

105TH CONGRESS
2D SESSION

S. 1579

To amend the Rehabilitation Act of 1973 to extend the authorizations of appropriations for such Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 1998

Mr. DEWINE (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. WELLSTONE, Mr. HARKIN, Mr. FRIST, Ms. COLLINS, Mr. DODD, Mr. REED, Mr. CHAFEE, and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Rehabilitation Act of 1973 to extend the authorizations of appropriations for such Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rehabilitation Act
5 Amendments of 1998”.

6 **SEC. 2. TITLE.**

7 The title of the Rehabilitation Act of 1973 is amend-
8 ed by striking “to establish special responsibilities” and

1 all that follows and inserting the following: “to create link-
 2 age between State vocational rehabilitation programs and
 3 workforce investment activities carried out under the
 4 Workforce Investment Partnership Act of 1998, to estab-
 5 lish special responsibilities for the Secretary of Education
 6 for coordination of all activities with respect to individuals
 7 with disabilities within and across programs administered
 8 by the Federal Government, and for other purposes.”.

9 **SEC. 3. GENERAL PROVISIONS.**

10 The Rehabilitation Act of 1973 is amended by strik-
 11 ing the matter preceding title I and inserting the follow-
 12 ing:

- “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.
- “Sec. 18. Review of applications.
- “Sec. 19. Carryover.
- “Sec. 20. Client assistance information.
- “Sec. 21. Traditionally underserved populations.

“TITLE I—VOCATIONAL REHABILITATION SERVICES

“PART A—GENERAL PROVISIONS

- “Sec. 100. Declaration of policy; authorization of appropriations.
- “Sec. 101. State plans.
- “Sec. 102. Eligibility and individualized rehabilitation employment plan.
- “Sec. 103. Vocational rehabilitation services.
- “Sec. 104. Non-Federal share for establishment of program.
- “Sec. 105. State Rehabilitation Council.

- “Sec. 106. Evaluation standards and performance indicators.
- “Sec. 107. Monitoring and review.
- “Sec. 108. Expenditure of certain amounts.
- “Sec. 109. Training of employers with respect to Americans with Disabilities Act of 1990.

“PART B—BASIC VOCATIONAL REHABILITATION SERVICES

- “Sec. 110. State allotments.
- “Sec. 111. Payments to States.
- “Sec. 112. Client assistance program.

“PART C—AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES

- “Sec. 121. Vocational rehabilitation services grants.

“PART D—VOCATIONAL REHABILITATION SERVICES CLIENT INFORMATION

- “Sec. 131. Data sharing.

“TITLE II—RESEARCH AND TRAINING

- “Sec. 200. Declaration of purpose.
- “Sec. 201. Authorization of appropriations.
- “Sec. 202. National Institute on Disability and Rehabilitation Research.
- “Sec. 203. Interagency Committee.
- “Sec. 204. Research and other covered activities.
- “Sec. 205. Rehabilitation Research Advisory Council.

“TITLE III—PROFESSIONAL DEVELOPMENT AND SPECIAL PROJECTS AND DEMONSTRATIONS

- “Sec. 301. Declaration of purpose and competitive basis of grants and contracts.
- “Sec. 302. Training.
- “Sec. 303. Special demonstration program.
- “Sec. 304. Migrant and seasonal farmworkers.
- “Sec. 305. Recreational programs.
- “Sec. 306. Measuring of project outcomes and performance.

“TITLE IV—NATIONAL COUNCIL ON DISABILITY

- “Sec. 400. Establishment of National Council on Disability.
- “Sec. 401. Duties of National Council.
- “Sec. 402. Compensation of National Council members.
- “Sec. 403. Staff of National Council.
- “Sec. 404. Administrative powers of National Council.
- “Sec. 405. Authorization of Appropriations.

“TITLE V—RIGHTS AND ADVOCACY

- “Sec. 501. Employment of individuals with disabilities.
- “Sec. 502. Architectural and Transportation Barriers Compliance Board.
- “Sec. 503. Employment under Federal contracts.
- “Sec. 504. Nondiscrimination under Federal grants and programs.
- “Sec. 505. Remedies and attorneys’ fees.
- “Sec. 506. Secretarial responsibilities.
- “Sec. 507. Interagency Disability Coordinating Council.

- “Sec. 508. Electronic and information technology regulations.
- “Sec. 509. Protection and advocacy of individual rights.

“TITLE VI—EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS
WITH DISABILITIES

- “Sec. 601. Short title.

“PART A—PROJECTS IN TELECOMMUTING AND SELF-EMPLOYMENT FOR
INDIVIDUALS WITH DISABILITIES

- “Sec. 611. Findings, policies, and purposes.
- “Sec. 612. Projects in telecommuting for individuals with disabilities.
- “Sec. 613. Projects in self-employment for individuals with disabilities.
- “Sec. 614. Discretionary authority for dual-purpose applications.
- “Sec. 615. Authorization of appropriations.

“PART B—PROJECTS WITH INDUSTRY

- “Sec. 621. Projects with industry.
- “Sec. 622. Authorization of appropriations.

“PART C—SUPPORTED EMPLOYMENT SERVICES FOR INDIVIDUALS WITH
SIGNIFICANT DISABILITIES

- “Sec. 631. Purpose.
- “Sec. 632. Allotments.
- “Sec. 633. Availability of services.
- “Sec. 634. Eligibility.
- “Sec. 635. State plan.
- “Sec. 636. Restriction.
- “Sec. 637. Savings provision.
- “Sec. 638. Authorization of appropriations.

“TITLE VII—INDEPENDENT LIVING SERVICES AND CENTERS FOR
INDEPENDENT LIVING

“CHAPTER 1—INDIVIDUALS WITH SIGNIFICANT DISABILITIES

“PART A—GENERAL PROVISIONS

- “Sec. 701. Purpose.
- “Sec. 702. Definitions.
- “Sec. 703. Eligibility for receipt of services.
- “Sec. 704. State plan.
- “Sec. 705. Statewide Independent Living Council.
- “Sec. 706. Responsibilities of the Commissioner.

“PART B—INDEPENDENT LIVING SERVICES

- “Sec. 711. Allotments.
- “Sec. 712. Payments to States from allotments.
- “Sec. 713. Authorized uses of funds.
- “Sec. 714. Authorization of appropriations.

“PART C—CENTERS FOR INDEPENDENT LIVING

- “Sec. 721. Program authorization.

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

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

“Sec. 724. Centers operated by State agencies.

“Sec. 725. Standards and assurances for centers for independent living.

“Sec. 726. Definitions.

“Sec. 727. Authorization of appropriations.

“CHAPTER 2—INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS
WHO ARE BLIND

“Sec. 751. Definition.

“Sec. 752. Program of grants.

“Sec. 753. Authorization of appropriations.

1 “FINDINGS; PURPOSE; POLICY

2 “SEC. 2. (a) FINDINGS.—Congress finds that—

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

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

8 “(3) disability is a natural part of the human
9 experience and in no way diminishes the right of in-
10 dividuals to—

11 “(A) live independently;

12 “(B) enjoy self-determination;

13 “(C) make choices;

14 “(D) contribute to society;

15 “(E) pursue meaningful careers; and

16 “(F) enjoy full inclusion and integration in
17 the economic, political, social, cultural, and edu-
18 cational mainstream of American society;

1 “(4) increased employment of individuals with
2 disabilities can be achieved through implementation
3 of statewide activities carried out under the Work-
4 force Investment Partnership Act of 1998 that pro-
5 vide meaningful and effective participation for indi-
6 viduals with disabilities in workforce investment ac-
7 tivities and activities carried out under the voca-
8 tional rehabilitation program established under title
9 I, and through the provision of independent living
10 services, support services, and meaningful opportuni-
11 ties for employment in integrated work settings
12 through the provision of reasonable accommodations;

13 “(5) individuals with disabilities continually en-
14 counter various forms of discrimination in such criti-
15 cal areas as employment, housing, public accom-
16 modations, education, transportation, communica-
17 tion, recreation, institutionalization, health services,
18 voting, and public services; and

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

22 “(A) make informed choices and decisions;

23 and

24 “(B) achieve equality of opportunity, full
25 inclusion and integration in society, employ-

1 ment, independent living, and economic and so-
2 cial self-sufficiency, for such individuals.

3 “(b) PURPOSE.—The purposes of this Act are—

4 “(1) to empower individuals with disabilities to
5 maximize employment, economic self-sufficiency,
6 independence, and inclusion and integration into so-
7 ciety, through—

8 “(A) statewide activities carried out in ac-
9 cordance with the Workforce Investment Part-
10 nership Act of 1998 that include, as integral
11 components, comprehensive and coordinated
12 state-of-the-art programs of vocational rehabili-
13 tation;

14 “(B) independent living centers and serv-
15 ices;

16 “(C) research;

17 “(D) training;

18 “(E) demonstration projects; and

19 “(F) the guarantee of equal opportunity;

20 and

21 “(2) to ensure that the Federal Government
22 plays a leadership role in promoting the employment
23 of individuals with disabilities, especially individuals
24 with significant disabilities, and in assisting States
25 and providers of services in fulfilling the aspirations

1 of such individuals with disabilities for meaningful
2 and gainful employment and independent living.

3 “(c) POLICY.—It is the policy of the United States
4 that all programs, projects, and activities receiving assist-
5 ance under this Act shall be carried out in a manner con-
6 sistent with the principles of—

7 “(1) respect for individual dignity, personal re-
8 sponsibility, self-determination, and pursuit of mean-
9 ingful careers, based on informed choice, of individ-
10 uals with disabilities;

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

14 “(3) inclusion, integration, and full participa-
15 tion of the individuals;

16 “(4) support for the involvement of an individ-
17 ual’s representative if an individual with a disability
18 requests, desires, or needs such support; and

19 “(5) support for individual and systemic advo-
20 cacy and community involvement.

21 “REHABILITATION SERVICES ADMINISTRATION

22 “SEC. 3. (a) There is established in the Office of the
23 Secretary a Rehabilitation Services Administration which
24 shall be headed by a Commissioner (hereinafter in this Act
25 referred to as the ‘Commissioner’) appointed by the Presi-
26 dent by and with the advice and consent of the Senate.

1 Except for titles IV and V and part A of title VI and as
2 otherwise specifically provided in this Act, such Adminis-
3 tration shall be the principal agency, and the Commis-
4 sioner shall be the principal officer, of such Department
5 for carrying out this Act. The Commissioner shall be an
6 individual with substantial experience in rehabilitation and
7 in rehabilitation program management. In the perform-
8 ance of the functions of the office, the Commissioner shall
9 be directly responsible to the Secretary or to the Under
10 Secretary or an appropriate Assistant Secretary of such
11 Department, as designated by the Secretary. The func-
12 tions of the Commissioner shall not be delegated to any
13 officer not directly responsible, both with respect to pro-
14 gram operation and administration, to the Commissioner.
15 Any reference in this Act to duties to be carried out by
16 the Commissioner shall be considered to be a reference
17 to duties to be carried out by the Secretary acting through
18 the Commissioner. In carrying out any of the functions
19 of the office under this Act, the Commissioner shall be
20 guided by general policies of the National Council on Dis-
21 ability established under title IV of this Act.

22 “(b) The Secretary shall take whatever action is nec-
23 essary to insure that funds appropriated pursuant to this
24 Act, as well as unexpended appropriations for carrying out
25 the Vocational Rehabilitation Act (29 U.S.C. 31–42), are

1 expended only for the programs, personnel, and adminis-
2 tration of programs carried out under this Act.

