locally.

8 (2) The Commissioner, in consultation with the Secretary of Labor and with designated State  
9 units, may award grants to individual employers, community rehabilitation program providers,  
10 labor unions, trade associations, Indian tribes, tribal organizations, designated State units, and  
11 other entities to establish jointly financed local and national Projects With Industry to create and  
12 expand job and career opportunities in competitive integrated employment for individuals with  
13 disabilities, which projects shall—

14 (A) provide for the establishment of business advisory councils, that shall—

15 (i) be comprised of—

16 (I) representatives of private industry, business concerns, and organized labor;

17 (II) individuals with disabilities and representatives of individuals with  
18 disabilities; and

19 (III) a representative of the appropriate designated State unit;

20 (ii) identify job and career availability within the community, **service delivery area**  
21 consistent with the existing and emerging in-demand industry sectors and occupations,  
22 and the employment needs of employers in those industry sectors and occupations,  
23 identified by the local workforce development board for the corresponding local area  
24 under section 118(b)(1)(A) of the Workforce Investment Act of 2011;

25 (iii) identify the skills necessary to perform the jobs and careers identified;

26 (iv) prescribe training programs designed to develop appropriate job and career  
27 skills, or job placement programs designed to identify and develop job placement and  
28 career advancement opportunities, for individuals with disabilities in fields related to  
29 the job and career availability identified under clause (ii); and

30 (v) coordinate such training and job placement activities with the local workforce  
31 development boards described in clause (ii) as appropriate, and with the Job Corps  
32 center industry councils established under section 254 of the Workforce Investment  
33 Act of 2011.

34 (B) provide job development, job placement, and career advancement services;

35 (C) to the extent appropriate, provide for—

36 (i) training in realistic work settings in order to prepare individuals with disabilities  
37 for employment and career advancement in the competitive market;

38 (ii) internship programs for individuals with disabilities who seek employment; and

39 (iii) to the extent practicable, the modification of any facilities or equipment of the  
40 employer involved that are used primarily by individuals with disabilities, except that a

1 project shall not be required to provide for such modification if the modification is  
2 required as a reasonable accommodation under the Americans with Disabilities Act of  
3 1990 (42 U.S.C. 12101 et seq.); and

4 (D) provide individuals with disabilities with such support services as may be required in  
5 order to maintain the employment and career advancement for which the individuals have  
6 received training under this part.

7 (3)(A) An individual shall be eligible for services described in paragraph (2) if the individual  
8 is determined to be an individual described in section 102(a)(1), and if the determination is made  
9 in a manner consistent with section 102(a).

10 (B) Such a determination may be made by the recipient of a grant under this part, to the extent  
11 the determination is appropriate and available and consistent with the requirements of section  
12 102(a).

13 (4) The Commissioner shall enter into an agreement with the grant recipient regarding the  
14 establishment of the project. Any agreement shall be jointly developed by the Commissioner, the  
15 grant recipient, and, to the extent practicable, the appropriate designated State unit and the  
16 individuals with disabilities (or the individuals' representatives) involved. Such agreements shall  
17 specify the terms of training and employment under the project, provide for the payment by the  
18 Commissioner of part of the costs of the project (in accordance with subsection (c)), and contain  
19 the items required under subsection (b) and such other provisions as the parties to the agreement  
20 consider to be appropriate.

21 (5) Any agreement shall include a description of a plan to annually conduct a review and  
22 evaluation of the operation of the project in accordance with standards developed by the  
23 Commissioner under subsection (d), and, in conducting the review and evaluation, to collect data  
24 and information of the type described in subparagraphs (A) through (C) of section 101(a)(10), as  
25 determined to be appropriate by the Commissioner.

26 (6) The Commissioner may include, as part of agreements with grant recipients, authority for  
27 such grant recipients to provide technical assistance to—

28 (A) assist employers in hiring individuals with disabilities; or

29 (B) improve or develop relationships between—

30 (i) grant recipients or prospective grant recipients; and

31 (ii) employers or organized labor; or

32 (C) assist employers in understanding and meeting the requirements of the Americans  
33 with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) as the Act relates to employment of  
34 individuals with disabilities.

35 (b) No payment shall be made by the Commissioner under any agreement with a grant  
36 recipient entered into under subsection (a) unless such agreement—

37 (1) provides an assurance that individuals with disabilities placed under such agreement  
38 shall receive at least the applicable minimum wage;

39 (2) provides an assurance that any individual with a disability placed under this part shall  
40 be afforded terms and benefits of employment equal to terms and benefits that are afforded



1 to the similarly situated nondisabled co-workers of the individual, and that such individuals  
2 with disabilities shall not be segregated from their co-workers; and

3 (3) provides an assurance that an annual evaluation report containing information  
4 specified under subsection (a)(5) shall be submitted as determined to be appropriate by the  
5 Commissioner.

6 (c) Payments under this section with respect to any project may not exceed 80 per centum of  
7 the costs of the project.

8 (d)(1) The Commissioner shall develop standards for the evaluation described in subsection  
9 (a)(5) and shall review and revise the evaluation standards as necessary, subject to paragraph (2).

10 (2) In revising the standards for evaluation to be used by the grant recipients, the  
11 Commissioner shall obtain and consider recommendations for such standards from State  
12 vocational rehabilitation agencies, current and former grant recipients, professional organizations  
13 representing business and industry, organizations representing individuals with disabilities,  
14 individuals served by grant recipients, organizations representing community rehabilitation  
15 program providers, and labor organizations.

16 (e)(1)(A) A grant may be awarded under this section for a period of up to 5 years and such  
17 grant may be renewed.

18 (B) Grants under this section shall be awarded on a competitive basis. To be eligible to receive  
19 such a grant, a prospective grant recipient shall submit an application to the Commissioner at  
20 such time, in such manner, and containing such information as the Commissioner may require.

21 (2) The Commissioner shall, to the extent practicable, ensure an equitable distribution of  
22 payments made under this section among the States. To the extent funds are available, the  
23 Commissioner shall award grants under this section to new projects that will serve individuals  
24 with disabilities nationally or in States, in portions of States, across multiple States, or in Indian  
25 tribes or tribal organizations, that are currently unserved or underserved by projects.

26 (f)(1) The Commissioner shall, as necessary, develop and publish in the Federal Register, in  
27 final form, indicators of what constitutes minimum compliance consistent with the evaluation  
28 standards under subsection (d)(1).

29 (2) Each grant recipient shall report to the Commissioner at the end of each project year the  
30 extent to which the grant recipient is in compliance with the evaluation standards.

31 (3)(A) The Commissioner shall annually conduct onsite compliance reviews of at least 15  
32 percent of grant recipients. The Commissioner shall select grant recipients for review on a  
33 random basis.

34 (B) The Commissioner shall use the indicators in determining compliance with the evaluation  
35 standards.

36 (C) The Commissioner shall ensure that at least one member of a team conducting such a  
37 review shall be an individual who—

38 (i) is not an employee of the Federal Government; and

39 (ii) has experience or expertise in conducting projects.

40 (D) The Commissioner shall ensure that—

1 (i) a representative of the appropriate designated State unit shall participate in the review;  
2 and

3 (ii) no person shall participate in the review of a grant recipient if—

4 (I) the grant recipient provides any direct financial benefit to the reviewer; or

5 (II) participation in the review would give the appearance of a conflict of interest.

6 (4) In making a determination concerning any subsequent grant under this section, the  
7 Commissioner shall consider the past performance of the applicant, if applicable. The  
8 Commissioner shall use compliance indicators developed under this subsection that are  
9 consistent with program evaluation standards developed under subsection (d) to assess minimum  
10 project performance for purposes of making continuation awards in the third, fourth, and fifth  
11 years.

12 (5) Each fiscal year the Commissioner shall include in the annual report to Congress required  
13 by section 13 an analysis of the extent to which grant recipients have complied with the  
14 evaluation standards. The Commissioner may identify individual grant recipients in the analysis.  
15 In addition, the Commissioner shall report the results of onsite compliance reviews, identifying  
16 individual grant recipients.

17 (g) The Commissioner may provide, directly or by way of grant, contract, or cooperative  
18 agreement, technical assistance to—

19 (1) entities conducting projects for the purpose of assisting such entities in—

20 (A) the improvement of or the development of relationships with private industry or  
21 labor; or

22 (B) the improvement of relationships with State vocational rehabilitation agencies;  
23 and

24 (2) entities planning the development of new projects.

25 (h) As used in this section:

26 (1) The term “agreement” means an agreement described in subsection (a)(4).

27 (2) The term “project” means a Project With Industry established under subsection (a)(2).

28 (3) The term “grant recipient” means a recipient of a grant under subsection (a)(2).

29 (i) PROHIBITED USE OF FUNDS.-Grant funds awarded under this section shall not be used  
30 to support services in sheltered workshops or segregated settings.

31 (29 U.S.C. 795)

32 Sec. 612

33 authorization of appropriationsSec. 612. There are authorized to be appropriated to carry out  
34 the provisions of this part, such sums as may be necessary for each of fiscal years2012 through  
35 2016 .

36 (29 U.S.C. 795a)

## 37 Part B—SUPPORTED EMPLOYMENT SERVICES

## 1 Subpart 1--Supported Employment Services for Individuals with 2 the Most Significant Disabilities

3 Sec. 621

### 4 SEC. 621. PURPOSE.

5 It is the purpose of this part to authorize allotments, in addition to grants for vocational  
6 rehabilitation services under title I, to assist States in developing collaborative programs with  
7 appropriate entities to provide supported employment services for individuals with the most  
8 significant disabilities to promote competitive integrated employment and enable such  
9 individuals to achieve the employment outcome of supported employment.

10 (29 U.S.C. 795g)

11 Sec. 622

### 12 SEC. 622. ALLOTMENTS.

13 (a) IN GENERAL.—

14 (1) STATES.—The Secretary shall allot the sums appropriated for each fiscal year to carry  
15 out this subpart among the States on the basis of relative population of each State, except  
16 that—

17 (A) no State shall receive less than \$250,000, or  $\frac{1}{3}$  of 1 percent of the sums  
18 appropriated for the fiscal year for which the allotment is made, whichever amount is  
19 greater; and

20 (B) if the sums appropriated to carry out this subpart for the fiscal year exceed the  
21 sums appropriated to carry out this subpart for fiscal year 1992 by \$1,000,000 or more,  
22 no State shall receive less than \$300,000, or  $\frac{1}{3}$  of 1 percent of the sums appropriated  
23 for the fiscal year for which the allotment is made, whichever amount is greater.

24 (2) CERTAIN TERRITORIES.—

25 (A) IN GENERAL.—For the purposes of this subsection, Guam, American Samoa, the  
26 United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands,  
27 shall not be considered to be States.

28 (B) ALLOTMENT.—Each jurisdiction described in subparagraph (A) shall be allotted  
29 not less than  $\frac{1}{8}$  of 1 percent of the amounts appropriated for the fiscal year for which  
30 the allotment is made.

31 (b) REALLOTMENT.—Whenever the Commissioner determines that any amount of an allotment  
32 to a State for any fiscal year will not be expended by such State for carrying out the provisions of  
33 this subpart, the Commissioner shall make such amount available for carrying out the provisions  
34 of this subpart to 1 or more of the States that the Commissioner determines will be able to use  
35 additional amounts during such year for carrying out such provisions. Any amount made  
36 available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes  
37 of this section, be regarded as an increase in the allotment of the State (as determined under the  
38 preceding provisions of this section) for such year.

1 (c) LIMITATIONS ON ADMINISTRATIVE COSTS.-A State that receives an allotment  
2 under this subpart shall not use more than 5 percent of the funds made available through the  
3 allotment to pay for administrative costs.

4 (d) nothing in this section shall be construed to prohibit a state from using grants from Title I  
5 funds to provide supported employment services to people with the most significant disabilities

6  
7 (29 U.S.C. 795h)

8 Sec. 623

## 9 SEC. 623. AVAILABILITY OF SERVICES.

10 (a) SUPPORTED EMPLOYMENT SERVICES.-Funds provided under this subpart may be  
11 used to provide supported employment services to individuals who are eligible under this  
12 subpart.

13 (b) EXTENDED SERVICES.-Funds provided under this subpart, or title I, may not be used to  
14 provide extended services to individuals who are eligible under this subpart or title I.

15 (29 U.S.C. 795i)

## 16 SEC. 624. ELIGIBILITY.

17 An individual shall be eligible under this subpart to receive supported employment services  
18 authorized under this subpart if—

19 (1) the individual is eligible for vocational rehabilitation services under title I;

20 (2) the individual is determined to be an individual with a most significant disability; and

21 (3) a comprehensive assessment of rehabilitation needs of the individual described in  
22 section 7(2)(B), including an evaluation of rehabilitation, career, and job needs, identifies  
23 supported employment as the appropriate employment outcome for the individual.

24 (29 U.S.C. 795j)

## 25 SEC. 625. STATE PLAN.

26 (a) STATE PLAN SUPPLEMENTS.—To be eligible for an allotment under this subpart, a State  
27 shall submit to the Commissioner, as part of the State plan under section 101, a State plan  
28 supplement for providing supported employment services authorized under this Act to  
29 individuals who are eligible under this Act to receive the services. Each State shall make such  
30 annual revisions in the plan supplement as may be necessary.

31 (b) CONTENTS.—Each such plan supplement shall—

32 (1) designate each designated State agency as the agency to administer the program  
33 assisted under this subpart;

34 (2) summarize the results of the comprehensive, statewide assessment conducted under  
35 section 101(a)(15)(A)(i), with respect to the rehabilitation needs of individuals with  
36 significant disabilities and the need for supported employment services, including needs  
37 related to coordination;

1 (3) describe the quality, scope, and extent of supported employment services authorized  
2 under this Act to be provided to individuals who are eligible under this Act to receive the  
3 services and specify the goals and plans of the State with respect to the distribution of funds  
4 received under section 622;

5 (4) demonstrate evidence of the efforts of the designated State agency to identify and  
6 make arrangements (including entering into cooperative agreements) with other State  
7 agencies and other appropriate entities to assist in the provision of supported employment  
8 services;

9 (5) demonstrate evidence of the efforts of the designated State agency to identify and  
10 make arrangements (including entering into cooperative agreements) with other public or  
11 nonprofit agencies or organizations within the State, employers, natural supports, and other  
12 entities with respect to the provision of extended services;

13 (6) provide assurances that—

14 (A) funds made available under this subpart will only be used to provide supported  
15 employment services authorized under this Act to individuals who are eligible under  
16 this part to receive the services;

17 (B) the comprehensive assessments of individuals with significant disabilities  
18 conducted under section 102(b)(1) and funded under title I will include consideration  
19 of supported employment as an appropriate employment outcome;

20 (C) an individualized plan for employment, as required by section 102, will be  
21 developed and updated using funds under title I in order to—

22 (i) specify the supported employment services to be provided;

23 (ii) specify the expected extended services needed; and

24 (iii) identify the source of extended services, which may include natural  
25 supports, or to the extent that it is not possible to identify the source of extended  
26 services at the time the individualized plan for employment is developed, a  
27 statement describing the basis for concluding that there is a reasonable  
28 expectation that such sources will become available;

29 (D) the State will use funds provided under this subpart only to supplement, and not  
30 supplant, the funds provided under title I, in providing supported employment services  
31 specified in the individualized plan for employment;

32 (E) services provided under an individualized plan for employment will be  
33 coordinated with services provided under other individualized plans established under  
34 other Federal or State programs;

35 (F) to the extent jobs skills training is provided, the training will be provided on site;  
36 and

37 (G) supported employment services will include placement in an integrated setting  
38 based on the unique strengths, resources, priorities, concerns, abilities, capabilities,  
39 interests, and informed choice of individuals with the most significant disabilities;

40 (7) provide assurances that the State agencies designated under paragraph (1) will

1 expend not more than 5 percent of the allotment of the State under this subpart for  
2 administrative costs of carrying out this part; and

3 (8) contain such other information and be submitted in such manner as the Commissioner  
4 may require.

5 (29 U.S.C. 795k)

## 6 **SEC. 626. RESTRICTION.**

7 Each State agency designated under section 625(b)(1) shall collect the information required by  
8 section 101(a)(10) separately for eligible individuals receiving supported employment services  
9 under this subpart and for eligible individuals receiving supported employment services under  
10 title I.

11 (29 U.S.C. 795l)

## 12 **SEC. 627. SAVINGS PROVISION.**

13 (a) SUPPORTED EMPLOYMENT SERVICES.—Nothing in this Act shall be construed to prohibit a  
14 State from providing supported employment services in accordance with the State plan submitted  
15 under section 101 by using funds made available through a State allotment under section 110.

16 (b) POSTEMPLOYMENT SERVICES.—Nothing in this subpart shall be construed to prohibit a  
17 State from providing discrete postemployment services in accordance with the State plan  
18 submitted under section 101 by using funds made available through a State allotment under  
19 section 110 to an individual who is eligible under this part.

20 (29 U.S.C. 795m)

21 (a) **SEC. 628 AUTHORIZATION OF APPROPRIATIONS**<sup>IN</sup>  
22 **GENERAL.**—There is authorized to be appropriated to carry out this part such sums as  
23 may be necessary for each of the fiscal years 2011 through 2016.

24 (b) **ALLOCATION BETWEEN SUBPARTS.**—The Secretary shall allocate the amount  
25 appropriated to carry out this part for a fiscal year and remaining after the Secretary  
26 carries out subsection (b), by dividing that remaining amount equally between this  
27 subpart and subpart 2.

## 30 **Subpart 2-Supported Employment Extended Services for Youth** 31 **with the Most Significant Disabilities**

## 32 **SEC. 631. PURPOSE.**

33 It is the purpose of this subpart to authorize allotments, in addition to grants for  
34 vocational rehabilitation services under Title I, to assist States in developing collaborative  
35 programs with appropriate entities to provide supported employment services for youth with  
36 significant disabilities as they transition from education to employment, to promote competitive  
37 integrated employment, and to enable such individuals to achieve the employment outcome of

1 supported employment.

## 2 **SEC. 632. ELIGIBILITY.**

3 An individual shall be eligible under this subpart to receive supported employment  
4 services authorized under this subpart if-

5 (1) if the individual is determined to be-

6 (A) a youth with a disability; and

7 (B) an individual with a most significant disability;

8 (2) the youth is eligible for vocational rehabilitation services under title I; and

9 (3) a comprehensive assessment of rehabilitative needs of the youth described in section  
10 7(2)(B), including an evaluation of rehabilitation, career, and job needs, identifies  
11 supported employment as the appropriate employment outcome for the individual.

12

## 13 **SEC. 633. ALLOTMENTS.**

14 (a) IN GENERAL.-

15 (1) STATES.-The Secretary shall allot the sums appropriated for each fiscal year to  
16 carry out this subpart among the States on the basis of relative population of each  
17 State, except that no State shall receive less than \$250,000, or 1/3 of 1 percent of  
18 the sums appropriate for the fiscal year for which the allotment is made,  
19 whichever amount is greater.

20 (2) CERTAIN TERRITORIES.—The provisions of section 622(a)(2) shall apply to  
21 this subpart.

22 (b) REALLOTMENT.—the provisions of section 622(b) shall apply to this subpart.

23

## 24 **SEC. 634. AVAILABILITY OF SERVICES.**

25 (a) SUPPORTED EMPLOYMENT SERVICES.-Funds provided under this subpart may  
26 be used to provide supported employment services to individuals who are eligible  
27 under this subpart.

28 (b) EXTENDED SERVICES.-Funds provided under this subpart, or title I, may not be  
29 used to provide extended services to youth with the most significant disabilities who  
30 are eligible under this subpart or title I for a period longer than 4 years.

31

## 32 **SEC. 635. STATE PLAN.**

33 (a) STATE PLAN SUPPLEMENTS.-To be eligible for an allotment under this subpart, a  
34 State shall submit to the Commissioner, as part of the State plan under section 101, a  
35 State plan supplement for providing supported employment services authorized under

1 this subpart to youth who are eligible under this subpart to receive the services. Each  
2 State shall make such annual revisions in the plan supplement as may be necessary.

3 (b) CONTENTS.-Each plan supplement described in subsection (a) shall-

4 (1) carry out the activities described in paragraphs (1), (2), (3), (4), (5), (7), and (8) of  
5 section 625(b), with respect to youth with the most significant disabilities.designate  
6 each designated State agency as the agency to administer the program assisted under  
7 this subpart;

8 (2) describe how the State will use these funds to leverage other public and private  
9 funds to increase resources for extended services and expand supported employment  
10 opportunities for youth with the most significant disabilities;

11 (3) provide assurances that-

12 (A) As described in subparagraphs (A), (B), (D), (E), (F), and (G) of section  
13 625(b)(6) with respect to youth who are eligible under this subpart to receive  
14 services; and

15 (B) that an individualized plan for employment, as required by section 102, will  
16 be developed and updated using funds under title I to-

17 (i) specify the transition services for youth who are eligible under this  
18 subpart, including services described in section 114 and in section  
19 101(a)(25)(B)(ii);

20 (ii) carry out the activities described in clauses (i) through (iii) of section  
21 625(b)(6)(C); and

22 (4) provide, directly or indirectly through public or private entities, non-Federal  
23 contributions towards the grant award in an amount that is not less than 10 percent  
24 of such costs.

## 25 SEC. 636. RESTRICTION.

26 Each State agency designated under section 635(b)(1) shall collect the  
27 information required by section 101(a)(10) separately for eligible youth receiving supported  
28 employment services under this subpart and for eligible youth receiving supported employment  
29 services under title I.

## 30 SEC. 637. SAVINGS PROVISION.

31 (a) SUPPORTED EMPLOYMENT SERVICES.-Nothing in this subpart shall be  
32 construed to prohibit a State from providing supported employment services  
33 in accordance with the State plan submitted under section 101 by using funds  
34 made available through State allotment under section 110.

35 (b) POSTEMPLOYMENT SERVICES.-Nothing in this subpart shall be  
36 construed to prohibit a State from providing discrete postemployment services  
37 in accordance with the State plan submitted under section 101 by using funds  
38 made available through a State allotment under section 110 to an individual  
39 who is eligible under this subpart.



1 —

2 Title VII-- Independent Living Services and Centers for  
3 Independent Living

4 CHAPTER 1— INDIVIDUALS WITH SIGNIFICANT  
5 DISABILITIES

6 PART A -- GENERAL PROVISIONS

7 SEC. 701. PURPOSE.

8 The purpose of this chapter is to promote a philosophy of independent living, including a  
9 philosophy of consumer control, peer support, self-help, self-determination, equal access, and  
10 individual and system advocacy, in order to maximize the leadership, empowerment,  
11 independence, and productivity of individuals with disabilities, and the integration and full  
12 inclusion of individuals with disabilities into the mainstream of American society, by—

13 (1) providing financial assistance to States for providing, expanding, and improving the  
14 provision of independent living services;

15 (2) providing financial assistance to develop and support statewide networks of centers  
16 for independent living; and

17 (3) providing financial assistance to States for improving working relationships among  
18 State independent living rehabilitation service programs, centers for independent living,  
19 Statewide Independent Living Councils established under section 705, State vocational  
20 rehabilitation programs receiving assistance under title I, State programs of supported  
21 employment services receiving assistance under part B of title VI, client assistance  
22 programs receiving assistance under section 112, programs funded under other titles of this  
23 Act, programs funded under other Federal law, and programs funded through non-Federal  
24 sources with the goal of improving the independence of and equal opportunity for  
25 individuals with disabilities.

26 SEC. 701A. INDEPENDENT LIVING ADMINISTRATION.

27 (a) ESTABLISHMENT.-In order to promote the philosophy and purpose of section 701,  
28 there is established within the Department of Education an Independent Living  
29 Administration, independent of the Rehabilitation Services Administration.

30 (b) COMMISSIONER.-The Independent Living Administration shall be headed by a  
31 Director (referred to in this title as the “ILA Director”) appointed by the Secretary.  
32 The ILA Director shall not have been an employee of the Department of Education  
33 during the 12 month ~~90-day~~ period before such appointment, and shall have  
34 substantial knowledge of independent living services. The Independent Living  
35 Administration shall be the principal agency, and the ILA Director shall be the  
36 principal officer, of the Department for carrying out this title. The ILA Director shall  
37 have the same reporting relationship as is outlined in section 202(a)(2), and shall be a  
38 different individual than the Commissioner.

1 (c) GENERAL COUNSEL.-The Office of the General Counsel of the Department of  
2 Education shall designate 1 or more individuals, with substantial background in and  
3 knowledge of independent living services and centers for independent living under  
4 this title, to provide advice, support, and technical assistance to the Director.

5 (d) INPUT.-The ILA Director shall have the authority to seek such input and advice,  
6 including convening meetings, as the ILA Director determines to be appropriate with  
7 respect to the policies and conduct of the Independent Living Administration.

8 (e) STAFF.-The Secretary shall ensure that-

9 (1) the Independent Living Administration has sufficient staff to provide oversight of,  
10 conduct auditing of, and provide technical assistance to, the centers for  
11 independent living and Statewide Independent Living Councils funded under this  
12 Act; and

13 (2) such staff includes individuals who have significant experience with centers for  
14 independent living or Statewide Independent Living Councils described in section  
15 705.

16 (29 U.S.C. 796)

## 17 SEC. 702. DEFINITIONS.

18 As used in this chapter:

19 (1) CENTER FOR INDEPENDENT LIVING.—The term “center for independent living” means  
20 a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit  
21 agency for individuals with significant disabilities (regardless of age or income) that—

22 (A) is designed and operated within a local community by individuals with  
23 disabilities;

24 (B) provides an array of independent living services, including, at a minimum,  
25 independent living core services as defined in section 7(17); and

26 (C) has sufficient staff to provide the services described in subparagraph (B).

27 (2) CONSUMER CONTROL.—The term “consumer control” means, with respect to a center  
28 for independent living, that the center vests power and authority in individuals with  
29 disabilities, both in terms of-

30 (A) the management, staffing, decision-making, and operation of the center; and

31 (B) the center’s establishment of policies, direction, and provision of services.

32 (29 U.S.C. 796a)

## 33 SEC. 703. ELIGIBILITY FOR RECEIPT OF SERVICES.

34 Services may be provided under this chapter to any individual with a significant disability, as  
35 defined in section 7(21)(B).