3 “(c) The Secretary shall take such action as nec-
4 essary to ensure that—

5 “(1) the staffing of the Rehabilitation Services
6 Administration shall be in sufficient numbers to
7 meet program needs and at levels which will attract
8 and maintain the most qualified personnel; and

9 “(2) such staff includes individuals who have
10 training and experience in the provision of rehabili-
11 tation services and that staff competencies meet pro-
12 fessional standards.

13 “ADVANCE FUNDING

14 “SEC. 4. (a) For the purpose of affording adequate
15 notice of funding available under this Act, appropriations
16 under this Act are authorized to be included in the appro-
17 priation Act for the fiscal year preceding the fiscal year
18 for which they are available for obligation.

19 “(b) In order to effect a transition to the advance
20 funding method of timing appropriation action, the au-
21 thority provided by subsection (a) of this section shall
22 apply notwithstanding that its initial application will re-
23 sult in the enactment in the same year (whether in the
24 same appropriation Act or otherwise) of two separate ap-
25 propriations, one for the then current fiscal year and one
26 for the succeeding fiscal year.

1 “JOINT FUNDING

2 “SEC. 5. Pursuant to regulations prescribed by the
3 President, and to the extent consistent with the other pro-
4 visions of this Act, where funds are provided for a single
5 project by more than one Federal agency to an agency
6 or organization assisted under this Act, the Federal agen-
7 cy principally involved may be designated to act for all
8 in administering the funds provided, and, in such cases,
9 a single non-Federal share requirement may be established
10 according to the proportion of funds advanced by each
11 agency. When the principal agency involved is the Reha-
12 bilitation Services Administration, it may waive any grant
13 or contract requirement (as defined by such regulations)
14 under or pursuant to any law other than this Act, which
15 requirement is inconsistent with the similar requirements
16 of the administering agency under or pursuant to this Act.

17 **“SEC. 7. DEFINITIONS.**

18 “For the purposes of this Act:

19 “(1) ADMINISTRATIVE COSTS.—The term ‘ad-
20 ministrative costs’ means expenditures incurred by
21 the designated State unit in the performance of ad-
22 ministrative functions under the vocational rehabili-
23 tation program carried out under title I, including
24 expenses related to program planning, development,
25 monitoring, and evaluation, including—

- 1 “(A) expenses for—
- 2 “(i) quality assurance;
- 3 “(ii) budgeting, accounting, financial
- 4 management, information systems, and re-
- 5 lated data processing;
- 6 “(iii) provision of information about
- 7 the program to the public;
- 8 “(iv) technical assistance and related
- 9 support services to other State agencies,
- 10 private nonprofit organizations, and busi-
- 11 nesses and industries, except for technical
- 12 assistance and support services described
- 13 in section 103(b)(5);
- 14 “(v) the State Rehabilitation Council
- 15 and other entities that advise the des-
- 16 ignated State unit with regard to the pro-
- 17 vision of vocational rehabilitation services;
- 18 “(vi) removal of architectural barriers
- 19 in State vocational rehabilitation agency
- 20 offices and State operated rehabilitation
- 21 facilities;
- 22 “(vii) operation and maintenance of
- 23 designated State unit facilities, equipment,
- 24 and grounds;
- 25 “(viii) supplies; and

1 “(ix)(I) administration of the com-
 2 prehensive system of personnel develop-
 3 ment described in section 101(a)(7), in-
 4 cluding personnel administration, and ad-
 5 ministration of affirmative action plans;

6 “(II) training and staff development;
 7 and

8 “(III) administrative salaries, includ-
 9 ing clerical and other support staff sala-
 10 ries, in support of the administrative func-
 11 tions;

12 “(B) travel costs related to carrying out
 13 the program, other than travel costs related to
 14 the provision of services;

15 “(C) costs incurred in conducting reviews
 16 of rehabilitation counselor or coordinator deter-
 17 minations; and

18 “(D) legal expenses required in the admin-
 19 istration of the program.

20 “(2) ASSESSMENT FOR DETERMINING ELIGI-
 21 BILITY AND VOCATIONAL REHABILITATION
 22 NEEDS.—The term ‘assessment for determining eli-
 23 gibility and vocational rehabilitation needs’ means,
 24 as appropriate in each case—

25 “(A)(i) a review of existing data—

1 “(I) to determine whether an individ-
2 ual is eligible for vocational rehabilitation
3 services; and

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

8 “(ii) to the extent necessary, the provision
9 of appropriate assessment activities to obtain
10 necessary additional data to make such deter-
11 mination and assignment;

12 “(B) to the extent additional data is nec-
13 essary to make a determination of the employ-
14 ment outcomes, and the objectives, nature, and
15 scope of vocational rehabilitation services, to be
16 included in the individualized rehabilitation em-
17 ployment plan of an eligible individual, a com-
18 prehensive assessment to determine the unique
19 strengths, resources, priorities, concerns, abili-
20 ties, capabilities, interests, and informed choice,
21 including the need for supported employment,
22 of the eligible individual, which comprehensive
23 assessment—

24 “(i) is limited to information that is
25 necessary to identify the rehabilitation

1 needs of the individual and to develop the
2 individualized rehabilitation employment
3 plan of the eligible individual;

4 “(ii) uses, as a primary source of such
5 information, to the maximum extent pos-
6 sible and appropriate and in accordance
7 with confidentiality requirements—

8 “(I) existing information ob-
9 tained for the purposes of determining
10 the eligibility of the individual and as-
11 signing priority for an order of selec-
12 tion described in section 101(a)(5)(A)
13 for the individual; and

14 “(II) such information as can be
15 provided by the individual and, where
16 appropriate, by the family of the indi-
17 vidual;

18 “(iii) may include, to the degree need-
19 ed to make such a determination, an as-
20 sessment of the personality, interests,
21 interpersonal skills, intelligence and related
22 functional capacities, educational achieve-
23 ments, work experience, vocational apti-
24 tudes, personal and social adjustments,
25 and employment opportunities of the indi-

1 vidual, and the medical, psychiatric, psy-
2 chological, and other pertinent vocational,
3 educational, cultural, social, recreational,
4 and environmental factors, that affect the
5 employment and rehabilitation needs of the
6 individual; and

7 “(iv) may include, to the degree need-
8 ed, an appraisal of the patterns of work
9 behavior of the individual and services
10 needed for the individual to acquire occu-
11 pational skills, and to develop work atti-
12 tudes, work habits, work tolerance, and so-
13 cial and behavior patterns necessary for
14 successful job performance, including the
15 utilization of work in real job situations to
16 assess and develop the capacities of the in-
17 dividual to perform adequately in a work
18 environment;

19 “(C) referral, for the provision of rehabili-
20 tation technology services to the individual, to
21 assess and develop the capacities of the individ-
22 ual to perform in a work environment; and

23 “(D) an exploration of the individual’s
24 abilities, capabilities, and capacity to perform in
25 work situations, through the use of trial work

1 experiences, including experiences in which the
2 individual is provided appropriate supports and
3 training.

4 “(3) ASSISTIVE TECHNOLOGY DEVICE.—The
5 term ‘assistive technology device’ has the meaning
6 given such term in section 3(2) of the Technology-
7 Related Assistance for Individuals With Disabilities
8 Act of 1988 (29 U.S.C. 2202(2)), except that the
9 reference in such section to the term ‘individuals
10 with disabilities’ shall be deemed to mean more than
11 one individual with a disability as defined in para-
12 graph (20)(A).

13 “(4) ASSISTIVE TECHNOLOGY SERVICE.—The
14 term ‘assistive technology service’ has the meaning
15 given such term in section 3(3) of the Technology-
16 Related Assistance for Individuals With Disabilities
17 Act of 1988 (29 U.S.C. 2202(3)), except that the
18 reference in such section—

19 “(A) to the term ‘individual with a disabil-
20 ity’ shall be deemed to mean an individual with
21 a disability, as defined in paragraph (20)(A);
22 and

23 “(B) to the term ‘individuals with disabil-
24 ities’ shall be deemed to mean more than one
25 such individual.

1 “(5) COMMUNITY REHABILITATION PRO-
2 GRAM.—The term ‘community rehabilitation pro-
3 gram’ means a program that provides directly or fa-
4 cilitates the provision of vocational rehabilitation
5 services to individuals with disabilities, and that pro-
6 vides, singly or in combination, for an individual
7 with a disability to enable the individual to maximize
8 opportunities for employment, including career ad-
9 vancement—

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

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

15 “(C) recreational therapy;

16 “(D) physical and occupational therapy;

17 “(E) speech, language, and hearing ther-
18 apy;

19 “(F) psychiatric, psychological, and social
20 services, including positive behavior manage-
21 ment;

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

24 “(H) rehabilitation technology;

1 “(I) job development, placement, and re-
2 tention services;

3 “(J) evaluation or control of specific dis-
4 abilities;

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

7 “(L) extended employment;

8 “(M) psychosocial rehabilitation services;

9 “(N) supported employment services and
10 extended services;

11 “(O) services to family members when nec-
12 essary to the vocational rehabilitation of the in-
13 dividual;

14 “(P) personal assistance services; or

15 “(Q) services similar to the services de-
16 scribed in one of subparagraphs (A) through
17 (P).

18 “(6) CRIMINAL ACT.—The term ‘criminal act’
19 means any crime, including an act, omission, or pos-
20 session under the laws of the United States or a
21 State or unit of general local government, which
22 poses a substantial threat of personal injury, not-
23 withstanding that by reason of age, insanity, or in-
24 toxication or otherwise the person engaging in the

1 act, omission, or possession was legally incapable of
2 committing a crime.

3 “(7) DESIGNATED STATE AGENCY.—The term
4 ‘designated State agency’ means an agency des-
5 ignated under section 101(a)(2)(A).

6 “(8) DESIGNATED STATE UNIT.—The term
7 ‘designated State unit’ means—

8 “(A) any State agency unit required under
9 section 101(a)(2)(B)(ii); or

10 “(B) in cases in which no such unit is so
11 required, the State agency described in section
12 101(a)(2)(B)(i).

13 “(9) DISABILITY.—The term ‘disability’
14 means—

15 “(A) except as otherwise provided in sub-
16 paragraph (B), a physical or mental impair-
17 ment that constitutes or results in a substantial
18 impediment to employment; or

19 “(B) for purposes of sections 2, 14, and
20 15, and titles II, IV, V, and VII, a physical or
21 mental impairment that substantially limits one
22 or more major life activities.

23 “(10) DRUG AND ILLEGAL USE OF DRUGS.—

24 “(A) DRUG.—The term ‘drug’ means a
25 controlled substance, as defined in schedules I

1 through V of section 202 of the Controlled Sub-
2 stances Act (21 U.S.C. 812).

3 “(B) ILLEGAL USE OF DRUGS.—The term
4 ‘illegal use of drugs’ means the use of drugs,
5 the possession or distribution of which is unlaw-
6 ful under the Controlled Substances Act. Such
7 term does not include the use of a drug taken
8 under supervision by a licensed health care pro-
9 fessional, or other uses authorized by the Con-
10 trolled Substances Act or other provisions of
11 Federal law.

12 “(11) EMPLOYMENT OUTCOME.—The term ‘em-
13 ployment outcome’ means, with respect to an indi-
14 vidual—

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

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

20 “(C) satisfying any other vocational out-
21 come the Secretary may determine to be appro-
22 priate (including satisfying the vocational out-
23 come of self-employment or business owner-
24 ship),

25 in a manner consistent with this Act.

1 “(12) ESTABLISHMENT OF A COMMUNITY RE-
2 HABILITATION PROGRAM.—The term ‘establishment
3 of a community rehabilitation program’ includes the
4 acquisition, expansion, remodeling, or alteration of
5 existing buildings necessary to adapt them to com-
6 munity rehabilitation program purposes or to in-
7 crease their effectiveness for such purposes (subject,
8 however, to such limitations as the Secretary may
9 determine, in accordance with regulations the Sec-
10 retary shall prescribe, in order to prevent impair-
11 ment of the objectives of, or duplication of, other
12 Federal laws providing Federal assistance in the
13 construction of facilities for community rehabilita-
14 tion programs), and may include such additional
15 equipment and staffing as the Commissioner consid-
16 ers appropriate.

17 “(13) EXTENDED SERVICES.—The term ‘ex-
18 tended services’ means ongoing support services and
19 other appropriate services, needed to support and
20 maintain an individual with a most significant dis-
21 ability in supported employment, that—

22 “(A) are provided singly or in combination
23 and are organized and made available in such
24 a way as to assist an eligible individual in main-
25 taining supported employment;

1 “(B) are based on a determination of the
2 needs of an eligible individual, as specified in an
3 individualized rehabilitation employment plan;
4 and

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

10 “(14) FEDERAL SHARE.—

11 “(A) IN GENERAL.—Subject to subpara-
12 graph (B), the term ‘Federal share’ means 78.7
13 percent.

14 “(B) RELATIONSHIP TO EXPENDITURES
15 BY A POLITICAL SUBDIVISION.—For the pur-
16 pose of determining the non-Federal share with
17 respect to a State, expenditures by a political
18 subdivision thereof or by a local agency shall be
19 regarded as expenditures by such State, subject
20 to such limitations and conditions as the Sec-
21 retary shall by regulation prescribe.

22 “(15) IMPARTIAL HEARING OFFICER.—

23 “(A) IN GENERAL.—The term ‘impartial
24 hearing officer’ means an individual—

1 “(i) who is not an employee of a pub-
2 lic agency (other than an administrative
3 law judge, hearing examiner, or employee
4 of an institution of higher education);

5 “(ii) who is not a member of the State
6 Rehabilitation Council described in section
7 105;

8 “(iii) who has not been involved pre-
9 viously in the vocational rehabilitation of
10 the applicant or client;

11 “(iv) who has knowledge of the deliv-
12 ery of vocational rehabilitation services, the
13 State plan under section 101, and the Fed-
14 eral and State rules governing the provi-
15 sion of such services and training with re-
16 spect to the performance of official duties;
17 and

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

21 “(B) CONSTRUCTION.—An individual shall
22 not be considered to be an employee of a public
23 agency for purposes of subparagraph (A)(i)
24 solely because the individual is paid by the
25 agency to serve as a hearing officer.

1 “(16) INDEPENDENT LIVING CORE SERVICES.—

2 The term ‘independent living core services’ means—

3 “(A) information and referral services;

4 “(B) independent living skills training;

5 “(C) peer counseling (including cross-dis-

6 ability peer counseling); and

7 “(D) individual and systems advocacy.

8 “(17) INDEPENDENT LIVING SERVICES.—The

9 term ‘independent living services’ includes—

10 “(A) independent living core services; and

11 “(B)(i) counseling services, including psy-

12 chological, psychotherapeutic, and related serv-

13 ices;

14 “(ii) services related to securing housing or

15 shelter, including services related to community

16 group living, and supportive of the purposes of

17 this Act and of the titles of this Act, and adapt-

18 ive housing services (including appropriate ac-

19 commodations to and modifications of any

20 space used to serve, or occupied by, individuals

21 with disabilities);

22 “(iii) rehabilitation technology;

23 “(iv) mobility training;

24 “(v) services and training for individuals

25 with cognitive and sensory disabilities, including

1 life skills training, and interpreter and reader
2 services;

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

6 “(vii) surveys, directories, and other activi-
7 ties to identify appropriate housing, recreation
8 opportunities, and accessible transportation,
9 and other support services;

10 “(viii) consumer information programs on
11 rehabilitation and independent living services
12 available under this Act, especially for minori-
13 ties and other individuals with disabilities who
14 have traditionally been unserved or underserved
15 by programs under this Act;

16 “(ix) education and training necessary for
17 living in a community and participating in com-
18 munity activities;

19 “(x) supported living;

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

24 “(xii) physical rehabilitation;

25 “(xiii) therapeutic treatment;

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

3 “(xv) individual and group social and rec-
4 reational services;

5 “(xvi) training to develop skills specifically
6 designed for youths who are individuals with
7 disabilities to promote self-awareness and es-
8 teem, develop advocacy and self-empowerment
9 skills, and explore career options;

10 “(xvii) services for children;

11 “(xviii) services under other Federal,
12 State, or local programs designed to provide re-
13 sources, training, counseling, or other assist-
14 ance, of substantial benefit in enhancing the
15 independence, productivity, and quality of life of
16 individuals with disabilities;

17 “(xix) appropriate preventive services to
18 decrease the need of individuals assisted under
19 this Act for similar services in the future;

20 “(xx) community awareness programs to
21 enhance the understanding and integration into
22 society of individuals with disabilities; and

23 “(xxi) such other services as may be nec-
24 essary and not inconsistent with the provisions
25 of this Act.

1 “(18) INDIAN; AMERICAN INDIAN; INDIAN
2 AMERICAN.—The terms ‘Indian’, ‘American Indian’,
3 and ‘Indian American’ mean an individual who is a
4 member of an Indian tribe.

5 “(19) INDIAN TRIBE.—The term ‘Indian tribe’
6 means any Federal or State Indian tribe, band,
7 rancheria, pueblo, colony, or community, including
8 any Alaskan native village or regional village cor-
9 poration (as defined in or established pursuant to
10 the Alaska Native Claims Settlement Act).

11 “(20) INDIVIDUAL WITH A DISABILITY.—

12 “(A) IN GENERAL.—Except as otherwise
13 provided in subparagraph (B), the term ‘indi-
14 vidual with a disability’ means any individual
15 who—

16 “(i) has a physical or mental impair-
17 ment which for such individual constitutes
18 or results in a substantial impediment to
19 employment; and

20 “(ii) can benefit in terms of an em-
21 ployment outcome from vocational rehabili-
22 tation services provided pursuant to title I,
23 III, or VI.

24 “(B) CERTAIN PROGRAMS; LIMITATIONS
25 ON MAJOR LIFE ACTIVITIES.—Subject to sub-

1 paragraphs (C), (D), (E), and (F), the term
 2 ‘individual with a disability’ means, for pur-
 3 poses of sections 2, 14, and 15, and titles II,
 4 IV, V, and VII of this Act, any person who—

5 “(i) has a physical or mental impair-
 6 ment which substantially limits one or
 7 more of such person’s major life activities;

8 “(ii) has a record of such an impair-
 9 ment; or

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

12 “(C) RIGHTS AND ADVOCACY PROVI-
 13 SIONS.—

14 “(i) IN GENERAL; EXCLUSION OF IN-
 15 DIVIDUALS ENGAGING IN DRUG USE.—For
 16 purposes of title V, the term ‘individual
 17 with a disability’ does not include an indi-
 18 vidual who is currently engaging in the ille-
 19 gal use of drugs, when a covered entity
 20 acts on the basis of such use.

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

1 “(I) has successfully completed a
2 supervised drug rehabilitation pro-
3 gram and is no longer engaging in the
4 illegal use of drugs, or has otherwise
5 been rehabilitated successfully and is
6 no longer engaging in such use;

7 “(II) is participating in a super-
8 vised rehabilitation program and is no
9 longer engaging in such use; or

10 “(III) is erroneously regarded as
11 engaging in such use, but is not en-
12 gaging in such use;

13 except that it shall not be a violation of
14 this Act for a covered entity to adopt or
15 administer reasonable policies or proce-
16 dures, including but not limited to drug
17 testing, designed to ensure that an individ-
18 ual described in subclause (I) or (II) is no
19 longer engaging in the illegal use of drugs.

20 “(iii) EXCLUSION FOR CERTAIN SERV-
21 ICES.—Notwithstanding clause (i), for pur-
22 poses of programs and activities providing
23 health services and services provided under
24 titles I, II and III, an individual shall not
25 be excluded from the benefits of such pro-

1 grams or activities on the basis of his or
2 her current illegal use of drugs if he or she
3 is otherwise entitled to such services.

4 “(iv) DISCIPLINARY ACTION.—For
5 purposes of programs and activities provid-
6 ing educational services, local educational
7 agencies may take disciplinary action per-
8 taining to the use or possession of illegal
9 drugs or alcohol against any student who
10 is an individual with a disability and who
11 currently is engaging in the illegal use of
12 drugs or in the use of alcohol to the same
13 extent that such disciplinary action is
14 taken against students who are not individ-
15 uals with disabilities. Furthermore, the due
16 process procedures at section 104.36 of
17 title 34, Code of Federal Regulations (or
18 any corresponding similar regulation or
19 ruling) shall not apply to such disciplinary
20 actions.

21 “(v) EMPLOYMENT; EXCLUSION OF
22 ALCOHOLICS.—For purposes of sections
23 503 and 504 as such sections relate to em-
24 ployment, the term ‘individual with a dis-
25 ability’ does not include any individual who

1 is an alcoholic whose current use of alcohol
2 prevents such individual from performing
3 the duties of the job in question or whose
4 employment, by reason of such current al-
5 cohol abuse, would constitute a direct
6 threat to property or the safety of others.

7 “(D) EMPLOYMENT; EXCLUSION OF INDI-
8 VIDUALS WITH CERTAIN DISEASES OR INFEC-
9 TIONS.—For the purposes of sections 503 and
10 504, as such sections relate to employment,
11 such term does not include an individual who
12 has a currently contagious disease or infection
13 and who, by reason of such disease or infection,
14 would constitute a direct threat to the health or
15 safety of other individuals or who, by reason of
16 the currently contagious disease or infection, is
17 unable to perform the duties of the job.

18 “(E) RIGHTS PROVISIONS; EXCLUSION OF
19 INDIVIDUALS ON BASIS OF HOMOSEXUALITY OR
20 BISEXUALITY.—For the purposes of sections
21 501, 503, and 504—

22 “(i) for purposes of the application of
23 subparagraph (B) to such sections, the
24 term ‘impairment’ does not include homo-
25 sexuality or bisexuality; and

1 “(ii) therefore the term ‘individual
2 with a disability’ does not include an indi-
3 vidual on the basis of homosexuality or bi-
4 sexuality.

5 “(F) RIGHTS PROVISIONS; EXCLUSION OF
6 INDIVIDUALS ON BASIS OF CERTAIN DIS-
7 ORDERS.—For the purposes of sections 501,
8 503, and 504, the term ‘individual with a dis-
9 ability’ does not include an individual on the
10 basis of—

11 “(i) transvestism, transsexualism,
12 pedophilia, exhibitionism, voyeurism, gen-
13 der identity disorders not resulting from
14 physical impairments, or other sexual be-
15 havior disorders;

16 “(ii) compulsive gambling, kleptoma-
17 nia, or pyromania; or

18 “(iii) psychoactive substance use dis-
19 orders resulting from current illegal use of
20 drugs.

21 “(G) INDIVIDUALS WITH DISABILITIES.—
22 The term ‘individuals with disabilities’ means
23 more than one individual with a disability.