36 (29 U.S.C. 796b)

## 37 SEC. 704. STATE PLAN.

1 (a) IN GENERAL.—

2 (1) REQUIREMENT.—To be eligible to receive financial assistance under this chapter, a  
3 State shall submit to the ILA Director , and obtain approval of, a State plan developed and  
4 signed in accordance with paragraph (2) containing such provisions as the ILA Director  
5 may require, including, at a minimum, the provisions required in this section.

6 (2) JOINT DEVELOPMENT.—The plan under paragraph (1) shall be jointly—

7 (A) developed by the chairperson of the Statewide Independent Living Council, the  
8 director of the designated State entity described in subsection (c), and the directors of  
9 the centers for independent living in the State, after receiving public input from  
10 individuals with disabilities through the state; and

11 (B) signed by-

12 (i) the chairperson of the Statewide Independent Living Council, acting on behalf of  
13 and at the direction of the Council;

14 (ii) the director of the designated State entity described in subsection (c); and

15 (iii) not less than 51 percent of the directors of the centers for independent living in  
16 the State.

17 (3) PERIODIC REVIEW AND REVISION.—The plan shall provide for the review and revision  
18 of the plan, not less than once every 5 years, to ensure the existence of appropriate planning,  
19 financial support and coordination, and other assistance to appropriately address, on a  
20 statewide and comprehensive basis, needs in the State for—

21 (A) the provision of independent living services in the State;

22 (B) the development and support of a statewide network of centers for independent  
23 living;

24 (C) working relationships and collaboration between—

25 (i) centers for independent living; and

26 (ii)(I) entities carrying out programs that provide independent living services,  
27 including those serving older individuals;

28 (II) other community-based organizations that provide or coordinate the  
29 provision of housing, transportation, employment, information and referral  
30 assistance, services, and supports for individuals with significant disabilities; and

31 (III) entities carrying out the vocational rehabilitation program established  
32 under title I, and other programs providing services for individuals with  
33 disabilities; and

34 (D) cooperative agreements and partnerships to provide a seamless model for provision  
35 of services to individuals with disabilities and to avoid duplication of services;

36 (4) DATE OF SUBMISSION.—The State shall submit the plan to the ILA Director 90 days  
37 before the completion date of the preceding plan. If a State fails to submit such a plan that  
38 complies with the requirements of this section, the ILA Director may withhold financial  
39 assistance under this chapter until such time as the State submits such a plan.

1 (5) STATEWIDENESS.—The State plan shall provide for the provision of independent living  
2 services on a statewide basis, to the greatest extent possible, including through the establishment  
3 of additional centers for independent living, expanded catchment areas, or focused outreach to  
4 serve underserved populations. (b) STATEWIDE INDEPENDENT LIVING COUNCIL.—The plan shall  
5 provide for the establishment of a Statewide Independent Living Council in accordance with  
6 section 705, as well as a plan for funding the administrative costs of the Council. (c)  
7 DESIGNATION OF STATE ENTITY .— The plan shall designate the designated State entity of  
8 such State (referred to in this title as the ‘designated State entity’) which may be the designated  
9 State unit, an entity within the designated State agency, or entity within a different State agency,  
10 as the agency that, on behalf of the State, shall—

11 (1) receive, account for, and disburse funds received by the State under this chapter based  
12 on the plan;

13 (2) provide administrative support services for a program under part (ignore  
14 strikethrough here; retain existing law);

15 (3) keep such records and afford such access to such records as the ILA Director finds to  
16 be necessary with respect to the programs;

17 (4) submit such additional information or provide such assurances as the ILA  
18 Commissioner may require with respect to the programs ;and

19 (5) retain not more than 5 percent of the funds received by the State for any fiscal year  
20 under Part B, for the performance of the services outlined in paragraphs (1) through (4).

21 (d) OBJECTIVES.—The plan shall—

22 (1) specify the objectives to be achieved under the plan and establish timelines for the  
23 achievement of the objectives; and

24 (2) explain how such objectives are consistent with and further the purpose of this  
25 chapter.

26 (e) INDEPENDENT LIVING SERVICES.—The plan shall provide that the State will provide  
27 independent living services under this chapter to individuals with significant disabilities, and will  
28 provide the services to such an individual in accordance with an independent living plan  
29 mutually agreed upon by an appropriate staff member of the service provider and the individual,  
30 unless the individual signs a waiver stating that such a plan is unnecessary.

31 (f) SCOPE AND ARRANGEMENTS.—The plan shall describe the extent and scope of independent  
32 living services to be provided under this chapter to meet such objectives. If the State makes  
33 arrangements, by grant or contract, for providing such services, such arrangements shall be  
34 described in the plan.

35 (g) NETWORK.—The plan shall set forth a design for the establishment of a statewide network  
36 of centers for independent living that comply with the standards and assurances set forth in  
37 section 725.

38 (h) CENTERS.—In States in which State funding for centers for independent living equals or  
39 exceeds the amount of funds allotted to the State under part C, as provided in section 723, the  
40 plan shall include policies, practices, and procedures governing the awarding of grants to centers  
41 for independent living and oversight of such centers consistent with section 723.

1 (i) COOPERATION, COORDINATION, AND WORKING RELATIONSHIPS AMONG VARIOUS  
2 ENTITIES.—The plan shall set forth the steps that will be taken to maximize the cooperation,  
3 coordination, and working relationships among—

4 (1) the Statewide Independent Living Council;

5 (2) centers for independent living;

6 (3) the designated State entity; and

7 (4) other State agencies or entities represented on the Council, other councils that address  
8 the needs and issues of specific disability populations , and other public and private entities  
9 determined to be appropriate by the Council.

10 (j) COORDINATION OF SERVICES.—The plan shall describe how services funded under this  
11 chapter will be coordinated with, and complement, other services, in order to avoid unnecessary  
12 duplication with other Federal, State, and local programs.

13 (k) COORDINATION BETWEEN FEDERAL AND STATE SOURCES.—The plan shall describe efforts  
14 to coordinate Federal and State funding for centers for independent living and independent living  
15 services.

16 (l) OUTREACH.—With respect to services and centers funded under this chapter, the plan shall  
17 set forth steps to be taken regarding outreach to populations that are unserved or underserved by  
18 programs under this title, including minority groups and urban and rural populations.

19 (m) REQUIREMENTS.—The plan shall provide satisfactory assurances that all recipients of  
20 financial assistance under this chapter will—

21 (1) notify all individuals seeking or receiving services under this chapter about the  
22 availability of the client assistance program under section 112, the purposes of the services  
23 provided under such program, and how to contact such program;

24 (2) take affirmative action to employ and advance in employment qualified individuals  
25 with disabilities on the same terms and conditions required with respect to the employment  
26 of such individuals under the provisions of section 503;

27 (3) adopt such fiscal control and fund accounting procedures as may be necessary to  
28 ensure the proper disbursement of and accounting for funds paid to the State under this  
29 chapter;

30 (4)(A) maintain records that fully disclose—

31 (i) the amount and disposition by such recipient of the proceeds of such financial  
32 assistance;

33 (ii) the total cost of the project or undertaking in connection with which such  
34 financial assistance is given or used; and

35 (iii) the amount of that portion of the cost of the project or undertaking supplied by  
36 other sources;

37 (B) maintain such other records as the ILA Director determines to be appropriate to  
38 facilitate an effective audit;

39 (C) afford such access to records maintained under subparagraphs (A) and (B) as the

1 Commissioner determines to be appropriate; and

2 (D) submit such reports with respect to such records as the ILA Director determines to  
3 be appropriate;

4 (5) provide access to the ILA Director and the Comptroller General or any of their duly  
5 authorized representatives, for the purpose of conducting audits and examinations, of any  
6 books, documents, papers, and records of the recipients that are pertinent to the financial  
7 assistance received under this chapter; and

8 (6) provide for public hearings regarding the contents of the plan during both the  
9 formulation and review of the plan.

10 (n) EVALUATION.—The plan shall establish a method for the periodic evaluation of the  
11 effectiveness of the plan in meeting the objectives established in subsection (d), including  
12 evaluation of satisfaction by individuals with disabilities.

13 (o) PROMOTING FULL ACCESS TO COMMUNITY LIFE.-

14 (1) IN GENERAL.-The plan shall describe how the State will provide independent living  
15 services that promote full access to community life for individuals with significant disabilities.

16 (2) SERVICES.-The services shall include at least one of the following-

17 (A) facilitating transitions of individuals with significant disabilities from nursing  
18 homes and other institutions, to home and community-based residences, with the requisite  
19 supports and services;

20 (B) providing assistance to individuals with significant disabilities that are at risk of  
21 entering institutions so that the individuals may remain in the community; and

22 (C) facilitating transitions of youth (including students) who are individuals with  
23 significant disabilities, who were eligible for individualized education programs under section  
24 614(d) of the Individuals with Disabilities Act (20 U.S.C. 1414(d)), and who have completed  
25 their secondary education or otherwise left school, to postsecondary life, including employment.

26 (29 U.S.C. 796c)

## 27 SEC. 705. STATEWIDE INDEPENDENT LIVING COUNCIL.

28 (a) ESTABLISHMENT.—To be eligible to receive financial assistance under this chapter, each  
29 State shall establish a Statewide Independent Living Council (referred to in this section as the  
30 “Council”). The Council shall not be established as an entity within a State agency.

31 (b) COMPOSITION AND APPOINTMENT.—

32 (1) APPOINTMENT.—Members of the Council shall be appointed by the Governor ~~or, in~~  
33 ~~the case of a State that, under State law, vests authority for the administration of the~~  
34 ~~activities carried out under this Act in an entity other than the Governor (such as one or~~  
35 ~~more houses of the State legislature or an independent board), the chief officer of that~~  
36 ~~entity. The appointing authority shall select members after soliciting recommendations from~~  
37 representatives of organizations representing a broad range of individuals with disabilities  
38 and organizations interested in individuals with disabilities.

39 (2) COMPOSITION.—The Council shall include—

1 (A) among its voting members, at least 1 director of a center for independent living  
2 chosen by at least 51 percent of the directors of centers for independent living within  
3 the State;

4 To ensure their appointment this SILC member should not be appointed by the  
5 Governor

6 (B) among its voting members, for a State in which 1 or more centers are funded  
7 under section 721(c)(4), at least 1 representative of the directors of the centers; and

8 (C) as ex officio, nonvoting members, a representative of the designated State entity,  
9 and representatives from State agencies that provide services for individuals with  
10 disabilities;

11 (3) ADDITIONAL MEMBERS.—The Council may include—

12 (A) other representatives from centers for independent living;

13 (B) individuals with disabilities;

14 (C) parents and guardians of individuals with disabilities;

15 (D) advocates of and for individuals with disabilities;

16 (E) representatives from private businesses;

17 (F) representatives from organizations that provide services for individuals with  
18 disabilities; and

19 (G) other appropriate individuals.

20 (4) QUALIFICATIONS.—

21 (A) IN GENERAL.—The Council shall be composed of members—

22 (i) who provide statewide representation;

23 (ii) who represent a broad range of individuals with disabilities from diverse  
24 backgrounds;

25 (iii) who are knowledgeable about centers for independent living and  
26 independent living services; and

27 (iv) a majority of whom are persons who are—

28 (I) individuals with disabilities described in section 7(20)(B); and

29 (II) not employed by any State agency or center for independent living.

30 (B) VOTING MEMBERS.—A majority of the voting members of the Council shall  
31 be—

32 (i) individuals with disabilities described in section 7(20)(B); and

33 (ii) not employed by any State agency or center for independent living.

34 (5) CHAIRPERSON.— (ignore strikeout, retain current law with one technical change)

35  
36 (A) IN GENERAL. ~~Except as provided in subparagraph (B),~~ the Council shall select a

1 chairperson from among the voting membership of the Council.

2 ~~(B) DESIGNATION BY CHIEF EXECUTIVE OFFICER.—In States in which the~~  
3 ~~Governor does not have veto power pursuant to State law, the appointing authority~~  
4 ~~described in paragraph (1) shall designate a voting member of the Council to serve as the~~  
5 ~~chairperson of the Council or shall require the Council to so designate such a voting~~  
6 ~~member.—~~

7 (6) TERMS OF APPOINTMENT.—

8 (A) LENGTH OF TERM.—Each voting member of the Council shall serve for a term of  
9 3 years, except that—

10 (i) a member appointed to fill a vacancy occurring prior to the expiration of the  
11 term for which a predecessor was appointed, shall be appointed for the remainder  
12 of such term; and

13 (ii) the terms of service of the members initially appointed shall be (as specified  
14 by the appointing authority described in paragraph (3)) for such fewer number of  
15 years as will provide for the expiration of terms on a staggered basis.

16 (B) NUMBER OF TERMS.—No member of the Council may serve more than two  
17 consecutive full terms.

18 (7) VACANCIES.—

19 (A) IN GENERAL.—Except as provided in subparagraph (B), any vacancy occurring  
20 in the membership of the Council shall be filled in the same manner as the original  
21 appointment. The vacancy shall not affect the power of the remaining members to  
22 execute the duties of the Council.

23 (B) DELEGATION.—The appointing authority described in paragraph (3) may  
24 delegate the authority to fill such a vacancy to the remaining voting members of the  
25 Council after making the original appointment.