24 “(21) INDIVIDUAL WITH A SIGNIFICANT DIS-
25 ABILITY.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B) or (C), the term ‘individual
3 with a significant disability’ means an individ-
4 ual with a disability—

5 “(i) who has a severe physical or men-
6 tal impairment which seriously limits one
7 or more functional capacities (such as mo-
8 bility, communication, self-care, self-direc-
9 tion, interpersonal skills, work tolerance, or
10 work skills) in terms of an employment
11 outcome;

12 “(ii) whose vocational rehabilitation
13 can be expected to require multiple voca-
14 tional rehabilitation services over an ex-
15 tended period of time; and

16 “(iii) who has one or more physical or
17 mental disabilities resulting from amputa-
18 tion, arthritis, autism, blindness, burn in-
19 jury, cancer, cerebral palsy, cystic fibrosis,
20 deafness, head injury, heart disease, hemi-
21 plegia, hemophilia, respiratory or pul-
22 monary dysfunction, mental retardation,
23 mental illness, multiple sclerosis, muscular
24 dystrophy, musculo-skeletal disorders, neu-
25 rological disorders (including stroke and

1 epilepsy), paraplegia, quadriplegia, and
2 other spinal cord conditions, sickle cell
3 anemia, specific learning disability, end-
4 stage renal disease, or another disability or
5 combination of disabilities determined on
6 the basis of an assessment for determining
7 eligibility and vocational rehabilitation
8 needs described in subparagraphs (A) and
9 (B) of paragraph (2) to cause comparable
10 substantial functional limitation.

11 “(B) INDEPENDENT LIVING SERVICES AND
12 CENTERS FOR INDEPENDENT LIVING.—For
13 purposes of title VII, the term ‘individual with
14 a significant disability’ means an individual
15 with a severe physical or mental impairment
16 whose ability to function independently in the
17 family or community or whose ability to obtain,
18 maintain, or advance in employment is substan-
19 tially limited and for whom the delivery of inde-
20 pendent living services will improve the ability
21 to function, continue functioning, or move to-
22 wards functioning independently in the family
23 or community or to continue in employment, re-
24 spectively.

1 “(C) RESEARCH AND TRAINING.—For pur-
 2 poses of title II, the term ‘individual with a sig-
 3 nificant disability’ includes an individual de-
 4 scribed in subparagraph (A) or (B).

5 “(D) INDIVIDUALS WITH SIGNIFICANT DIS-
 6 ABILITIES.—The term ‘individuals with signifi-
 7 cant disabilities’ means more than one individ-
 8 ual with a significant disability.

9 “(E) INDIVIDUAL WITH A MOST SIGNIFI-
 10 CANT DISABILITY.—

11 “(i) IN GENERAL.—The term ‘individ-
 12 ual with a most significant disability’, used
 13 with respect to an individual in a State,
 14 means an individual with a significant dis-
 15 ability who meets criteria established by
 16 the State under section 101(a)(5)(C).

17 “(ii) INDIVIDUALS WITH THE MOST
 18 SIGNIFICANT DISABILITIES.—The term ‘in-
 19 dividuals with the most significant disabil-
 20 ities’ means more than one individual with
 21 a most significant disability.

22 “(22) INDIVIDUAL’S REPRESENTATIVE; APPLI-
 23 CANT’S REPRESENTATIVE.—

24 “(A) INDIVIDUAL’S REPRESENTATIVE.—
 25 The term ‘individual’s representative’ used with

1 respect to an eligible individual or other individ-
2 ual with a disability, means—

3 “(i) any representative chosen by the
4 eligible individual or other individual with
5 a disability, including a parent, guardian,
6 other family member, or advocate; or

7 “(ii) if a representative or legal guard-
8 ian has been appointed by a court to rep-
9 resent the eligible individual or other indi-
10 vidual with a disability, the court-ap-
11 pointed representative or legal guardian.

12 “(B) APPLICANT’S REPRESENTATIVE.—

13 The term ‘applicant’s representative’ means—

14 “(i) any representative described in
15 subparagraph (A)(i) chosen by the appli-
16 cant; or

17 “(ii) if a representative or legal guard-
18 ian has been appointed by a court to rep-
19 resent the applicant, the court-appointed
20 representative or legal guardian.

21 “(23) INSTITUTION OF HIGHER EDUCATION.—

22 The term ‘institution of higher education’ has the
23 meaning given the term in section 1201(a) of the
24 Higher Education Act of 1965 (20 U.S.C. 1141(a)).

1 “(24) LOCAL AGENCY.—The term ‘local agency’
2 means an agency of a unit of general local govern-
3 ment or of an Indian tribe (or combination of such
4 units or tribes) which has an agreement with the
5 designated State agency to conduct a vocational re-
6 habilitation program under the supervision of such
7 State agency in accordance with the State plan ap-
8 proved under section 101. Nothing in the preceding
9 sentence of this paragraph or in section 101 shall be
10 construed to prevent the local agency from arrang-
11 ing to utilize another local public or nonprofit agen-
12 cy to provide vocational rehabilitation services if
13 such an arrangement is made part of the agreement
14 specified in this paragraph.

15 “(25) LOCAL WORKFORCE INVESTMENT PART-
16 NERSHIP.—The term ‘local workforce investment
17 partnership’ means a local workforce investment
18 partnership established under section 308 of the
19 Workforce Investment Partnership Act of 1998.

20 “(26) NONPROFIT.—The term ‘nonprofit’, when
21 used with respect to a community rehabilitation pro-
22 gram, means a community rehabilitation program
23 carried out by a corporation or association, no part
24 of the net earnings of which inures, or may lawfully
25 inure, to the benefit of any private shareholder or in-

1 dividual and the income of which is exempt from
2 taxation under section 501(c)(3) of the Internal Rev-
3 enue Code of 1986.

4 “(27) ONGOING SUPPORT SERVICES.—The term
5 ‘ongoing support services’ means services—

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

8 “(B) provided, at a minimum, twice
9 monthly—

10 “(i) to make an assessment, regarding
11 the employment situation, at the worksite
12 of each such individual in supported em-
13 ployment, or, under special circumstances,
14 especially at the request of the client, off
15 site; and

16 “(ii) based on the assessment, to pro-
17 vide for the coordination or provision of
18 specific intensive services, at or away from
19 the worksite, that are needed to maintain
20 employment stability; and

21 “(C) consisting of—

22 “(i) a particularized assessment sup-
23 plementary to the comprehensive assess-
24 ment described in paragraph (2)(B);

1 “(ii) the provision of skilled job train-
2 ers who accompany the individual for in-
3 tensive job skill training at the work site;

4 “(iii) job development, job retention,
5 and placement services;

6 “(iv) social skills training;

7 “(v) regular observation or super-
8 vision of the individual;

9 “(vi) followup services such as regular
10 contact with the employers, the individuals,
11 the individuals’ representatives, and other
12 appropriate individuals, in order to rein-
13 force and stabilize the job placement;

14 “(vii) facilitation of natural supports
15 at the worksite;

16 “(viii) any other service identified in
17 section 103; or

18 “(ix) a service similar to another serv-
19 ice described in this subparagraph.

20 “(28) PERSONAL ASSISTANCE SERVICES.—The
21 term ‘personal assistance services’ means a range of
22 services, provided by one or more persons, designed
23 to assist an individual with a disability to perform
24 daily living activities on or off the job that the indi-
25 vidual would typically perform if the individual did

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

4 “(29) PUBLIC OR NONPROFIT.—The term ‘pub-
5 lic or nonprofit’, used with respect to an agency or
6 organization, includes an Indian tribe.

7 “(30) REHABILITATION TECHNOLOGY.—The
8 term ‘rehabilitation technology’ means the system-
9 atic application of technologies, engineering meth-
10 odologies, or scientific principles to meet the needs
11 of and address the barriers confronted by individuals
12 with disabilities in areas which include education, re-
13 habilitation, employment, transportation, independ-
14 ent living, and recreation. The term includes reha-
15 bilitation engineering, assistive technology devices,
16 and assistive technology services.

17 “(31) REQUIRES VOCATIONAL REHABILITATION
18 SERVICES.—The term ‘requires vocational rehabilita-
19 tion services’, used with respect to an individual with
20 a disability as defined in paragraph (20)(A), means
21 that the individual is unable to prepare for, secure,
22 retain, or regain employment consistent with the
23 strengths, resources, priorities, concerns, abilities,
24 capabilities, interests, and informed choice of the in-

1 dividual without vocational rehabilitation services,
2 because the individual—

3 “(A) has never been employed;

4 “(B) has lost employment;

5 “(C) is underemployed;

6 “(D) is at immediate risk of losing employ-
7 ment; or

8 “(E) receives benefits on the basis of dis-
9 ability or blindness pursuant to title II or XVI
10 of the Social Security Act (42 U.S.C. 401 et
11 seq. or 1381 et seq.), in a case in which the in-
12 dividual intends to achieve an employment out-
13 come consistent with the unique strengths, re-
14 sources, priorities, concerns, abilities, capabili-
15 ties, interests, and informed choice of the indi-
16 vidual.

17 “(32) SECRETARY.—The term ‘Secretary’, ex-
18 cept when the context otherwise requires, means the
19 Secretary of Education.

20 “(33) STATE.—The term ‘State’ includes, in
21 addition to each of the several States of the United
22 States, the District of Columbia, the Commonwealth
23 of Puerto Rico, the United States Virgin Islands,
24 Guam, American Samoa, and the Commonwealth of
25 the Northern Mariana Islands.

1 “(34) STATEWIDE WORKFORCE INVESTMENT
2 PARTNERSHIP.—The term ‘statewide workforce in-
3 vestment partnership’ means a partnership estab-
4 lished under section 303 of the Workforce Invest-
5 ment Partnership Act of 1998.

6 “(35) STATEWIDE WORKFORCE INVESTMENT
7 SYSTEM.—The term ‘statewide workforce investment
8 system’ means a system described in section 301 of
9 the Workforce Investment Partnership Act of 1998.

10 “(36) SUPPORTED EMPLOYMENT.—

11 “(A) IN GENERAL.—The term ‘supported
12 employment’ means competitive work in inte-
13 grated work settings, or employment in inte-
14 grated work settings in which individuals are
15 working toward competitive work, consistent
16 with the strengths, resources, priorities, con-
17 cerns, abilities, capabilities, interests, and in-
18 formed choice of the individuals, for individuals
19 with the most significant disabilities—

20 “(i)(I) for whom competitive employ-
21 ment has not traditionally occurred; or

22 “(II) for whom competitive employ-
23 ment has been interrupted or intermittent
24 as a result of a significant disability; and

1 “(ii) who, because of the nature and
2 severity of their disability, need intensive
3 supported employment services for the pe-
4 riod, and any extension, described in para-
5 graph (37)(C) and extended services after
6 the transition described in paragraph
7 (13)(C) in order to perform such work.

8 “(B) CERTAIN TRANSITIONAL EMPLOY-
9 MENT.—Such term includes transitional em-
10 ployment for persons who are individuals with
11 the most significant disabilities due to mental
12 illness.

13 “(37) SUPPORTED EMPLOYMENT SERVICES.—
14 The term ‘supported employment services’ means
15 ongoing support services and other appropriate serv-
16 ices needed to support and maintain an individual
17 with a most significant disability in supported em-
18 ployment, that—

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

23 “(B) are based on a determination of the
24 needs of an eligible individual, as specified in an

1 individualized rehabilitation employment plan;
2 and

3 “(C) are provided by the designated State
4 unit for a period of time not to extend beyond
5 18 months, unless under special circumstances
6 the eligible individual and the rehabilitation
7 counselor or coordinator jointly agree to extend
8 the time in order to achieve the rehabilitation
9 objectives identified in the individualized reha-
10 bilitation employment plan.