26 (c) FUNCTIONS.-

27 (1) DUTIES.-The Council shall

28 (A) in conjunction with the directors of the centers for independent living in the State,  
29 and the designated State entity, jointly develop and sign the State plan as provided in section  
30 704(a)(2);

31 (B) monitor, review, and evaluate the implementation of the State plan;

32 (C) have at least 4 regularly scheduled meetings per year, and ensure that such meetings  
33 of the Council are open to the public and sufficient advance notice of such meetings is  
34 provided;

35  
36 (D) submit to the ILA Director such periodic reports as the ILA Director may  
37 reasonably request, and keep such records, and afford such access to such records, as the  
38 ILA Commissioner finds necessary to verify the information in such reports; and

39 (E) as appropriate, coordinate activities with the State Rehabilitation Council established



1 under section 105, if the State has such a Council, or the commission described in section  
2 101(a)(21)(A), if the State has such a commission, and councils that address the needs of  
3 specific disability populations and issues under other Federal law.

4 (2) AUTHORITIES.—The Council may, consistent with the State plan described in section 704,  
5 unless prohibited by State law—

6 (A) facilitate the improvement and coordination of services provided to individuals with  
7 disabilities by centers for independent living, the designated State unit, other government  
8 agencies, and community organizations;

9 (B) conduct resource development activities to obtain funding from public and private  
10 resources to support the activities described in this subsection or to support the provision of  
11 independent living services by centers for independent living; and

12 (C) perform such other functions, consistent with the purpose of this chapter and  
13 comparable to other functions described in this subsection, as the Council determines to be  
14 appropriate.

15 (3) LIMITATION.—The Council shall not provide independent living services directly to  
16 individuals with significant disabilities or manage such services.

17 (d) HEARINGS AND FORUMS.—The Council is authorized to hold such hearings and forums as  
18 the Council may determine to be necessary to carry out the duties of the Council.

19 (e) PLAN.—

20 (1) IN GENERAL.—The Council shall prepare, in conjunction with the designated State  
21 entity, a plan for the provision of such resources, including such staff and personnel, as  
22 may be necessary and sufficient to carry out the functions of the Council under this section,  
23 with funds made available under part B, and funds from other public and private sources. (2)

24 SUPERVISION AND EVALUATION.—Each Council shall, consistent with State law, supervise  
25 and evaluate such staff and other personnel as may be necessary to carry out the functions  
26 of the Council under this section. (3) CONFLICT OF INTEREST. While assisting the  
27 Council in carrying out its duties, staff and other personnel shall not be assigned duties by  
28 the designated State entity or any other agency or office of the State, that would create a  
29 conflict of interest.

30 (f) COMPENSATION AND EXPENSES.—The Council may use available resources to reimburse  
31 members of the Council for reasonable and necessary expenses of attending Council meetings  
32 and performing Council duties ( such as personal assistance services), and to pay reasonable  
33 compensation to a member of the Council, if such member is not employed or must forfeit wages  
34 from other employment, for each day the member is engaged in performing Council duties.

35 (29 U.S.C. 796d)

36 Sec. 706

## 37 **SEC. 706. RESPONSIBILITIES OF THE ILA DIRECTOR .**

38 (a) APPROVAL OF STATE PLANS.—

39 (1) IN GENERAL.—The ILA Director shall approve any State plan submitted under  
40 section 704 that the ILA Director determines meets the requirements of section 704, and

1 shall disapprove any such plan that does not meet such requirements, as soon as practicable  
2 after receiving the plan. Prior to such disapproval, the ILA Director shall notify the State of  
3 the intention to disapprove the plan, and shall afford such State reasonable notice and  
4 opportunity for a hearing.

5 (2) PROCEDURES.—

6 (A) IN GENERAL.—Except as provided in subparagraph (B), the provisions of  
7 subsections (c) and (d) of section 107 shall apply to any State plan submitted to the  
8 ILA Director under section 704.

9 (B) APPLICATION.—For purposes of the application described in subparagraph (A),  
10 all references in such provisions—

11 (i) to the Secretary or the Commissioner shall be deemed to be references to the  
12 ILA Director ; and

13 (ii) to the State agency shall be deemed to be references to the designate State  
14 entity; and

15 (iii) to section 101 shall be deemed to be references to section 704.

16 (b) INDICATORS.—Not later than 1 year after the date of enactment of the Workforce  
17 Investment Act of 2011, the ILA Director shall develop and publish in the Federal Register  
18 indicators of minimum compliance for centers for independent living (consistent with the  
19 standards set forth in section 725), and indicators of minimum compliance for Statewide  
20 Independent Living Councils.

21 (c) ONSITE COMPLIANCE REVIEWS.—

22 (1) REVIEWS.—

23 (A) TYPES OF REVIEWS.—The ILA Director shall annually conduct-

24 (i) onsite compliance reviews of at least 15 percent of the centers for independent  
25 living that receive funds under section 722 and shall periodically conduct such a review of  
26 each such center;

27 (ii) onsite compliance reviews of at least one-third of the designated State units  
28 that receive funding under section 723, and, to the extent necessary to determine the  
29 compliance of such a State unit with subsections (f) and (g) of section 723, centers that  
30 receive funding under section 723 in such State; and

31 (iii) onsite compliance reviews for at least 10 percent of the Statewide  
32 Independent Living Councils established in each State under section 705.

33 (B) SELECTIONS.—The ILA Director shall select the centers, State units, and Councils  
34 described in this paragraph for review on a random basis.

35 (2) QUALIFICATIONS OF EMPLOYEES CONDUCTING REVIEWS.—The ILA Director shall—

36 (A) to the maximum extent practicable, carry out a review described in paragraph  
37 (1) by using employees of the Independent Living Administration who are  
38 knowledgeable about the provision of independent living services;

39 (B) ensure that the employee of the Independent Living Administration with

1 responsibility for supervising such a review shall have such knowledge; and

2 (C) ensure that at least one member of a team conducting such a review shall be an  
3 individual who—

4 (i) is not a government employee; and

5 (ii) has experience in the operation of centers for independent living.

## 6 PART B —INDEPENDENT LIVING SERVICES

### 7 SEC. 711. ALLOTMENTS.

#### 8 Sec. 711

##### 9 (a) IN GENERAL.—

##### 10 (1) STATES.—

11 (A) POPULATION BASIS.—After the reservation required by section 711A is made,  
12 and except as provided in subparagraphs (B) and (C), from the remainder of the sums  
13 appropriated for each fiscal year to carry out this part, the ILA Director shall make an  
14 allotment to each State whose State plan has been approved under section 706 of an  
15 amount bearing the same ratio to such sums as the population of the State bears to the  
16 population of all States.

17 (B) MAINTENANCE OF 1992 AMOUNTS.—Subject to the availability of appropriations  
18 to carry out this part, the amount of any allotment made under subparagraph (A) to a  
19 State for a fiscal year shall not be less than the amount of an allotment made to the  
20 State for fiscal year 1992 under part A of this title, as in effect on the day before the  
21 date of enactment of the Rehabilitation Act Amendments of 1992.

22 (C) MINIMUMS.—Subject to the availability of appropriations to carry out this part,  
23 and except as provided in subparagraph (B), the allotment to any State under  
24 subparagraph (A) shall be not less than \$275,000 or  $\frac{1}{3}$  of 1 percent of the sums  
25 made available for the fiscal year for which the allotment is made, whichever is  
26 greater, and the allotment of any State under this section for any fiscal year that is less  
27 than \$275,000 or  $\frac{1}{3}$  of 1 percent of such sums shall be increased to the greater of the  
28 two amounts.

##### 29 (2) CERTAIN TERRITORIES.—

30 (A) IN GENERAL.—For the purposes of paragraph (1)(C), Guam, American Samoa,  
31 the United States Virgin Islands, and the Commonwealth of the Northern Mariana  
32 Islands shall not be considered to be States.

33 (B) ALLOTMENT.—Each jurisdiction described in subparagraph (A) shall be allotted  
34 under paragraph (1)(A) not less than  $\frac{1}{8}$  of 1 percent of the remainder described in  
35 paragraph (1)(A) for the fiscal year for which the allotment is made.

36 (3) ADJUSTMENT FOR INFLATION.—For any fiscal year, beginning in fiscal year 1999, in  
37 which the total amount appropriated to carry out this part exceeds the total amount  
38 appropriated to carry out this part for the preceding fiscal year, the ILA Director shall  
39 increase the minimum allotment under paragraph (1)(C) by a percentage that shall not

1 exceed the percentage increase in the total amount appropriated to carry out this part  
2 between the preceding fiscal year and the fiscal year involved.

3 (b) PROPORTIONAL REDUCTION.—To provide allotments to States in accordance with  
4 subsection (a)(1)(B), to provide minimum allotments to States (as increased under subsection  
5 (a)(3)) under subsection (a)(1)(C), or to provide minimum allotments to States under subsection  
6 (a)(2)(B), the ILA Director shall proportionately reduce the allotments of the remaining States  
7 under subsection (a)(1)(A), with such adjustments as may be necessary to prevent the allotment  
8 of any such remaining State from being reduced to less than the amount required by subsection  
9 (a)(1)(B).

10 (c) REALLOTMENT.—Whenever the ILA Director determines that any amount of an allotment  
11 to a State for any fiscal year will not be expended by such State in carrying out the provisions of  
12 this part, the ILA Director shall make such amount available for carrying out the provisions of  
13 this part to one or more of the States that the ILA Director determines will be able to use  
14 additional amounts during such year for carrying out such provisions. Any amount made  
15 available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes  
16 of this section, be regarded as an increase in the allotment of the State (as determined under the  
17 preceding provisions of this section) for such year.

18 (d) ADMINISTRATION.—Funds allotted or made available to a State under this section shall  
19 be administered by the designated State entity, in accordance with the approved State plan,  
20 except for States covered by section 723.

## 21 SEC. 711A. TRAINING AND TECHNICAL ASSISTANCE.

22 (a) IN GENERAL.—From the funds appropriated to carry out this part for any fiscal year,  
23 beginning with fiscal year 2012, the ILA Director shall first reserve not less than 1.8  
24 percent and not more than 2 percent of the funds to provide training and technical  
25 assistance to Statewide Independent Living Councils for such fiscal year.

26 (b) ALLOCATION.—From the funds reserved under subsection (a), the ILA Director shall  
27 make grants to, and enter into contracts and other arrangements with, entities that have  
28 experience in the operation of Statewide Independent Living Councils to provide such  
29 training and technical assistance with respect to developing, conducting, administering,  
30 and evaluating Statewide Independent Living Councils.

31 (c) FUNDING PRIORITIES.—The ILA Commissioner shall conduct a survey of Statewide  
32 Independent Living Council regarding training and technical assistance needs in order to  
33 determine funding priorities for such grants, contracts, or other arrangements.

34 (d) REVIEW.—To be eligible to receive a grant or enter into a contract or other arrangement  
35 under this section, such an entity shall submit an application to the ILA Director as such  
36 time, in such manner, and containing a proposal to provide such training and technical  
37 assistance, and containing such additional information as the ILA Director may require.  
38 The ILA Director shall provide for peer review of grant applications by panels that include  
39 persons who are not government employees and who have experience in the operation of  
40 Statewide Independent Living Councils.

41 (29 U.S.C. 796e)

## 1 SEC. 712. PAYMENTS TO STATES FROM ALLOTMENTS.

2 (a) PAYMENTS.—From the allotment of each State for a fiscal year under section 711, the State  
3 shall be paid the Federal share of the expenditures incurred during such year under its State plan  
4 approved under section 706. Such payments may be made (after necessary adjustments on  
5 account of previously made overpayments or underpayments) in advance or by way of  
6 reimbursement, and in such installments and on such conditions as the ILA Director may  
7 determine.

8 (b) FEDERAL SHARE.—

9 (1) IN GENERAL.—The Federal share with respect to any State for any fiscal year shall be  
10 90 percent of the expenditures incurred by the State during such year under its State plan  
11 approved under section 706.

12 (2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any project that receives  
13 assistance through an allotment under this part may be provided in cash or in kind, fairly  
14 evaluated, including plant, equipment, or services.

15 (29 U.S.C. 796e–1)

## 16 SEC. 713. AUTHORIZED USES OF FUNDS.

17 (a) IN GENERAL --The State may use funds received under this part (but not more than 30  
18 percent of the funds paid to the State under section 712) to provide the resources described in  
19 section 705(e), relating to the Statewide Independent Living Council, may retain funds under  
20 section 704(c)(5), and shall distribute the remainder of the funds received under this part in a  
21 manner consistent with the approved State plan under section 704 for the activities described in  
22 subsection (b).

23 (b) ACTIVITIES. – The State may use the remainder of the funds described in subsection (a) -  
24 -

25 (1) to provide independent living services to individuals with significant disabilities,  
26 particularly those in unserved areas of the State;

27 (2) to demonstrate ways to expand and improve independent living services;

28 (3) to support the operation of centers for independent living that are in compliance with  
29 the standards and assurances set forth in subsections (b) and (c) of section 725;

30 (4) to support activities to increase the capacities of public or nonprofit agencies and  
31 organizations and other entities to develop comprehensive approaches or systems for  
32 providing independent living services;

33 (5) to conduct studies and analyses, gather information, develop model policies and  
34 procedures, and present information, approaches, strategies, findings, conclusions, and  
35 recommendations to Federal, State, and local policymakers in order to enhance independent  
36 living services for individuals with disabilities;

37 (6) to train individuals with disabilities and individuals providing services to individuals  
38 with disabilities and other persons regarding the independent living philosophy; and

39 (7) to provide outreach to populations that are unserved or underserved by programs

1 under this title, including minority groups and urban and rural populations.