11 “(38) TRANSITION SERVICES.—The term ‘tran-
12 sition services’ means a coordinated set of activities
13 for a student, designed within an outcome-oriented
14 process, that promotes movement from school to
15 post school activities, including postsecondary edu-
16 cation, vocational training, integrated employment
17 (including supported employment), continuing and
18 adult education, adult services, independent living,
19 or community participation. The coordinated set of
20 activities shall be based upon the individual stu-
21 dent’s needs, taking into account the student’s pref-
22 erences and interests, and shall include instruction,
23 community experiences, the development of employ-
24 ment and other post school adult living objectives,

1 and, when appropriate, acquisition of daily living
2 skills and functional vocational evaluation.

3 “(39) UNDEREMPLOYED.—The term ‘under-
4 employed’, used with respect to an individual with a
5 disability, as defined in paragraph (20)(A), means a
6 situation in which the individual is employed in a job
7 that is not consistent with the strengths, resources,
8 priorities, concerns, abilities, capabilities, interests,
9 and informed choice of the individual.

10 “(40) VOCATIONAL REHABILITATION SERV-
11 ICES.—The term ‘vocational rehabilitation services’
12 means those services identified in section 103 which
13 are provided to individuals with disabilities under
14 this Act.

15 “(41) WORKFORCE INVESTMENT ACTIVITIES.—
16 The term ‘workforce investment activities’ has the
17 meaning given the term in section 2 of the Work-
18 force Investment Partnership Act of 1998 carried
19 out under that Act.

20 “ALLOTMENT PERCENTAGE

21 “SEC. 8. (a)(1) For purposes of section 110, the al-
22 lotment percentage for any State shall be 100 per centum
23 less that percentage which bears the same ratio to 50 per
24 centum as the per capita income of such State bears to
25 the per capita income of the United States, except that—

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

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

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

17 “(3) The term ‘United States’ means (but only for
18 purposes of this subsection) the fifty States and the Dis-
19 trict of Columbia.

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

1 “NONDUPLICATION

2 “SEC. 10. In determining the amount of any State’s
3 Federal share of expenditures for planning, administra-
4 tion, and services incurred by it under a State plan ap-
5 proved in accordance with section 101, there shall be dis-
6 regarded (1) any portion of such expenditures which are
7 financed by Federal funds provided under any other provi-
8 sion of law, and (2) the amount of any non-Federal funds
9 required to be expended as a condition of receipt of such
10 Federal funds. No payment may be made from funds pro-
11 vided under one provision of this Act relating to any cost
12 with respect to which any payment is made under any
13 other provision of this Act, except that this section shall
14 not be construed to limit or reduce fees for services ren-
15 dered by community rehabilitation programs.

16 “APPLICATION OF OTHER LAWS

17 “SEC. 11. The provisions of the Act of December 5,
18 1974 (Public Law 93–510) and of title V of the Act of
19 October 15, 1977 (Public Law 95–134) shall not apply
20 to the administration of the provisions of this Act or to
21 the administration of any program or activity under this
22 Act.

23 “ADMINISTRATION OF THE ACT

24 “SEC. 12. (a) In carrying out the purposes of this
25 Act, the Commissioner may—

1 “(1) provide consultative services and technical
2 assistance to public or nonprofit private agencies
3 and organizations, including assistance to enable
4 such agencies and organizations to facilitate mean-
5 ingful and effective participation by individuals with
6 disabilities in workforce investment activities;

7 “(2) provide short-term training and technical
8 instruction, including training for the personnel of
9 community rehabilitation programs, centers for inde-
10 pendent living, and other providers of services (in-
11 cluding job coaches);

12 “(3) conduct special projects and demonstra-
13 tions;

14 “(4) collect, prepare, publish, and disseminate
15 special educational or informational materials, in-
16 cluding reports of the projects for which funds are
17 provided under this Act; and

18 “(5) provide monitoring and conduct evalua-
19 tions.

20 “(b)(1) In carrying out the duties under this Act, the
21 Commissioner may utilize the services and facilities of any
22 agency of the Federal Government and of any other public
23 or nonprofit agency or organization, in accordance with
24 agreements between the Commissioner and the head there-

1 of, and may pay therefor, in advance or by way of reim-
2 bursement, as may be provided in the agreement.

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

8 “(c) The Commissioner may promulgate such regula-
9 tions as are considered appropriate to carry out the Com-
10 missioner’s duties under this Act.

11 “(d) The Secretary shall promulgate regulations re-
12 garding the requirements for the implementation of an
13 order of selection for vocational rehabilitation services
14 under section 101(a)(5)(A) if such services cannot be pro-
15 vided to all eligible individuals with disabilities who apply
16 for such services.

17 “(e) Not later than 180 days after the date of enact-
18 ment of the Rehabilitation Act Amendments of 1998, the
19 Secretary shall receive public comment and promulgate
20 regulations to implement the amendments made by the
21 Rehabilitation Act Amendments of 1998.

22 “(f) In promulgating regulations to carry out this
23 Act, the Secretary shall promulgate only regulations that
24 are necessary to administer and ensure compliance with
25 the specific requirements of this Act.

“EVALUATION

1
2 “SEC. 14. (a) For the purpose of improving program
3 management and effectiveness, the Secretary, in consulta-
4 tion with the Commissioner, shall evaluate all the pro-
5 grams authorized by this Act, their general effectiveness
6 in relation to their cost, their impact on related programs,
7 and their structure and mechanisms for delivery of serv-
8 ices, using appropriate methodology and evaluative re-
9 search designs. The Secretary shall establish and use
10 standards for the evaluations required by this subsection.
11 Such an evaluation shall be conducted by a person not
12 immediately involved in the administration of the program
13 evaluated.

14 “(b) In carrying out evaluations under this section,
15 the Secretary shall obtain the opinions of program and
16 project participants about the strengths and weaknesses
17 of the programs and projects.

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

22 “(d) Such information as the Secretary may deter-
23 mine to be necessary for purposes of the evaluations con-
24 ducted under this section shall be made available upon re-

1 quest of the Secretary, by the departments and agencies
2 of the executive branch.

3 “(e)(1) To assess the linkages between vocational re-
4 habilitation services and economic and noneconomic out-
5 comes, the Secretary shall continue to conduct a longitu-
6 dinal study of a national sample of applicants for the serv-
7 ices.

8 “(2) The study shall address factors related to attri-
9 tion and completion of the program through which the
10 services are provided and factors within and outside the
11 program affecting results. Appropriate comparisons shall
12 be used to contrast the experiences of similar persons who
13 do not obtain the services.

14 “(3) The study shall be planned to cover the period
15 beginning on the application of individuals with disabilities
16 for the services, through the eligibility determination and
17 provision of services for the individuals, and a further pe-
18 riod of not less than 2 years after the termination of serv-
19 ices.

20 “(f)(1) The Commissioner shall identify and dissemi-
21 nate information on exemplary practices concerning voca-
22 tional rehabilitation.

23 “(2) To facilitate compliance with paragraph (1), the
24 Commissioner shall conduct studies and analyses that
25 identify exemplary practices concerning vocational reha-

1 bilitation, including studies in areas relating to providing
2 informed choice in the rehabilitation process, promoting
3 consumer satisfaction, promoting job placement and reten-
4 tion, providing supported employment, providing services
5 to particular disability populations, financing personal as-
6 sistance services, providing assistive technology devices
7 and assistive technology services, entering into cooperative
8 agreements, establishing standards and certification for
9 community rehabilitation programs, converting from non-
10 integrated to integrated employment, and providing case-
11 load management.

12 “(g) There are authorized to be appropriated to carry
13 out this section such sums as may be necessary.

14 “INFORMATION CLEARINGHOUSE

15 “SEC. 15. (a) The Secretary shall establish a central
16 clearinghouse for information and resource availability for
17 individuals with disabilities which shall provide informa-
18 tion and data regarding—

19 “(1) the location, provision, and availability of
20 services and programs for individuals with disabili-
21 ties, including such information and data provided
22 by statewide partnerships established under section
23 303 of the Workforce Investment Partnership Act of
24 1998 regarding such services and programs author-
25 ized under such Act;

1 pose other than that for which the funds were specifically
2 authorized.

3 “(b) No more than 1 percent of funds appropriated
4 for discretionary grants, contracts, or cooperative agree-
5 ments authorized by this Act may be used for the purpose
6 of providing non-Federal panels of experts to review appli-
7 cations for such grants, contracts, or cooperative agree-
8 ments.

9 “STATE ADMINISTRATION

10 “SEC. 17. The application of any State rule or policy
11 relating to the administration or operation of programs
12 funded by this Act (including any rule or policy based on
13 State interpretation of any Federal law, regulation, or
14 guideline) shall be identified as a State imposed require-
15 ment.

16 “REVIEW OF APPLICATIONS

17 “SEC. 18. Applications for grants in excess of
18 \$100,000 in the aggregate authorized to be funded under
19 this Act, other than grants primarily for the purpose of
20 conducting dissemination or conferences, shall be reviewed
21 by panels of experts which shall include a majority of non-
22 Federal members. Non-Federal members may be provided
23 travel, per diem, and consultant fees not to exceed the
24 daily equivalent of the rate of pay for level 4 of the Senior
25 Executive Service Schedule under section 5382 of title 5,
26 United States Code.

1 **“SEC. 19. CARRYOVER.**

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

4 “(1) any funds appropriated for a fiscal year to
5 carry out any grant program under part B of title
6 I, section 509 (except as provided in section 509(b)),
7 part C of title VI, part B or C of chapter 1 of title
8 VII, or chapter 2 of title VII (except as provided in
9 section 752(b)), including any funds reallocated under
10 any such grant program, that are not obligated and
11 expended by recipients prior to the beginning of the
12 succeeding fiscal year; or

13 “(2) any amounts of program income, including
14 reimbursement payments under the Social Security
15 Act (42 U.S.C. 301 et seq.), received by recipients
16 under any grant program specified in paragraph (1)
17 that are not obligated and expended by recipients
18 prior to the beginning of the fiscal year succeeding
19 the fiscal year in which such amounts were received,
20 shall remain available for obligation and expenditure by
21 such recipients during such succeeding fiscal year.

22 “(b) NON-FEDERAL SHARE.—Such funds shall re-
23 main available for obligation and expenditure by a recipi-
24 ent as provided in subsection (a) only to the extent that
25 the recipient complied with any Federal share require-

1 ments applicable to the program for the fiscal year for
2 which the funds were appropriated.

3 **“SEC. 20. CLIENT ASSISTANCE INFORMATION.**

4 “All programs, including community rehabilitation
5 programs, and projects, that provide services to individ-
6 uals with disabilities under this Act shall advise such indi-
7 viduals who are applicants for or recipients of the services,
8 or the applicants’ representatives or individuals’ represent-
9 atives, of the availability and purposes of the client assist-
10 ance program under section 112, including information on
11 means of seeking assistance under such program.

12 **“SEC. 21. TRADITIONALLY UNDERSERVED POPULATIONS.**

13 “(a) FINDINGS.—With respect to the programs au-
14 thorized in titles II through VII, the Congress finds as
15 follows:

16 “(1) RACIAL PROFILE.—The racial profile of
17 America is rapidly changing. While the rate of in-
18 crease for white Americans is 3.2 percent, the rate
19 of increase for racial and ethnic minorities is much
20 higher: 38.6 percent for Latinos, 14.6 percent for
21 African-Americans, and 40.1 percent for Asian-
22 Americans and other ethnic groups. By the year
23 2000, the Nation will have 260,000,000 people, one
24 of every three of whom will be either African-Amer-
25 ican, Latino, or Asian-American.

1 “(2) RATE OF DISABILITY.—Ethnic and racial
2 minorities tend to have disabling conditions at a dis-
3 proportionately high rate. The rate of work-related
4 disability for American Indians is about one and
5 one-half times that of the general population. Afri-
6 can-Americans are also one and one-half times more
7 likely to be disabled than whites and twice as likely
8 to be significantly disabled.

9 “(3) INEQUITABLE TREATMENT.—Patterns of
10 inequitable treatment of minorities have been docu-
11 mented in all major junctures of the vocational reha-
12 bilitation process. As compared to white Americans,
13 a larger percentage of African-American applicants
14 to the vocational rehabilitation system is denied ac-
15 ceptance. Of applicants accepted for service, a larger
16 percentage of African-American cases is closed with-
17 out being rehabilitated. Minorities are provided less
18 training than their white counterparts. Consistently,
19 less money is spent on minorities than on their white
20 counterparts.

21 “(4) RECRUITMENT.—Recruitment efforts with-
22 in vocational rehabilitation at the level of pre-service
23 training, continuing education, and in-service train-
24 ing must focus on bringing larger numbers of mi-
25 norities into the profession in order to provide ap-

1 appropriate practitioner knowledge, role models, and
2 sufficient manpower to address the clearly changing
3 demography of vocational rehabilitation.

4 “(b) OUTREACH TO MINORITIES.—

5 “(1) IN GENERAL.—For each fiscal year, the
6 Commissioner and the Director of the National In-
7 stitute on Disability and Rehabilitation Research
8 (referred to in this subsection as the ‘Director’) shall
9 reserve 1 percent of the funds appropriated for the
10 fiscal year for programs authorized under titles II,
11 III, VI, and VII to carry out this subsection. The
12 Commissioner and the Director shall use the re-
13 served funds to carry out 1 or more of the activities
14 described in paragraph (2) through a grant, con-
15 tract, or cooperative agreement.

16 “(2) ACTIVITIES.—The activities carried out by
17 the Commissioner and the Director shall include 1
18 or more of the following:

19 “(A) Making awards to minority entities
20 and Indian tribes to carry out activities under
21 the programs authorized under titles II, III, VI,
22 and VII.

23 “(B) Making awards to minority entities
24 and Indian tribes to conduct research, training,
25 technical assistance, or a related activity, to im-

1 prove services provided under this Act, espe-
2 cially services provided to individuals from mi-
3 nority backgrounds.

4 “(C) Making awards to entities described
5 in paragraph (3) to provide outreach and tech-
6 nical assistance to minority entities and Indian
7 tribes to promote their participation in activities
8 funded under this Act, including assistance to
9 enhance their capacity to carry out such activi-
10 ties.

11 “(3) ELIGIBILITY.—To be eligible to receive a
12 award under paragraph (2)(C), an entity shall be a
13 State or a public or private nonprofit agency or or-
14 ganization, such as an institution of higher edu-
15 cation or an Indian tribe.

16 “(4) REPORT.—In each fiscal year, the Com-
17 missioner and the Director shall prepare and submit
18 to Congress a report that describes the activities
19 funded under this subsection for the preceding fiscal
20 year.

21 “(5) DEFINITIONS.—In this subsection:

22 “(A) HISTORICALLY BLACK COLLEGE OR
23 UNIVERSITY.—The term “historically Black col-
24 lege or university” means a part B institution,

1 as defined in section 322(2) of the Higher Edu-
2 cation Act of 1965 (20 U.S.C. 1061(2)).

3 “(B) MINORITY ENTITY.—The term “mi-
4 nority entity’ means an entity that is a Histori-
5 cally Black College or University, a Hispanic-
6 serving institution of higher education, an
7 American Indian Tribal College or University,
8 or another institution of higher education whose
9 minority student enrollment is at least 50 per-
10 cent.

11 “(c) DEMONSTRATION.—In awarding grants, or en-
12 tering into contracts or cooperative agreements under ti-
13 tles I, II, III, VI, and VII, and section 509, the Commis-
14 sioner and the Director, in appropriate cases, shall require
15 applicants to demonstrate how the applicants will address,
16 in whole or in part, the needs of individuals with disabil-
17 ities from minority backgrounds.”.

18 **SEC. 4. VOCATIONAL REHABILITATION SERVICES.**

19 Title I of the Rehabilitation Act of 1973 (29 U.S.C.
20 720 et seq.) is amended to read as follows:

1 **“TITLE I—VOCATIONAL**
2 **REHABILITATION SERVICES**

3 **“PART A—GENERAL PROVISIONS**

4 **“SEC. 100. DECLARATION OF POLICY; AUTHORIZATION OF**
5 **APPROPRIATIONS.**

6 “(a) FINDINGS; PURPOSE; POLICY.—

7 “(1) FINDINGS.—Congress finds that—

8 “(A) work—

9 “(i) is a valued activity, both for indi-
10 viduals and society; and

11 “(ii) fulfills the need of an individual
12 to be productive, promotes independence,
13 enhances self-esteem, and allows for par-
14 ticipation in the mainstream of life in the
15 United States;

16 “(B) as a group, individuals with disabil-
17 ities experience staggering levels of unemploy-
18 ment and poverty;

19 “(C) individuals with disabilities, including
20 individuals with the most significant disabilities,
21 have demonstrated their ability to achieve gain-
22 ful employment in integrated settings if appro-
23 priate services and supports are provided;

24 “(D) reasons for significant numbers of in-
25 dividuals with disabilities not working, or work-

1 ing at levels not commensurate with their abili-
2 ties and capabilities, include—

3 “(i) discrimination;

4 “(ii) lack of accessible and available
5 transportation;

6 “(iii) fear of losing health coverage
7 under the medicare and medicaid programs
8 carried out under titles XVIII and XIX of
9 the Social Security Act (42 U.S.C. 1395 et
10 seq. and 1396 et seq.) or fear of losing pri-
11 vate health insurance; and

12 “(iv) lack of education, training, and
13 supports to meet job qualification stand-
14 ards necessary to secure, retain, regain, or
15 advance in employment;

16 “(E) enforcement of title V and of the
17 Americans with Disabilities Act of 1990 (42
18 U.S.C. 12101 et seq.) holds the promise of end-
19 ing discrimination for individuals with disabili-
20 ties;

21 “(F) the provision of workforce investment
22 activities and vocational rehabilitation services
23 can enable individuals with disabilities, includ-
24 ing individuals with the most significant disabili-
25 ties, to pursue meaningful careers by securing

1 gainful employment commensurate with their
2 abilities and capabilities; and

3 “(G) linkages between the vocational reha-
4 bilitation programs established under this title
5 and other components of the statewide work-
6 force investment system are critical to ensure
7 effective and meaningful participation by indi-
8 viduals with disabilities in workforce investment
9 activities.

10 “(2) PURPOSE.—The purpose of this title is to
11 assist States in operating statewide comprehensive,
12 coordinated, effective, efficient, and accountable pro-
13 grams of vocational rehabilitation, each of which
14 is—

15 “(A) an integral part of a statewide work-
16 force investment system; and

17 “(B) designed to assess, plan, develop, and
18 provide vocational rehabilitation services for in-
19 dividuals with disabilities, consistent with their
20 strengths, resources, priorities, concerns, abili-
21 ties, capabilities, interests, and informed choice,
22 so that such individuals may prepare for and
23 engage in gainful employment.

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

4 “(A) Individuals with disabilities, including
5 individuals with the most significant disabilities,
6 are generally presumed to be capable of engag-
7 ing in gainful employment and the provision of
8 individualized vocational rehabilitation services
9 can improve their ability to become gainfully
10 employed.

11 “(B) Individuals with disabilities must be
12 provided the opportunities to obtain gainful em-
13 ployment in integrated settings.

14 “(C) Individuals who are applicants for
15 such programs or eligible to participate in such
16 programs must be active and full partners, in
17 collaboration with qualified vocational rehabili-
18 tation professionals, in the vocational rehabilita-
19 tion process, making meaningful and informed
20 choices—

21 “(i) during assessments for determin-
22 ing eligibility and vocational rehabilitation
23 needs; and

24 “(ii) in the selection of employment
25 outcomes for the individuals, services need-

1 ed to achieve the outcomes, entities provid-
2 ing such services, and the methods used to
3 secure such services.

4 “(D) Families and other natural supports
5 can play important roles in the success of a vo-
6 cational rehabilitation program, if the individual
7 with a disability involved requests, desires, or
8 needs such supports.

9 “(E) Vocational rehabilitation counselors
10 that are trained and prepared in accordance
11 with State policies and procedures as described
12 in section 101(a)(7)(A)(iii) (referred to individ-
13 ually in this title as a ‘qualified vocational reha-
14 bilitation counselor’), other qualified rehabilita-
15 tion personnel, and other qualified personnel fa-
16 cilitate the accomplishment of the employment
17 outcomes and objectives of an individual.

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

24 “(G) Accountability measures must facili-
25 tate the accomplishment of the goals and objec-

1 tives of the program, including providing voca-
2 tional rehabilitation services to, among others,
3 individuals with the most significant disabilities.

4 “(b) AUTHORIZATION OF APPROPRIATIONS.—

5 “(1) IN GENERAL.—For the purpose of making
6 grants to States under part B to assist States in
7 meeting the costs of vocational rehabilitation services
8 provided in accordance with State plans under sec-
9 tion 101, there are authorized to be appropriated
10 such sums as may be necessary for fiscal years 1998
11 through 2004, except that the amount to be appro-
12 priated for a fiscal year shall not be less than the
13 amount of the appropriation under this paragraph
14 for the immediately preceding fiscal year, increased
15 by the percentage change in the Consumer Price
16 Index determined under subsection (c) for the imme-
17 diately preceding fiscal year.

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

21 “(c) CONSUMER PRICE INDEX.—

22 “(1) PERCENTAGE CHANGE.—No later than
23 November 15 of each fiscal year (beginning with fis-
24 cal year 1979), the Secretary of Labor shall publish
25 in the Federal Register the percentage change in the

1 Consumer Price Index published for October of the
2 preceding fiscal year and October of the fiscal year
3 in which such publication is made.

4 “(2) APPLICATION.—

5 “(A) INCREASE.—If in any fiscal year the
6 percentage change published under paragraph
7 (1) indicates an increase in the Consumer Price
8 Index, then the amount to be appropriated
9 under subsection (b)(1) for the subsequent fis-
10 cal year shall be at least the amount appro-
11 priated under subsection (b)(1) for the fiscal
12 year in which the publication is made under
13 paragraph (1) increased by such percentage
14 change.

15 “(B) NO INCREASE OR DECREASE.—If in
16 any fiscal year the percentage change published
17 under paragraph (1) does not indicate an in-
18 crease in the Consumer Price Index, then the
19 amount to be appropriated under subsection
20 (b)(1) for the subsequent fiscal year shall be at
21 least the amount appropriated under subsection
22 (b)(1) for the fiscal year in which the publica-
23 tion is made under paragraph (1).

24 “(3) DEFINITION.—For purposes of this sec-
25 tion, the term ‘Consumer Price Index’ means the

1 Consumer Price Index for All Urban Consumers,
2 published monthly by the Bureau of Labor Statis-
3 tics.

4 “(d) EXTENSION.—

5 “(1) IN GENERAL.—

6 “(A) AUTHORIZATION OR DURATION OF
7 PROGRAM.—Unless the Congress in the regular
8 session which ends prior to the beginning of the
9 terminal fiscal year—

10 “(i) of the authorization of appropria-
11 tions for the program authorized by the
12 State grant program under part B of this
13 title; or

14 “(ii) of the duration of the program
15 authorized by the State grant program
16 under part B of this title;

17 has passed legislation which would have the ef-
18 fect of extending the authorization or duration
19 (as the case may be) of such program, such au-
20 thorization or duration is automatically ex-
21 tended for 1 additional year for the program
22 authorized by this title.