2 (29 U.S.C. 796e–2)

3 Sec. 714

## 4 SEC. 714. AUTHORIZATION OF APPROPRIATIONS.

5 There are authorized to be appropriated to carry out this part such sums as may be necessary  
6 for each of the fiscal years 2012 through 2016 .

7 (29 U.S.C. 796e–3)

## 8 PART C—CENTERS FOR INDEPENDENT LIVING

### 9 SEC. 721. PROGRAM AUTHORIZATION.

10 (a) IN GENERAL.—From the funds appropriated for fiscal year 2012 and for each subsequent  
11 fiscal year to carry out this part, the ILA Director shall make available such sums as may be  
12 necessary to States, centers for independent living SILCs and other entities in accordance with  
13 subsections (b) through (d).

14 (b) TRAINING.—

15 (1) GRANTS; CONTRACTS; OTHER ARRANGEMENTS.—From the funds appropriated to carry  
16 out this part for any fiscal year, beginning with fiscal year 2012, the ILA Director shall first  
17 reserve not less than 1.8 percent and not more than 2 percent of the funds [from such  
18 excess,] to provide training and technical assistance to centers for independent living and  
19 eligible agencies for such fiscal year.

20 (2) ALLOCATION.—From the funds reserved under paragraph (1), the ILA Director shall  
21 make grants to, and enter into contracts and other arrangements with, entities that have  
22 experience in the operation of centers for independent living to provide such training and  
23 technical assistance with respect to fiscal management of, planning, developing, conducting,  
24 administering, and evaluating centers for independent living.

25 (3) FUNDING PRIORITIES.—The ILA Director shall conduct a survey of centers for  
26 independent living regarding training and technical assistance needs in order to determine  
27 funding priorities for such grants, contracts, and other arrangements.

28 (4) REVIEW.—To be eligible to receive a grant or enter into a contract or other  
29 arrangement under this subsection, such an entity shall submit an application to the ILA  
30 Director at such time, in such manner, and containing a proposal to provide such training  
31 and technical assistance, and containing such additional information as the ILA Director  
32 may require. The ILA Director shall provide for peer review of grant applications by  
33 panels that include persons who are not government employees and who have experience in  
34 the operation of centers for independent living.

35 (5) PROHIBITION ON COMBINED FUNDS.—No funds reserved by the ILA Director under  
36 this subsection may be combined with funds appropriated under any other Act or part of this  
37 Act if the purpose of combining funds is to make a single discretionary grant or a single  
38 discretionary payment, unless such funds appropriated under this chapter are separately  
39 identified in such grant or payment and are used for the purposes of this chapter.

1 (c) ALLOTMENTS TO STATES.—

2 (1) DEFINITIONS..In this subsection:

3 (A) ADDITIONAL APPROPRIATION.-The term ‘additional appropriation’ means the  
4 amount (if any) by which the appropriation for a fiscal year exceeds the total of-

5 (i) the amount reserved under subsection (b) for that fiscal year; and

6 (ii) the appropriation for fiscal year 2008.

7 (B) APPROPRIATION.-The terms ‘appropriation’ means the amount appropriated to  
8 carry out this part.

9 (C) BASE APPROPRIATION.-The term ‘base appropriation’ means the portion of the  
10 appropriation for a fiscal year that is equal to the lesser of-

11 (i) an amount equal to 100 percent of the appropriation, minus the amount  
12 reserved under subsection (b) for that fiscal year; or

13 (ii) the appropriation for fiscal year 2008.

14 (2) ALLOTMENTS TO STATES FROM BASE APPROPRIATION.-After the  
15 reservation required by subsection (b) has been made, the ILA Director shall allot to each State  
16 whose State plan has been approved under section 706 an amount that bears the same ratio to the  
17 base appropriation as the amount the State received under this subsection for fiscal year 2008  
18 bears to the total amount that all States received under this subsection for fiscal year 2008.

19 (3) ALLOTMENTS TO STATES OF ADDITIONAL APPROPRIATION.-From the  
20 portion of any additional appropriation for each fiscal year that remains after the application of  
21 paragraph (4), the ILA Director shall allot to each State whose State plan has been approved  
22 under section 706 an amount equal to the sum of-

23 (A) an amount that bears the same ration to 50 percent of the portion as the  
24 population of the State bears to the population of all States; and

25 (B) 1/56 of 50 percent of that portion.

26 (4) GRANTS FOR CENTERS FOR AMERICAN INDIANS.-

27 (A) GRANTS. The ILA Director may reserve not more than 5 percent of the  
28 additional appropriation for any fiscal year. The ILA Director shall use the reserved funds to  
29 make individual grants to support new or existing centers for independent living run by, or in  
30 conjunction with, the governing bodies of American Indian tribes located on Federal or State  
31 reservations (including consortia of such governing bodies). A governing body that receives such  
32 a grant shall use the grant funds for such a center that serves American Indians who are  
33 individuals with disabilities residing on or near such a reservation.

34 (B) APPLICATIONS.-

35 (i) IN GENERAL.-To be eligible to receive a grant under this paragraph  
36 for an independent living center, a governing body, or a governing body in conjunction with a  
37 center for independent living, shall submit an application to the ILA Director at such a time, in  
38 such a manner and containing such information as the ILA Director may require, and obtain  
39 approval for the application.

1 (ii) CONTENTS.-At a minimum, the application shall contain an  
2 assurance that the center--

3 (I) will meet the definition of a center for independent living under section 702;

4 (II) will provide independent core services (as defined in section 7(17)) to  
5 American Indians described in subparagraph (A) and, in appropriate cases, may provide to such  
6 American Indians services traditionally used by Indian tribes;

7 (III) will have sufficient staff to provide the services described in subclause (II);  
8 and

9 (IV) will comply with the standards and provide and comply with the assurances  
10 for centers for independent living under section 725.

11 (C) CARRYOVER AUTHORITY.-Notwithstanding any other provision of law,  
12 any funds provided through a grant made under subparagraph (A) to an individual  
13 grant recipient for a fiscal year that are not obligated or expended by the recipient  
14 prior to the beginning of the succeeding fiscal year shall remain available for  
15 obligation and expenditure by such recipient during that succeeding fiscal year  
16 and the subsequent fiscal year.

17 (D) RESERVATION.-In this paragraph, the term 'reservation' has the meaning  
18 given the term in section 121(d).

19 (d) REALLOTMENT.-Whenever the ILA Director determines that any amount of an allotment to  
20 a State for any fiscal year will not be expended by such State for carrying out the provisions of  
21 this part, the ILA Director shall make such amount available for carrying out the provisions of  
22 this part to one or more of the States that the ILA Director determines will be able to use  
23 additional amounts during such year for carrying out such provisions. Any amount made  
24 available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes  
25 of this section, be regarded as an increase in the allotment of the State (as determined under the  
26 preceding provisions of this section) for such year.

27 (e) CARRYOVER AUTHORITY.-Notwithstanding any other provision of law-

28 (1) any funds appropriated for a fiscal year to carry out a grant program under section 722  
29 or 723, that are not obligated and expended by the recipients prior to the beginning of the  
30 succeeding fiscal year shall remain available for obligation and expenditure by such recipients  
31 during that succeeding fiscal year and the subsequent fiscal year; and

32 (2) any amounts of program income received by recipients under a grant program under  
33 section 722 and 723 in a fiscal year, that are not obligated and expended by the recipients prior to  
34 the beginning of the succeeding fiscal year, shall remain available for obligation and expenditure  
35 by such recipients during that succeeding fiscal year and the subsequent fiscal year.

36 (29 U.S.C. 796f)

37 **SEC. 722. GRANTS TO CENTERS FOR INDEPENDENT**  
38 **LIVING IN STATES IN WHICH FEDERAL FUNDING**  
39 **EXCEEDS STATE FUNDING.-**



1 (a) ESTABLISHMENT.—

2 (1) IN GENERAL.—Unless the director of a designated State unit awards grants under  
3 section 723 to eligible agencies in a State for a fiscal year, the ILA Director shall award  
4 grants under this section to such eligible agencies for such fiscal year from the amount of  
5 funds allotted to the State under subsection (c) or (d) of section 721 for such year.

6 (2) GRANTS.—The ILA Director shall award such grants, from the amount of funds so  
7 allotted, to such eligible agencies for the planning, conduct, administration, and evaluation  
8 of centers for independent living that comply with the standards and assurances set forth in  
9 section 725.

10 (b) ELIGIBLE AGENCIES.—In any State in which the ILA Director has approved the State plan  
11 required by section 704, the ILA Director may make a grant under this section to any eligible  
12 agency that—

13 (1) has the power and authority to carry out the purpose of this part and perform the  
14 functions set forth in section 725 within a community and to receive and administer funds  
15 under this part, funds and contributions from private or public sources that may be used in  
16 support of a center for independent living, and funds from other public and private  
17 programs;

18 (2) is determined by the ILA Director to be able to plan, conduct, administer, and  
19 evaluate a center for independent living consistent with the standards and assurances set  
20 forth in section 725; and

21 (3) submits an application to the ILA Director at such time, in such manner, and  
22 containing such information as the ILA Director may require.

23 (c) EXISTING ELIGIBLE AGENCIES.—In the administration of the provisions of this section, the  
24 ILA Director shall award grants for a fiscal year to any eligible agency that has been awarded a  
25 grant under this part for the preceding fiscal year, unless the ILA Director makes a finding that  
26 the agency involved fails to meet program and fiscal standards and assurances set forth in section  
27 725.

28 (d) NEW CENTERS FOR INDEPENDENT LIVING.—

29 (1) IN GENERAL.—If there is no center for independent living serving a region of the State  
30 or a region is underserved, and the increase in the allotment of the State is sufficient to  
31 support an additional center for independent living in the State, the ILA Director may  
32 award a grant under this section to the most qualified applicant proposing to serve such  
33 region. The ILA Commissioner's determination of the most qualified applicant shall be  
34 consistent with the provisions in the State plan setting forth the design of the State for  
35 establishing a statewide network of centers for independent living.

36 (2) SELECTION.—In selecting from among applicants for a grant under this section for a  
37 new center for independent living, the ILA Director —

38 (A) shall consider comments regarding the application --

39 (i) by individuals with disabilities and other interested parties within the new  
40 region proposed to be served; and

41 (ii) if any, by the Statewide Independent Living Council in the State in which the

1 applicant is located; and

2 (B) shall consider the ability of each such applicant to operate a center for  
3 independent living based on—

4 (i) evidence of the need for such a center;

5 (ii) any past performance of such applicant in providing services comparable to  
6 independent living services;

7 (iii) the plan for satisfying or demonstrated success in satisfying the standards  
8 and the assurances set forth in section 725;

9 (iv) the quality of key personnel and the involvement of individuals with  
10 significant disabilities;

11 (v) budgets and cost-effectiveness;

12 (vi) an evaluation plan; and

13 (vii) the ability of such applicant to carry out the plans; and

14 (C) shall give priority to applications from applicants proposing to serve geographic  
15 areas within each State that are currently unserved or underserved by independent  
16 living programs, consistent with the provisions of the State plan submitted under  
17 section 704 regarding establishment of a statewide network of centers for independent  
18 living and consistent with the other objectives of this title.

19 (e) ORDER OF PRIORITIES.—The ILA Director shall be guided by the following order of  
20 priorities in allocating funds among centers for independent living within a State, to the extent  
21 funds are available:

22 (1) The ILA Director shall support existing centers for independent living, as described  
23 in subsection (c), that comply with the standards and assurances set forth in section 725, at  
24 the level of funding for the previous year.

25 (2) The ILA Director shall provide for a cost-of-living increase for such existing centers  
26 for independent living.

27 (3) The ILA Director shall fund new centers for independent living, as described in  
28 subsection (d), that comply with the standards and assurances set forth in section 725.

29 (f) NONRESIDENTIAL AGENCIES.—A center that provides or manages residential housing after  
30 October 1, 1994, shall not be considered to be an eligible agency under this section.

31 (g) REVIEW.—

32 (1) IN GENERAL.—The ILA Director shall periodically review each center receiving funds  
33 under this section to determine whether such center is in compliance with the standards and  
34 assurances set forth in section 725. If the ILA Director determines that any center receiving  
35 funds under this section is not in compliance with the standards and assurances set forth in  
36 section 725, the ILA Director shall immediately notify such center that it is out of  
37 compliance.

38 (2) ENFORCEMENT.—The ILA Director shall terminate all funds under this section to  
39 such center 90 days after the date of such notification unless the center submits a plan to

1 achieve compliance within 90 days of such notification and such plan is approved by the  
2 ILA Director .

3 (29 U.S.C. 796f-1)

4 Sec. 723

5 **SEC. 723. GRANTS TO CENTERS FOR INDEPENDENT**  
6 **LIVING IN STATES IN WHICH STATE FUNDING EQUALS**  
7 **OR EXCEEDS FEDERAL FUNDING.**

8 (a) ESTABLISHMENT.—

9 (1) IN GENERAL.—

10 (A) INITIAL YEAR.—

11 (i) DETERMINATION.—The director of a designated State unit, as provided in  
12 paragraph (2), or the ILA Director , as provided in paragraph (3), shall award  
13 grants under this section for an initial fiscal year if the ILA Director determines  
14 that the amount of State funds that were earmarked by a State for a preceding  
15 fiscal year to support the general operation of centers for independent living  
16 meeting the requirements of this part equaled or exceeded the amount of funds  
17 allotted to the State under subsection (c) or (d) of section 721 for such year.