23 “(B) CALCULATION.—The amount author-
24 ized to be appropriated for the additional fiscal
25 year described in subparagraph (A) shall be an

1 amount equal to the amount appropriated for
2 such program for fiscal year 2004, increased by
3 the percentage change in the Consumer Price
4 Index determined under subsection (c) for the
5 immediately preceding fiscal year, if the per-
6 centage change indicates an increase.

7 “(2) CONSTRUCTION.—

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

12 “(B) ACTS OR DETERMINATIONS OF COM-
13 MISSIONER.—In any case where the Commis-
14 sioner is required under an applicable statute to
15 carry out certain acts or make certain deter-
16 minations which are necessary for the continu-
17 ation of the program authorized by this title, if
18 such acts or determinations are required during
19 the terminal year of such program, such acts
20 and determinations shall be required during any
21 fiscal year in which the extension described in
22 that part of paragraph (1) that follows clause
23 (ii) of paragraph (1)(A) is in effect.

24 **“SEC. 101. STATE PLANS.**

25 “(a) PLAN REQUIREMENTS.—

1 “(1) IN GENERAL.—

2 “(A) SUBMISSION.—To be eligible to par-
3 ticipate in programs under this title, a State
4 shall submit to the Commissioner a State plan
5 for vocational rehabilitation services that meets
6 the requirements of this section, on the same
7 date that the State submits a State plan under
8 section 304 of the Workforce Investment Part-
9 nership Act of 1998.

10 “(B) NONDUPLICATION.—The State shall
11 not be required to submit, in the State plan for
12 vocational rehabilitation services, policies, pro-
13 cedures, or descriptions required under this title
14 that have been previously submitted to the
15 Commissioner and that demonstrate that such
16 State meets the requirements of this title, in-
17 cluding any policies, procedures, or descriptions
18 submitted under this title as in effect on the
19 day before the effective date of the Rehabilita-
20 tion Act Amendments of 1998.

21 “(C) DURATION.—The State plan shall re-
22 main in effect subject to the submission of such
23 modifications as the State determines to be nec-
24 essary or as the Commissioner may require
25 based on a change in State policy, a change in

1 Federal law (including regulations), an inter-
2 pretation of this Act by a Federal court or the
3 highest court of the State, or a finding by the
4 Commissioner of State noncompliance with the
5 requirements of this Act, until the State sub-
6 mits and receives approval of a new State plan.

7 “(2) DESIGNATED STATE AGENCY; DESIGNATED
8 STATE UNIT.—

9 “(A) DESIGNATED STATE AGENCY.—The
10 State plan shall designate a State agency as the
11 sole State agency to administer the plan, or to
12 supervise the administration of the plan by a
13 local agency, except that—

14 “(i) where, under State law, the State
15 agency for individuals who are blind or an-
16 other agency that provides assistance or
17 services to adults who are blind is author-
18 ized to provide vocational rehabilitation
19 services to individuals who are blind, that
20 agency may be designated as the sole State
21 agency to administer the part of the plan
22 under which vocational rehabilitation serv-
23 ices are provided for individuals who are
24 blind (or to supervise the administration of
25 such part by a local agency) and a sepa-

1 rate State agency may be designated as
2 the sole State agency to administer or su-
3 pervise the administration of the rest of
4 the State plan;

5 “(ii) the Commissioner, on the request
6 of a State, may authorize the designated
7 State agency to share funding and admin-
8 istrative responsibility with another agency
9 of the State or with a local agency in order
10 to permit the agencies to carry out a joint
11 program to provide services to individuals
12 with disabilities, and may waive compli-
13 ance, with respect to vocational rehabilita-
14 tion services furnished under the joint pro-
15 gram, with the requirement of paragraph
16 (4) that the plan be in effect in all political
17 subdivisions of the State; and

18 “(iii) in the case of American Samoa,
19 the appropriate State agency shall be the
20 Governor of American Samoa.

21 “(B) DESIGNATED STATE UNIT.—The
22 State agency designated under subparagraph
23 (A) shall be—

24 “(i) a State agency primarily con-
25 cerned with vocational rehabilitation, or vo-

1 cational and other rehabilitation, of indi-
2 viduals with disabilities; or

3 “(ii) if not such an agency, the State
4 agency (or each State agency if 2 are so
5 designated) shall include a vocational reha-
6 bilitation bureau, division, or other organi-
7 zational unit that—

8 “(I) is primarily concerned with
9 vocational rehabilitation, or vocational
10 and other rehabilitation, of individuals
11 with disabilities, and is responsible for
12 the vocational rehabilitation program
13 of the designated State agency;

14 “(II) has a full-time director;

15 “(III) has a staff employed on
16 the rehabilitation work of the organi-
17 zational unit all or substantially all of
18 whom are employed full time on such
19 work; and

20 “(IV) is located at an organiza-
21 tional level and has an organizational
22 status within the designated State
23 agency comparable to that of other
24 major organizational units of the des-
25 igned State agency.

1 “(C) RESPONSIBILITY FOR SERVICES FOR
2 THE BLIND.—If the State has designated only
3 1 State agency pursuant to subparagraph (A),
4 the State may assign responsibility for the part
5 of the plan under which vocational rehabilita-
6 tion services are provided for individuals who
7 are blind to an organizational unit of the des-
8 ignated State agency and assign responsibility
9 for the rest of the plan to another organiza-
10 tional unit of the designated State agency, with
11 the provisions of subparagraph (B) applying
12 separately to each of the designated State units.

13 “(3) NON-FEDERAL SHARE.—The State plan
14 shall provide for financial participation by the State,
15 or if the State so elects, by the State and local agen-
16 cies, to provide the amount of the non-Federal share
17 of the cost of carrying out part B.

18 “(4) STATEWIDENESS.—The State plan shall
19 provide that the plan shall be in effect in all political
20 subdivisions of the State, except that in the case of
21 any activity that, in the judgment of the Commis-
22 sioner, is likely to assist in promoting the vocational
23 rehabilitation of substantially larger numbers of in-
24 dividuals with disabilities or groups of individuals
25 with disabilities, the Commissioner may waive com-

1 pliance with the requirement that the plan be in ef-
2 fect in all political subdivisions of the State to the
3 extent and for such period as may be provided in
4 accordance with regulations prescribed by the Com-
5 missioner. The Commissioner may waive compliance
6 with the requirement only if the non-Federal share
7 of the cost of the vocational rehabilitation services
8 is provided from funds made available by a local
9 agency (including, to the extent permitted by such
10 regulations, funds contributed to such agency by a
11 private agency, organization, or individual).

12 “(5) ORDER OF SELECTION FOR VOCATIONAL
13 REHABILITATION SERVICES.—In the event that voca-
14 tional rehabilitation services cannot be provided to
15 all eligible individuals with disabilities in the State
16 who apply for the services, the State plan shall—

17 “(A) show the order to be followed in se-
18 lecting eligible individuals to be provided voca-
19 tional rehabilitation services;

20 “(B) provide the justification for the order
21 of selection;

22 “(C) include an assurance that, in accord-
23 ance with criteria established by the State for
24 the order of selection, individuals with the most
25 significant disabilities will be selected first for

1 the provision of vocational rehabilitation serv-
2 ices; and

3 “(D) provide that eligible individuals, who
4 do not meet the order of selection criteria, shall
5 have access to services provided through the in-
6 formation and referral system implemented
7 under paragraph (20).

8 “(6) METHODS FOR ADMINISTRATION.—

9 “(A) IN GENERAL.—The State plan shall
10 provide for such methods of administration as
11 are found by the Commissioner to be necessary
12 for the proper and efficient administration of
13 the plan.

14 “(B) EMPLOYMENT OF INDIVIDUALS WITH
15 DISABILITIES.—The State plan shall provide
16 that the designated State agency, and entities
17 carrying out community rehabilitation programs
18 in the State, who are in receipt of assistance
19 under this title shall take affirmative action to
20 employ and advance in employment qualified in-
21 dividuals with disabilities covered under, and on
22 the same terms and conditions as set forth in,
23 section 503.

24 “(C) PERSONNEL AND PROGRAM STAND-
25 ARDS FOR COMMUNITY REHABILITATION PRO-

1 GRAMS.—The State plan shall provide that the
2 designated State unit shall establish, maintain,
3 and implement minimum standards for commu-
4 nity rehabilitation programs providing services
5 to individuals under this title, including—

6 “(i) standards—

7 “(I) governing community reha-
8 bilitation programs and qualified per-
9 sonnel utilized for the provision of vo-
10 cational rehabilitation services
11 through such programs; and

12 “(II) providing, to the extent
13 that providers of vocational rehabilita-
14 tion services utilize personnel who do
15 not meet the highest requirements in
16 the State applicable to a particular
17 profession or discipline, that the pro-
18 viders shall take steps to ensure the
19 retraining or hiring of personnel so
20 that such personnel meet appropriate
21 professional standards in the State;
22 and

23 “(ii) minimum standards to ensure
24 the availability of personnel, to the maxi-
25 mum extent feasible, trained to commu-

1 nicate in the native language or mode of
2 communication of an individual receiving
3 services through such programs.

4 “(D) FACILITIES.—The State plan shall
5 provide that facilities used in connection with
6 the delivery of services assisted under the State
7 plan shall comply with the Act entitled ‘An Act
8 to insure that certain buildings financed with
9 Federal funds are so designed and constructed
10 as to be accessible to the physically handi-
11 capped’, approved on August 12, 1968 (com-
12 monly known as the ‘Architectural Barriers Act
13 of 1968’), with section 504, and with the Amer-
14 icans with Disabilities Act of 1990.

15 “(7) COMPREHENSIVE SYSTEM OF PERSONNEL
16 DEVELOPMENT.—The State plan shall include—

17 “(A) a description, consistent with the pur-
18 poses of this Act, of a comprehensive system of
19 personnel development for personnel involved in
20 carrying out this title, which, at a minimum,
21 shall consist of—

22 “(i) a description of the procedures
23 and activities the designated State agency
24 will implement and undertake to address
25 the current and projected needs for person-

1 nel, and training needs of such personnel,
2 in the designated State unit to ensure that
3 the personnel are adequately trained and
4 prepared;

5 “(ii) a plan to coordinate and facili-
6 tate efforts between the designated State
7 unit and institutions of higher education
8 and professional associations to recruit,
9 prepare, and retain qualified personnel, in-
10 cluding personnel from culturally or lin-
11 guistically diverse backgrounds, and per-
12 sonnel that include individuals with disabil-
13 ities;

14 “(iii) a description of policies and pro-
15 cedures on the establishment and mainte-
16 nance of reasonable standards to ensure
17 that personnel, including professionals and
18 paraprofessionals, are adequately trained
19 and prepared, including—

20 “(I) standards that are consist-
21 ent with any national or State ap-
22 proved or recognized certification, li-
23 censing, registration, or other com-
24 parable requirements that apply to the
25 area in which such personnel are pro-

1 viding vocational rehabilitation serv-
2 ices; and

3 “(II) to the extent that such
4 standards are not based on the high-
5 est requirements in the State applica-
6 ble to a particular profession or dis-
7 cipline, the steps the State will take to
8 ensure the retraining or hiring of per-
9 sonnel within the designated State
10 unit so that such personnel meet ap-
11 propriate professional standards in
12 the State;

13 “(iv) a description of a system for
14 evaluating the performance of vocational
15 rehabilitation counselors, coordinators, and
16 other personnel used in the State, includ-
17 ing a description of how the system facili-
18 tates the accomplishment of the purpose
19 and policy of this title, including the policy
20 of serving individuals with the most signifi-
21 cant disabilities;

22 “(v) a description of standards to en-
23 sure the availability of personnel within the
24 designated State unit who are, to the max-
25 imum extent feasible, trained to commu-

1 nicate in the native language or mode of
2 communication of an applicant or eligible
3 individual; and

4 “(vi) a detailed description, including
5 a budget, of how the funds reserved under
6 subparagraph (B) will be expended to
7 carry out the comprehensive system for
8 personnel development, including the provi-
9 sion of in-service training for personnel of
10 the designated State unit;

11 “(B) assurances that—

12 “(i) at a minimum, the State will re-
13 serve from the allotment made to the State
14 under section 110 an amount to carry out
15 the comprehensive system of personnel de-
16 velopment, including the provision of in-
17 service training for personnel of the des-
18 ignated State unit;

19 “(ii) for fiscal year 1999, the amount
20 reserved will be equal to the amount of the
21 funds the State received for fiscal year
22 1998 to provide in-service training under
23 section 302, or for any State that did not
24 receive those funds for fiscal year 1998, an

1 amount determined by the Commissioner;
2 and

3 “(iii) for each subsequent year, the
4 amount reserved under this subparagraph
5 will be equal to the amount reserved under
6 this subparagraph for the previous fiscal
7 year, increased by the percentage change
8 in the Consumer Price Index published
9 under section 100(c) in such previous fiscal
10 year, if the percentage change indicates an
11 increase; and

12 “(C) an assurance that the standards
13 adopted by a State in accordance with subpara-
14 graph (A)(iii) shall not permit discrimination on
15 the basis of disability with regard to training
16 and hiring.