18 (ii) GRANTS.—The director or the ILA Director , as appropriate, shall award  
19 such grants, from the amount of funds so allotted for the initial fiscal year, to  
20 eligible agencies in the State for the planning, conduct, administration, and  
21 evaluation of centers for independent living that comply with the standards and  
22 assurances set forth in section 725.

23 (iii) REGULATION.—The ILA Director shall by regulation specify the  
24 preceding fiscal year with respect to which the ILA Director will make the  
25 determinations described in clause (i) and subparagraph (B), making such  
26 adjustments as may be necessary to accommodate State funding cycles such as 2-  
27 year funding cycles or State fiscal years that do not coincide with the Federal  
28 fiscal year.

29 (B) SUBSEQUENT YEARS.—For each year subsequent to the initial fiscal year  
30 described in subparagraph (A), the director of the designated State unit shall continue  
31 to have the authority to award such grants under this section if the ILA Director  
32 determines that the State continues to earmark the amount of State funds described in  
33 subparagraph (A)(i). If the State does not continue to earmark such an amount for a  
34 fiscal year, the State shall be ineligible to make grants under this section after a final  
35 year following such fiscal year, as defined in accordance with regulations established  
36 by the ILA Director , and for each subsequent fiscal year.

37 (2) GRANTS BY DESIGNATED STATE UNITS.—In order for the designated State unit to be  
38 eligible to award the grants described in paragraph (1) and carry out this section for a fiscal  
39 year with respect to a State, the designated State agency shall submit an application to the  
40 ILA Director at such time, and in such manner as the ILA Director may require, including

1 information about the amount of State funds described in paragraph (1) for the preceding  
2 fiscal year. If the ILA Director makes a determination described in subparagraph (A)(i) or  
3 (B), as appropriate, of paragraph (1), the ILA Director shall approve the application and  
4 designate the director of the designated State unit to award the grant and carry out this  
5 section.

6 (3) GRANTS BY ILA DIRECTOR.—If the designated State agency of a State described in  
7 paragraph (1) does not submit and obtain approval of an application under paragraph (2),  
8 the ILA Director shall award the grant described in paragraph (1) to eligible agencies in the  
9 State in accordance with section 722.

10 (b) ELIGIBLE AGENCIES.—In any State in which the ILA Director has approved the State plan  
11 required by section 704, the director of the designated State unit may award a grant under this  
12 section to any eligible agency that—

13 (1) has the power and authority to carry out the purpose of this part and perform the  
14 functions set forth in section 725 within a community and to receive and administer funds  
15 under this part, funds and contributions from private or public sources that may be used in  
16 support of a center for independent living, and funds from other public and private  
17 programs;

18 (2) is determined by the director to be able to plan, conduct, administer, and evaluate a  
19 center for independent living, consistent with the standards and assurances set forth in  
20 section 725; and

21 (3) submits an application to the director at such time, in such manner, and containing  
22 such information as the head of the designated State unit may require.

23 (c) EXISTING ELIGIBLE AGENCIES.—In the administration of the provisions of this section, the  
24 director of the designated State unit shall award grants for a fiscal year under this section to any  
25 eligible agency that has been awarded a grant under this part for the preceding fiscal year, unless  
26 the director makes a finding that the agency involved fails to comply with the standards and  
27 assurances set forth in section 725.

28 (d) NEW CENTERS FOR INDEPENDENT LIVING.—

29 (1) IN GENERAL.—If there is no center for independent living serving a region of the State  
30 or the region is unserved or underserved, and the increase in the allotment of the State is  
31 sufficient to support an additional center for independent living in the State, the director of  
32 the designated State unit may award a grant under this section from among eligible  
33 agencies, consistent with the provisions of the State plan under section 704 setting forth the  
34 design of the State for establishing a statewide network of centers for independent living.

35 (2) SELECTION.—In selecting from among eligible agencies in awarding a grant under  
36 this part for a new center for independent living—

37 (A) the director of the designated State ~~unit~~ [entity] and the chairperson of, or other  
38 individual designated by, the Statewide Independent Living Council acting on behalf  
39 of and at the direction of the Council, shall jointly appoint a peer review committee  
40 that shall rank applications in accordance with the standards and assurances set forth in  
41 section 725 and criteria jointly established by such director and such chairperson or  
42 individual;

1 (B) the peer review committee shall consider the ability of each such applicant to  
2 operate a center for independent living, and shall recommend an applicant to receive a  
3 grant under this section, based on—

4 (i) evidence of the need for a center for independent living, consistent with the  
5 State plan;

6 (ii) any past performance of such applicant in providing services comparable to  
7 independent living services;

8 (iii) the plan for complying with, or demonstrated success in complying with,  
9 the standards and the assurances set forth in section 725;

10 (iv) the quality of key personnel of the applicant and the involvement of  
11 individuals with significant disabilities by the applicant;

12 (v) the budgets and cost-effectiveness of the applicant;

13 (vi) the evaluation plan of the applicant; and

14 (vii) the ability of such applicant to carry out the plans; and

15 (C) the director of the designated State ~~unit~~ [entity] shall award the grant on the basis  
16 of the recommendations of the peer review committee if the actions of the committee  
17 are consistent with Federal and State law.

18 (3) CURRENT CENTERS.—Notwithstanding paragraphs (1) and (2), a center for  
19 independent living that receives assistance under part B for a fiscal year shall be eligible for  
20 a grant for the subsequent fiscal year under this subsection.

21 (e) ORDER OF PRIORITIES.—Unless the director of the designated State ~~unit~~ [entity] and the  
22 chairperson of the Council or other individual designated by the Council acting on behalf of and  
23 at the direction of the Council jointly agree on another order of priority, the director shall be  
24 guided by the following order of priorities in allocating funds among centers for independent  
25 living within a State, to the extent funds are available:

26 (1) The director of the designated State ~~unit~~ [entity] shall support existing centers for  
27 independent living, as described in subsection (c), that comply with the standards and  
28 assurances set forth in section 725, at the level of funding for the previous year.

29 (2) The director of the designated State [entity] shall provide for a cost-of-living increase  
30 for such existing centers for independent living.

31 (3) The director of the designated State [entity] shall fund new centers for independent  
32 living, as described in subsection (d), that comply with the standards and assurances set  
33 forth in section 725.

34 (f) NONRESIDENTIAL AGENCIES.—A center that provides or manages residential housing after  
35 October 1, 1994, shall not be considered to be an eligible agency under this section.

36 (g) REVIEW.—

37 (1) IN GENERAL.—The director of the designated State [entity] shall periodically review  
38 each center receiving funds under this section to determine whether such center is in  
39 compliance with the standards and assurances set forth in section 725. If the director of the  
40 designated State ~~unit~~ [entity] determines that any center receiving funds under this section is

1 not in compliance with the standards and assurances set forth in section 725, the director of  
2 the designated State ~~unit~~ [entity] shall immediately notify such center that it is out of  
3 compliance.

4 (2) ENFORCEMENT.—The director of the designated State ~~unit~~ [entity] shall terminate all  
5 funds under this section to such center 90 days after—

6 (A) the date of such notification; or

7 (B) in the case of a center that requests an appeal under subsection (i), the date of  
8 any final decision under subsection (i),

9 unless the center submits a plan to achieve compliance within 90 days and such plan is  
10 approved by the director, or if appealed, by the ILA Director .

11 (h) ONSITE COMPLIANCE REVIEW.—The director of the designated State ~~unit~~ [entity] shall  
12 annually conduct onsite compliance reviews of at least 15 percent of the centers for independent  
13 living that receive funding under this section in the State. Each team that conducts onsite  
14 compliance review of centers for independent living shall include at least one person who is not  
15 an employee of the designated State [entity] agency, who has experience in the operation of  
16 centers for independent living, and who is jointly selected by the director of the designated State  
17 ~~unit~~ [entity] and the chairperson of or other individual designated by the Council acting on behalf  
18 of and at the direction of the Council. A copy of this review shall be provided to the ILA  
19 Director .

20 (i) ADVERSE ACTIONS.—If the director of the designated State ~~unit~~ [entity] proposes to take a  
21 significant adverse action against a center for independent living, the center may seek mediation  
22 and conciliation to be provided by an individual or individuals who are free of conflicts of  
23 interest identified by the chairperson of or other individual designated by the Council. If the issue  
24 is not resolved through the mediation and conciliation, the center may appeal the proposed  
25 adverse action to the ILA Director for a final decision.

26 (29 U.S.C. 796f–2)

27 Sec. 724

## 28 SEC. 724. CENTERS OPERATED BY STATE AGENCIES.

29 A State that receives assistance for fiscal year 2011 with respect to a center in accordance with  
30 subsection (a) of this section (as in effect on the day before the date of enactment of the  
31 Workforce Investment Act of 2011) may continue to receive assistance under this part for fiscal  
32 year 2012 or a succeeding fiscal year if, for such fiscal year—

33 (1) no nonprofit private agency—

34 (A) submits an acceptable application to operate a center for independent living for  
35 the fiscal year before a date specified by the ILA Director ; and

36 (B) obtains approval of the application under section 722 or 723; or

37 (2) after funding all applications so submitted and approved, the ILA Director  
38 determines that funds remain available to provide such assistance.

39 (29 U.S.C. 796f–3)

1 Sec. 725

2 **SEC. 725. STANDARDS AND ASSURANCES FOR**  
3 **CENTERS FOR INDEPENDENT LIVING.**

4 (a) IN GENERAL.—Each center for independent living that receives assistance under this part  
5 shall comply with the standards set out in subsection (b) and provide and comply with the  
6 assurances set out in subsection (c) in order to ensure that all programs and activities under this  
7 part are planned, conducted, administered, and evaluated in a manner consistent with the  
8 purposes of this chapter and the objective of providing assistance effectively and efficiently.

9 (b) STANDARDS.—

10 (1) PHILOSOPHY.—The center shall promote and practice the independent living  
11 philosophy of—

12 (A) consumer control of the center regarding decisionmaking, service delivery,  
13 management, and establishment of the policy and direction of the center;

14 (B) self-help and self-advocacy;

15 (C) development of peer relationships and peer role models; and

16 (D) equal access of individuals with significant disabilities both within the  
17 community and throughout the United States and to all services, programs, activities,  
18 resources, and facilities, whether public or private and regardless of the funding  
19 source.

20 (2) PROVISION OF SERVICES.—The center shall provide services to individuals with a  
21 range of significant disabilities. The center shall provide services on a cross-disability basis  
22 (for individuals with all different types of significant disabilities, including individuals with  
23 significant disabilities who are members of populations that are unserved or underserved by  
24 programs under this title). Eligibility for services at any center for independent living shall  
25 be determined by the center, and shall not be based on the presence of any one or more  
26 specific significant disabilities.

27 (3) INDEPENDENT LIVING GOALS.—The center shall facilitate the development and  
28 achievement of independent living goals selected by individuals with significant disabilities  
29 who seek such assistance by the center.

30 (4) COMMUNITY OPTIONS.—The center shall work to increase the availability and  
31 improve the quality of community options for independent living in order to facilitate the  
32 development and achievement of independent living goals by individuals with significant  
33 disabilities.

34 (5) INDEPENDENT LIVING CORE SERVICES.—The center shall provide independent living  
35 core services (as defined in section 7(17)) and, as appropriate, a combination of any other  
36 independent living services to eligible individuals to promote full access to community life.

37 (6) ACTIVITIES TO INCREASE COMMUNITY CAPACITY.—The center shall conduct activities  
38 to increase the capacity of communities within the service area of the center to meet the  
39 needs of individuals with significant disabilities.

1 (7) RESOURCE DEVELOPMENT ACTIVITIES.—The center shall conduct resource  
2 development activities to obtain funding from sources other than this chapter.

3 (c) ASSURANCES.—The eligible agency shall provide at such time and in such manner as the  
4 ILA Director may require, such satisfactory assurances as the ILA Director may require,  
5 including satisfactory assurances that—

6 (1) the applicant is an eligible agency;

7 (2) the center will be designed and operated within local communities by individuals with  
8 disabilities, including an assurance that the center will have a Board that is the principal  
9 governing body of the center and a majority of which shall be composed of individuals with  
10 significant disabilities;

11 (3) the applicant will comply with the standards set forth in subsection (b);

12 (4) the applicant will establish clear priorities through annual and 3-year program and  
13 financial planning objectives for the center, including overall goals or a mission for the  
14 center, a work plan for achieving the goals or mission, specific objectives, service priorities,  
15 and types of services to be provided, and a description that shall demonstrate how the  
16 proposed activities of the applicant are consistent with the most recent 3-year State plan  
17 under section 704;

18 (5) the applicant will use sound organizational and personnel assignment practices,  
19 including taking affirmative action to employ and advance in employment qualified  
20 individuals with significant disabilities on the same terms and conditions required with  
21 respect to the employment of individuals with disabilities under section 503;

22 (6) the applicant will ensure that the majority of the staff, and individuals in  
23 decisionmaking positions, of the applicant are individuals with disabilities;

24 (7) the applicant will practice sound fiscal management;

25 (8) the applicant will conduct annual self-evaluations, prepare an annual report, and  
26 maintain records adequate to measure performance with respect to the standards, containing  
27 information regarding, at a minimum—

28 (A) the extent to which the center is in compliance with the standards;

29 (B) the number and types of individuals with significant disabilities receiving  
30 services through the center;

31 (C) the types of services provided through the center and the number of individuals  
32 with significant disabilities receiving each type of service;

33 (D) the sources and amounts of funding for the operation of the center;

34 (E) the number of individuals with significant disabilities who are employed by, and  
35 the number who are in management and decisionmaking positions in, the center; and

36 (F) a comparison, when appropriate, of the activities of the center in prior years with  
37 the activities of the center in the most recent year;

38 (9) individuals with significant disabilities who are seeking or receiving services at the  
39 center will be notified by the center of the existence of, the availability of, and how to  
40 contact, the client assistance program;



1 (10) aggressive outreach regarding services provided through the center will be  
2 conducted in an effort to reach populations of individuals with significant disabilities that  
3 are unserved or underserved by programs under this title, especially minority groups and  
4 urban and rural populations;

5 (11) staff at centers for independent living will receive training on how to serve such  
6 unserved and underserved populations, including minority groups and urban and rural  
7 populations;

8 (12) the center will submit to the Statewide Independent Living Council a copy of its  
9 approved grant application and the annual report required under paragraph (8);

10 (13) the center will prepare and submit a report to the designated State unit or the ILA  
11 Director , as the case may be, at the end of each fiscal year that contains the information  
12 described in paragraph (8) and information regarding the extent to which the center is in  
13 compliance with the standards set forth in subsection (b); and

14 (14) an independent living plan described in section 704(e) will be developed unless the  
15 individual who would receive services under the plan signs a waiver stating that such a plan  
16 is unnecessary.

17 (29 U.S.C. 796f-4)

18 Sec. 726

## 19 SEC. 726. DEFINITIONS.

20 As used in this part, the term “eligible agency” means a consumer-controlled, community-  
21 based, cross-disability, nonresidential private nonprofit agency.

22 (29 U.S.C. 796f-5)

23 Sec. 727

## 24 SEC. 727. AUTHORIZATION OF APPROPRIATIONS.

25 There are authorized to be appropriated to carry out this part such sums as may be necessary  
26 for each of the fiscal years 2012 through 2016.

27 (29 U.S.C. 796f-6)

## 28 CHAPTER 2 —INDEPENDENT LIVING SERVICES FOR 29 OLDER INDIVIDUALS WHO ARE BLIND

### 30 SEC. 751. DEFINITION.

31 For purposes of this chapter, the term “older individual who is blind” means an individual age  
32 55 or older whose significant visual impairment makes competitive employment extremely  
33 difficult to attain but for whom independent living goals are feasible.

34 (29 U.S.C. 796j)

### 35 SEC. 752. TRAINING AND TECHNICAL ASSISTANCE.

- 1 (a) GRANTS; CONTRACTS: OTHER ARRANGEMENTS.- For any fiscal year for  
2 which the funds appropriated to carry out this chapter exceed the funds appropriated  
3 to carry out this chapter for fiscal year 2008, the Commissioner shall first reserve  
4 [from such excess], to provide training and technical assistance to designated State  
5 agencies, or other providers of independent living services for older individuals who  
6 are blind, that are funded under this chapter for such fiscal year, not less than 1.8  
7 percent, and not more than 2 percent, of the funds appropriated to carry out this  
8 chapter for the fiscal year involved.
- 9 (b) ALLOCATIONS.-From the funds reserved under subsection (a), the Commissioner  
10 shall make grants to, and enter into contracts and other arrangements with, entities  
11 that demonstrate expertise in the provision of services to older individuals who are  
12 blind, to provide training and technical assistance with respect to planning,  
13 developing, conducting, administering, and evaluating independent living programs  
14 for older individuals who are blind.
- 15 (c) FUNDING PRIORITIES.-The Commissioner shall conduct a survey of designated  
16 State agencies that receive grants under section 753 regarding training and technical  
17 assistance needs in order to determine funding priorities for grants, contracts, and  
18 other arrangements under this section.
- 19 (d) APPLICATION.-To be eligible to receive a grant or enter into a contract or other  
20 arrangement under this section, an entity shall submit an application to the  
21 Commissioner at such time, in such manner, containing a proposal to provide such  
22 training and technical assistance, and containing such additional information as the  
23 Commissioner may require.
- 24 (e) PROHIBITION ON COMBINED FUNDS.-No funds reserved by the Commissioner  
25 under this section may be combined with funds appropriated under any other Act or  
26 portion of this Act if the purpose of combining funds is to make a single discretionary  
27 grant or a single discretionary payment, unless such reserved funds are separately  
28 identified in the agreement for such grant or payment and are used for the purposes of  
29 this chapter.

## 30 SEC. 753. PROGRAM OF GRANTS.

### 31 (a) IN GENERAL.—

32 (1) AUTHORITY FOR GRANTS.—Subject to subsections (b) and (c), the Commissioner may  
33 make grants to States for the purpose of providing the services described in subsection (d)  
34 to older individuals who are blind.

35 (2) DESIGNATED STATE AGENCY.—The Commissioner may not make a grant under  
36 subsection (a) unless the State involved agrees that the grant will be administered solely by  
37 the agency described in section 101(a)(2)(A)(i).

38 (b) CONTINGENT COMPETITIVE GRANTS.—Beginning with fiscal year 1993, in the case of any  
39 fiscal year for which the amount appropriated under section 754 is less than \$13,000,000, grants  
40 made under subsection (a) shall be—

- 41 (1) discretionary grants made on a competitive basis to States; or

1 (2) grants made on a noncompetitive basis to pay for the continuation costs of activities  
2 for which a grant was awarded—

3 (A) under this chapter; or

4 (B) under part C, as in effect on the day before the date of enactment of the  
5 Rehabilitation Act Amendments of 1992.

6 (c) CONTINGENT FORMULA GRANTS.—

7 (1) IN GENERAL.—In the case of any fiscal year for which the amount appropriated under  
8 section 754 is equal to or greater than \$13,000,000, grants under subsection (a) shall be  
9 made only to States and shall be made only from allotments under paragraph (2).

10 (2) ALLOTMENTS.—For grants under subsection (a) for a fiscal year described in  
11 paragraph (1), the Commissioner shall make an allotment to each State in an amount  
12 determined in accordance with subsection ( i ), and shall make a grant to the State of the  
13 allotment made for the State if the State submits to the Commissioner an application in  
14 accordance with subsection ( h).

15 (d) SERVICES GENERALLY.—The Commissioner may not make a grant under subsection (a)  
16 unless the State involved agrees that the grant will be expended only for purposes of—

17 (1) providing independent living services to older individuals who are blind;

18 (2) conducting activities that will improve or expand services for such individuals; and

19 (3) conducting activities to help improve public understanding of the problems of such  
20 individuals.

21 (e) INDEPENDENT LIVING SERVICES.—Independent living services for purposes of subsection  
22 (d)(1) include—

23 (1) services to help correct blindness, such as—

24 (A) outreach services;

25 (B) visual screening;

26 (C) surgical or therapeutic treatment to prevent, correct, or modify disabling eye  
27 conditions; and

28 (D) hospitalization related to such services;

29 (2) the provision of eyeglasses and other visual aids;

30 (3) the provision of services and equipment to assist an older individual who is blind to  
31 become more mobile and more self-sufficient;

32 (4) mobility training, braille instruction, and other services and equipment to help an  
33 older individual who is blind adjust to blindness;

34 (5) guide services, reader services, and transportation;

35 (6) any other appropriate service designed to assist an older individual who is blind in  
36 coping with daily living activities, including supportive services and rehabilitation teaching  
37 services;

1 (7) independent living skills training, information and referral services, peer counseling,  
2 and individual advocacy training; and

3 (8) other independent living services.

4 (f) MATCHING FUNDS.—

5 (1) IN GENERAL.—The Commissioner may not make a grant under subsection (a) unless  
6 the State involved agrees, with respect to the costs of the program to be carried out by the  
7 State pursuant to such subsection, to make available (directly or through donations from  
8 public or private entities) non-Federal contributions toward such costs in an amount that is  
9 not less than \$1 for each \$9 of Federal funds provided in the grant.

10 (2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in  
11 paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or  
12 services. Amounts provided by the Federal Government, or services assisted or subsidized  
13 to any significant extent by the Federal Government, may not be included in determining  
14 the amount of such non-Federal contributions.

15 (g) CERTAIN EXPENDITURES OF GRANTS.—A State may expend a grant under subsection (a) to  
16 carry out the purposes specified in subsection (d) through grants to or contracts with public and  
17 nonprofit private agencies or organizations.

18 (h) APPLICATION FOR GRANT.—

19 (1) IN GENERAL.—The Commissioner may not make a grant under subsection (a) unless  
20 an application for the grant is submitted to the Commissioner and the application is in such  
21 form, is made in such manner, and contains such agreements, assurances, and information  
22 as the Commissioner determines to be necessary to carry out this section (including  
23 agreements, assurances, and information with respect to any grants under subsection (i)(4)).

24 (2) CONTENTS.—An application for a grant under this section shall contain—

25 (A) an assurance that the agency described in subsection (a)(2) will prepare and  
26 submit to the Commissioner a report, at the end of each fiscal year, with respect to  
27 each project or program the agency operates or administers under this section, whether  
28 directly or through a grant or contract, which report shall contain, at a minimum,  
29 information on—

30 (i) the number and types of older individuals who are blind and are receiving  
31 services;

32 (ii) the types of services provided and the number of older individuals who are  
33 blind and are receiving each type of service;

34 (iii) the sources and amounts of funding for the operation of each project or  
35 program;

36 (iv) the amounts and percentages of resources committed to each type of  
37 service provided;

38 (v) data on actions taken to employ, and advance in employment, qualified  
39 individuals with significant disabilities, including older individuals who are blind;  
40 and

1 (vi) a comparison, if appropriate, of prior year activities with the activities of  
2 the most recent year; and

3 (B) an assurance that the agency will—

4 (i) provide services that contribute to the maintenance of, or the increased  
5 independence of, older individuals who are blind; and

6 (ii) engage in—

7 (I) capacity-building activities, including collaboration with other agencies  
8 and organizations;

9 (II) activities to promote community awareness, involvement, and  
10 assistance; and

11 (III) outreach efforts.

12 (i ) AMOUNT OF FORMULA GRANT.—

13 (1) IN GENERAL.—Subject to the availability of appropriations, the amount of an  
14 allotment under subsection (a) for a State for a fiscal year shall be the greater of—

15 (A) the amount determined under paragraph (2); or

16 (B) the amount determined under paragraph (3).

17 (2) MINIMUM ALLOTMENT.—

18 (A) STATES.—In the case of the several States, the District of Columbia, and the  
19 Commonwealth of Puerto Rico, the amount referred to in subparagraph (1)(A) for a  
20 fiscal year is the greater of—

21 (i) \$350,000;

22 (ii) an amount equal to the amount the State, the District of Columbia, or the  
23 Commonwealth of Puerto Rico received to carry out this chapter for fiscal year  
24 2008; or

25 (iii) an amount equal to 1/3 of 1 percent of the amount appropriated under  
26 section 754, and not reserved under section 752, for the fiscal year and available  
27 for allotments under subsection (a).

28 (B) CERTAIN TERRITORIES.—In the case of Guam, American Samoa, the United  
29 States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the  
30 amount referred to in subparagraph (1)(A) for a fiscal year is \$ 60,000.

31 (3) FORMULA.—The amount referred to in subparagraph (B) of paragraph (1) for a State  
32 for a fiscal year is the product of—

33 (A) the amount appropriated under section 754, and not reserved under section 752,  
34 and available for allotments under subsection (a); and

35 (B) a percentage equal to the quotient of—

36 (i) an amount equal to the number of individuals residing in the State who are  
37 not less than 55 years of age; divided by

1 (ii) an amount equal to the number of individuals residing in the United States  
2 who are not less than 55 years of age.

3 (4) DISPOSITION OF CERTAIN AMOUNTS.—

4 (A) GRANTS.—From the amounts specified in subparagraph (B), the Commissioner  
5 may make grants to States whose population of older individuals who are blind has a  
6 substantial need for the services specified in subsection (d) relative to the populations  
7 in other States of older individuals who are blind.

8 (B) AMOUNTS.—The amounts referred to in subparagraph (A) are any amounts that  
9 are not paid to States under subsection (a) as a result of—

10 (i) the failure of any State to submit an application under subsection (h );

11 (ii) the failure of any State to prepare within a reasonable period of time such  
12 application in compliance with such subsection; or

13 (iii) any State informing the Commissioner that the State does not intend to  
14 expend the full amount of the allotment made for the State under subsection (a).

15 (C) CONDITIONS.—The Commissioner may not make a grant under subparagraph  
16 (A) unless the State involved agrees that the grant is subject to the same conditions as  
17 grants made under subsection (a).

18 (29 U.S.C. 796k)

19 Sec. 753

20 **SEC. 754. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to carry out this chapter such sums as may be  
22 necessary for each of the fiscal years 2012 through 2016 .

23 (29 U.S.C. 796l)

24 **TITLE VIII-INCREASING EMPLOYMENT**  
25 **OPPORTUNITIES FOR INDIVIDUALS WITH**  
26 **DISABILITIES**

27 **SEC. 801. OFFICE OF DISABILITY EMPLOYMENT POLICY.**

28 (a) PURPOSE.-The purpose of this section is to establish an Office of Disability  
29 Employment Policy-

30 (1) to help develop and support national policies that will increase employment and  
31 economic advancement opportunities for all individuals with disabilities; and

32 (2) to ensure that such individuals are fully integrated into the 21<sup>st</sup> Century workforce.

33 (b) OFFICE.-There is established within the Department of Labor an Office of Disability  
34 Employment Policy (referred to in this section as the ‘Office’). Except as otherwise  
35 specifically provided in this Act, such Office shall be the principal entity carrying out the  
36 functions described in this section.

1 (c) ASSISTANT SECRETARY.-

2 (1) IN GENERAL.-The Office shall be headed by an Assistant Secretary of Disability  
3 Employment Policy (referred to in this title as the ‘Assistant Secretary’) appointed by  
4 the President by and with the advice and consent of the Senate. Except as otherwise  
5 specifically provided in this Act, the Assistant Secretary shall be the principal officer  
6 carrying out the functions described in this section.

7 (2) EXPERIENCE.-The Assistant Secretary shall be an individual with substantial  
8 experience in, and a thorough knowledge of, disability employment policy, training  
9 and educational opportunities for individuals with disabilities (including youth with  
10 disabilities), public benefit programs for individuals with disabilities, job  
11 development, and the barriers that may limit the employment and economic  
12 advancement opportunities of individuals with disabilities.

13 (3) GOALS AND DIRECTION.-In carrying out the functions of the Office, the Assistant  
14 Secretary shall be guided by the goals of achieving equal opportunity, full  
15 participation, economic self-sufficiency, and independent living for all individuals  
16 with disabilities, to the greatest extent possible. In the performance of the functions of  
17 the Office, the Assistant Secretary shall be directly responsible to the Secretary of  
18 Labor.

19 (d) FUNCTIONS.-The Assistant Secretary shall provide national leadership, and encourage  
20 interagency collaboration, on increasing employment and training opportunities for  
21 individuals with disabilities through the development of policies and initiatives (taking  
22 into account relevant information from other Federal agencies and including the awarding  
23 of grants as appropriate) that-

24 (1) eliminate barriers to the employment and training of individuals with disabilities;

25 (2) advance opportunities for employment, and identify strategies that increase  
26 employment opportunities in the private sector, for individuals with disabilities,  
27 including recruitment, retention, and promotion of such individuals;

28 (3) identify and remove disincentives that limit or prevent the full employment of  
29 individuals with disabilities who are receiving benefits through Federal or State  
30 programs such as medical assistance under a State Medicaid program under title XIX  
31 of the Social Security Act (42 U.S.C. 1396 et. seq.), disability insurance benefits  
32 under title II of the Social Security Act (42 U.S.C. 401 et seq.), or supplemental  
33 security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et  
34 seq.);

35 (4) advise and assist the Department of Labor and other Federal agencies in the  
36 development of policies and practices that increase employment opportunities in the  
37 Federal Government for individuals with disabilities, including outreach to and  
38 recruitment, retention, and promotion of such individuals;

39 (5) assist youth with disabilities, including such youth who are out-of-school youth, in  
40 successfully transitioning into the workforce;

41 (6) increase access for individuals with disabilities seeking employment, education, and  
42 training services from a one-stop delivery system described in section 221(e) of the

- 1 Workforce Investment Act of 2011, and other public and private providers of such  
2 services and supports;
- 3 (7) increase coordination of activities between State vocational rehabilitation programs  
4 and the workforce development systems (as defined in section 101 of such Act),  
5 including the one-stop centers (as defined in such section 101), including assisting  
6 individuals with disabilities in maximizing the services available through such  
7 programs, systems, and centers;
- 8 (8) leverage available public and system resources to address individual and systematic  
9 employment barriers for individuals with disabilities, and assist such individuals in  
10 navigating the process of coordinating their public benefits, including health care;
- 11 (9) increase employment opportunities for individuals with significant disabilities in  
12 competitive integrated employment; and
- 13 (10) meet other objectives, as specified by the Secretary of Labor, that will increase  
14 employment and training opportunities for individuals with disabilities.
- 15 (e) REPORT.-For each fiscal year, beginning with the first full fiscal year following the date  
16 of enactment of the Workforce Investment Act of 2011, the Secretary of Labor shall  
17 prepare a report and submit the report to the Committee on Education and the Workforce  
18 of the House of Representatives and the Committee on Health, Education, Labor, and  
19 Pensions of the Senate, not later than 90 days after the end of that fiscal year. The report  
20 shall summarize the Office's progress in-
- 21 (1) meeting the general objectives specified in paragraphs (1) and (2) of subsection (a);  
22 (2) meeting each of the 4 goals specified in subsection (c)(3); and  
23 (3) developing the specific policies and initiatives specified in subsection(d).
- 24 (f) AUTHORIZATION OF APPROPRIATIONS. – There are authorized to be appropriated to  
25 carry out this section such sums as may be necessary for each of fiscal years 2012 through 2016.

26 **~~SEC. 802 ADVISORY COMMITTEE ON INCREASING COMPETITIVE~~**  
27 **~~INTEGRATED EMPLOYMENT FOR INDIVIDUALS WITH~~**  
28 **~~DISABILITIES.~~**

- 29 ~~(a) ESTABLISHMENT. Not later than 60 days after the date of enactment of the Workforce~~  
30 ~~Investment Act of 2011, the Secretary of Labor shall establish an Advisory Committee on~~  
31 ~~Increasing Competitive Integrated Employment for Individuals with Disabilities (referred~~  
32 ~~to in this section as the 'Committee').~~
- 33 ~~(b) APPOINTMENT AND VACANCIES.~~
- 34 ~~(1) APPOINTMENT. The Secretary of Labor shall appoint the members of the~~  
35 ~~Committee described in paragraphs (6) through [11] of subsection (c), in accordance~~  
36 ~~with subsection (c). Each member so appointed shall be appointed for a 2-year term.~~
- 37 ~~(2) VACANCIES. Any vacancy in the Committee shall not affect its powers, but shall be~~  
38 ~~filled in the same manner, in accordance with the same paragraph of subsection (c), as~~  
39 ~~the original appointment or designation was made.~~



1 ~~(c) COMPOSITIONS. The Committee shall be composed of~~

2 ~~(1) the Assistant Secretary of Disability Employment Policy, the Assistant Secretary for~~  
3 ~~Employment and Training, and the Administrator of the Wage and Hour Division, of~~  
4 ~~the Department of Labor;~~

5 ~~(2) the Commissioner of the Administration on Developmental Disabilities, or the~~  
6 ~~Commissioner's designee;~~

7 ~~(3) the Director of the Centers for Medicare and Medicaid Services of the Department of~~  
8 ~~Health and Human Services, or the Director's designee;~~

9 ~~(4) the Commissioner of Social Security, or the Commissioner's designee;~~

10 ~~(5) the Commissioner of the Rehabilitation Services Administration, or the~~  
11 ~~Commissioner's designee;~~

12 ~~(6) at least 2 self-advocates for individuals with intellectual or developmental disabilities;~~

13 ~~(7) 2 providers of employment services that~~

14 ~~(A) employ individuals with intellectual or developmental disabilities in competitive-~~  
15 ~~integrated employment; and~~

16 ~~(B) are not using a certificate issued under section 14(c) of the Fair Labor Standards~~  
17 ~~Act of 1938 (29 U.S.C. 214(c));~~

18 ~~(8) 2 providers of employment services that~~

19 ~~(A) employ individuals with intellectual or developmental disabilities in competitive-~~  
20 ~~integrated employment; and~~

21 ~~(B) previously employed such individuals under a certificate issued under that section~~  
22 ~~14(c), but are not currently using such a certificate;~~

23 ~~(9) 2 representatives of a national disability advocacy organization representing adults~~  
24 ~~with intellectual or developmental disabilities;~~

25 ~~(10) — 2 experts with a background in academia or research and expertise in employment~~  
26 ~~and wage policy issues for individuals with intellectual or developmental disabilities;~~  
27 ~~and~~

28 ~~(11) — 2 representatives from the employer community or a national employer~~  
29 ~~organization.~~

30 ~~(d) CHAIRPERSON. The Secretary of Labor shall designate a Chairperson of the~~  
31 ~~Committee from among the appointed members of the Committee.~~

32 ~~(e) MEETINGS. The Committee shall meet at the call of the Chairperson, but not less often~~  
33 ~~than 4 times per year.~~

34 ~~(f) DUTIES. The Committee shall study, and prepare findings, conclusions, and~~  
35 ~~recommendations for the Secretary of Labor on, ways to~~

36 ~~(1) reduce reliance on the use of the certificate program carried out under section 14(c) of~~  
37 ~~the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)) for the employment of~~  
38 ~~individuals with intellectual or developmental disabilities, or other individuals with~~

1 significant disabilities, except in limited circumstances or for training purposes;

2 (2) increase the employment opportunities for individuals described in paragraph (1) in  
3 competitive integrated employment; and

4 (3) increase oversight of and accountability for the use of such certificates.

5 ~~(g) COMMITTEE PERSONNEL MATTERS.~~

6 ~~(1) TRAVEL EXPENSES.~~ The members of the Committee shall not receive  
7 compensation for the performance of services for the Committee, but shall be allowed  
8 travel expenses, including per diem in lieu of subsistence, at rates authorized for  
9 employees of agencies under subchapter I of chapter 57 of title 5, United States Code,  
10 while away from their homes or regular places of business in the performance of  
11 services for the Committee. Notwithstanding section 1342 of title 31, United States  
12 Code, the Secretary may accept the voluntary uncompensated services of members of  
13 the Committee.

14 ~~(2) STAFF.~~ The Secretary of Labor may designate such personnel as may be necessary  
15 to enable the Committee to perform its duties.

16 ~~(3) DETAIL OF GOVERNMENT EMPLOYEES.~~ Any Federal Government employee,  
17 with the approval of the head of the appropriate Federal agency, may be detailed to  
18 the Committee without reimbursement, and such detail shall be without interruption  
19 or loss of civil service status or privilege.

20 ~~(4) FACILITIES, EQUIPMENT, AND SERVICES.~~ The Secretary of Labor shall make  
21 available to the Committee necessary office space and furnish the Committee, under  
22 such arrangements respecting financing as may be appropriate, with necessary  
23 equipment, supplies, and services.

24 ~~(h) REPORTS.~~

25 ~~(1) INTERIM AND FINAL REPORTS.~~ The Committee shall prepare and submit to the  
26 Secretary of Labor, as well as the Committee on Health, Education, Labor, and  
27 Pension of the Senate and other appropriate committees of Congress

28 ~~(A) an interim report that summarizes the progress of the Committee, along with any~~  
29 ~~interim findings, conclusions, and recommendations described in subsection (f);~~  
30 ~~and~~

31 ~~(B) a final report that summarizes that progress and states final findings, conclusions,~~  
32 ~~and recommendations described in subsection (f).~~

33 ~~(2) PREPARATION AND SUBMISSION.~~ The reports shall be prepared and submitted

34 ~~(A) in the case of the interim report, not later than 1 year after the date on which the~~  
35 ~~Committee first meets; and~~

36 ~~(B) in the case of the final report, not later than 2 years after the date on which the~~  
37 ~~Committee first meets.~~

38 ~~(i) TERMINATION.~~ The Committee shall terminate on the day after the date on which the  
39 ~~Committee submits the final report.~~

40

1       **SEC. 803. PUBLIC EDUCATION CAMPAIGNS ABOUT HIRING**  
2       **INDIVIDUALS WITH DISABILITIES.**

3       (a) IN GENERAL.-Not later than 120 days after the date of enactment of the Workforce  
4       Investment Act of 2011, the Secretary of Labor, acting through the Assistant Secretary  
5       and in coordination with the Commissioner of the Rehabilitation Services  
6       Administration, the Commissioner of Social Security, and the heads of other relevant  
7       Federal agencies and divisions of Federal agencies, shall develop and carry out public  
8       education campaigns that educate employers (including small businesses), employees  
9       (including individuals with disabilities), and members of the general public (including  
10      young adults) on the benefits of hiring individuals with disabilities. The public education  
11      campaign for employers (including small businesses) shall include information on-

12      (1) the work opportunity credit under section 51 of the Internal Revenue Code of 1986;  
13      and

14      (2) tax incentives available to businesses to help cover the cost of improving  
15      accessibility, including-

16          (A) the disabled access credit under section 44 of the Internal Revenue Code of 1986;  
17          and

18          (B) the tax deduction available under section 190 of the Internal Revenue Code of  
19          1986, for expenses for architectural barrier removal.

20      (b) EDUCATIONAL MATERIALS.-The public education campaigns described in  
21      subsection (a) shall include, as necessary, different educational materials in order to  
22      adequately target and educate, small businesses, employers generally, employees, and  
23      members of the general public, including materials on work incentives that may assist  
24      individuals with disabilities in leaving programs of public benefits, entering the  
25      workforce, advancing their economic status, and contributing to and participating more  
26      fully in their communities.