17 “(8) COMPARABLE SERVICES AND BENEFITS.—

18 “(A) DETERMINATION OF AVAILABILITY.—

19 “(i) IN GENERAL.—The State plan
20 shall include an assurance that, prior to
21 providing any vocational rehabilitation
22 service to an eligible individual, except
23 those services specified in paragraph
24 (5)(D) and in paragraphs (1) through (4)
25 and (14) of section 103(a), the designated

1 State unit will determine whether com-
2 parable services and benefits are available
3 under any other program (other than a
4 program carried out under this title) un-
5 less such a determination would interrupt
6 or delay—

7 “(I) the progress of the individ-
8 ual toward achieving the employment
9 outcome identified in the individual-
10 ized rehabilitation employment plan of
11 the individual in accordance with sec-
12 tion 102(b); or

13 “(II) the provision of such service
14 to any individual at extreme medical
15 risk.

16 “(ii) AWARDS AND SCHOLARSHIPS.—
17 For purposes of clause (i), comparable
18 benefits do not include awards and scholar-
19 ships based on merit.

20 “(B) INTERAGENCY AGREEMENT.—The
21 State plan shall include an assurance that the
22 Chief Executive Officer of the State or the des-
23 ignee of such officer will ensure that an inter-
24 agency agreement or other mechanism for inter-
25 agency coordination takes effect between any

1 appropriate public entity, including a compo-
2 nent of the statewide workforce investment sys-
3 tem, and the designated State unit, in order to
4 ensure the provision of vocational rehabilitation
5 services described in subparagraph (A) (other
6 than those services specified in paragraph
7 (5)(D), and in paragraphs (1) through (4) and
8 (14) of section 103(a)), that are included in the
9 individualized rehabilitation employment plan of
10 an eligible individual, including the provision of
11 such vocational rehabilitation services during
12 the pendency of any dispute described in clause
13 (iii). Such agreement or mechanism shall in-
14 clude the following:

15 “(i) AGENCY FINANCIAL RESPON-
16 SIBILITY.—An identification of, or a de-
17 scription of a method for defining, the fi-
18 nancial responsibility of such public entity
19 for providing such services, and a provision
20 stating that the financial responsibility of
21 such public entity for providing such serv-
22 ices, including the financial responsibility
23 of the State agency responsible for admin-
24 istering the medicaid program under title
25 XIX of the Social Security Act (42 U.S.C.

1 1396 et seq.), other public agencies, and
2 public institutions of higher education,
3 shall precede the financial responsibility of
4 the designated State unit especially with
5 regard to the provision of auxiliary aids
6 and services to the maximum extent al-
7 lowed by law.

8 “(ii) CONDITIONS, TERMS, AND PRO-
9 CEDURES OF REIMBURSEMENT.—Informa-
10 tion specifying the conditions, terms, and
11 procedures under which a designated State
12 unit shall pursue and obtain reimburse-
13 ment by other public agencies for providing
14 such services.

15 “(iii) INTERAGENCY DISPUTES.—In-
16 formation specifying procedures for resolv-
17 ing interagency disputes under the agree-
18 ment or other mechanism (including proce-
19 dures under which the designated State
20 unit may initiate proceedings to secure re-
21 imbursement from other agencies or other-
22 wise implement the provisions of the agree-
23 ment or mechanism).

24 “(iv) COORDINATION OF SERVICES
25 PROCEDURES.—Information specifying

1 policies and procedures for agencies to de-
2 termine and identify the interagency co-
3 ordination responsibilities of each agency
4 to promote the coordination and timely de-
5 livery of vocational rehabilitation services
6 (except those services specified in para-
7 graph (5)(D) and in paragraphs (1)
8 through (4) and (14) of section 103(a)).

9 “(C) RESPONSIBILITIES OF OTHER AGEN-
10 CIES.—

11 “(i) RESPONSIBILITIES UNDER OTHER
12 LAW.—Notwithstanding subparagraph (B),
13 if any public agency other than a des-
14 ignated State unit is obligated under Fed-
15 eral or State law, or assigned responsibility
16 under State policy or under this para-
17 graph, to provide or pay for any services
18 that are also considered to be vocational
19 rehabilitation services (other than those
20 specified in paragraph (5)(D) and in para-
21 graphs (1) through (4) and (14) of section
22 103(a)), such public agency shall fulfill
23 that obligation or responsibility, either di-
24 rectly or by contract or other arrangement.

1 “(ii) REIMBURSEMENT.—In a case in
2 which a public agency other than the des-
3 ignated State unit fails to fulfill the finan-
4 cial responsibility of the agency described
5 in this paragraph to provide services de-
6 scribed in clause (i), the designated State
7 unit may claim reimbursement from such
8 public agency for such services. Such pub-
9 lic agency shall reimburse the designated
10 State unit pursuant to the terms of the
11 interagency agreement or other mechanism
12 in effect under this paragraph according to
13 the procedures established pursuant to
14 subparagraph (B)(ii).

15 “(D) METHODS.—The Chief Executive Of-
16 ficer of a State may meet the requirements of
17 subparagraph (B) through—

18 “(i) a State statute or regulation;

19 “(ii) a signed agreement between the
20 respective agency officials that clearly iden-
21 tifies the responsibilities of each agency re-
22 lating to the provision of services; or

23 “(iii) another appropriate method, as
24 determined by the designated State unit.

1 “(9) INDIVIDUALIZED REHABILITATION EM-
2 PLOYMENT PLAN.—

3 “(A) DEVELOPMENT AND IMPLEMENTA-
4 TION.—The State plan shall include an assur-
5 ance that an individualized rehabilitation em-
6 ployment plan meeting the requirements of sec-
7 tion 102(b) will be developed and implemented
8 in a timely manner for an individual subsequent
9 to the determination of the eligibility of the in-
10 dividual for services under this title, except that
11 in a State operating under an order of selection
12 described in paragraph (5), the plan will be de-
13 veloped and implemented only for individuals
14 meeting the order of selection criteria of the
15 State.

16 “(B) PROVISION OF SERVICES.—The State
17 plan shall include an assurance that such serv-
18 ices will be provided in accordance with the pro-
19 visions of the individualized rehabilitation em-
20 ployment plan.

21 “(10) REPORTING REQUIREMENTS.—

22 “(A) IN GENERAL.—The State plan shall
23 include an assurance that the designated State
24 agency will submit reports in the form and level
25 of detail and at the time required by the Com-

1 missioner regarding applicants for, and eligible
2 individuals receiving, services under this title.

3 “(B) ANNUAL REPORTING.—In specifying
4 the information to be submitted in the reports,
5 the Commissioner shall require annual report-
6 ing on the eligible individuals receiving the serv-
7 ices, on those specific data elements described
8 in section 321(d)(2) of the Workforce Invest-
9 ment Partnership Act of 1998 that are deter-
10 mined by the Secretary to be relevant in assess-
11 ing the performance of designated State units
12 in carrying out the vocational rehabilitation
13 program established under this title.

14 “(C) ADDITIONAL DATA.—In specifying
15 the information required to be submitted in the
16 reports, the Commissioner shall require addi-
17 tional data with regard to applicants and eligi-
18 ble individuals related to—

19 “(i) the number of applicants and the
20 number of individuals determined to be eli-
21 gible or ineligible for the program carried
22 out under this title, including—

23 “(I) the number of individuals
24 determined to be ineligible because
25 they did not require vocational reha-

1 bilitation services, as provided in sec-
2 tion 102(a); and

3 “(II) the number of individuals
4 determined, on the basis of clear and
5 convincing evidence, to be too severely
6 disabled to benefit in terms of an em-
7 ployment outcome from vocational re-
8 habilitation services;

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

12 “(I) the number who received
13 services under paragraph (5)(D), but
14 not assistance under an individualized
15 rehabilitation employment plan; and

16 “(II) the number who received
17 assistance under an individualized re-
18 habilitation employment plan consist-
19 ent with section 102(b);

20 “(iii) the number of individuals receiv-
21 ing public assistance and the amount of
22 the public assistance on the date of appli-
23 cation and on the last date of participation
24 in the program carried out under this title;

1 “(iv) the number of individuals with
2 disabilities who ended their participation in
3 the program and the number who achieved
4 employment outcomes after receiving voca-
5 tional rehabilitation services; and

6 “(v) the number of individuals who
7 ended their participation in the program
8 and who were employed 6 months and 12
9 months after securing or regaining employ-
10 ment, or, in the case of individuals whose
11 employment outcome was to retain or ad-
12 vance in employment, who were employed
13 6 months and 12 months after achieving
14 their employment outcome, including—

15 “(I) the number of such individ-
16 uals who earned the minimum wage
17 rate specified in section 6(a)(1) of the
18 Fair Labor Standards Act of 1938
19 (29 U.S.C. 206(a)(1)) or another
20 wage level set by the Commissioner,
21 during such employment;

22 “(II) the number of such individ-
23 uals who received employment benefits
24 from an employer during such employ-
25 ment; and

1 “(III) the number of such indi-
2 viduals whose public assistance was
3 terminated or reduced after such par-
4 ticipation;

5 “(D) COSTS AND RESULTS.—The Commis-
6 sioner shall also require that the designated
7 State agency include in the reports information
8 on—

9 “(i) the costs under this title of con-
10 ducting administration, providing assess-
11 ment services, counseling and guidance,
12 and other direct services provided by des-
13 ignated State agency staff, providing serv-
14 ices purchased under individualized reha-
15 bilitation employment plans, supporting
16 small business enterprises, establishing, de-
17 veloping, and improving community reha-
18 bilitation programs, and providing other
19 services to groups; and

20 “(ii) the results of annual evaluation
21 by the State of program effectiveness
22 under paragraph (15)(E).

23 “(E) ADDITIONAL INFORMATION.—The
24 Commissioner shall require that each des-
25 ignated State unit include in the reports addi-

1 tional information related to the applicants and
2 eligible individuals, obtained either through a
3 complete count or sampling, including—

4 “(i) information on—

5 “(I) age, gender, race, ethnicity,
6 education, type of impairment, sever-
7 ity of disability, and whether the indi-
8 viduals are students described in
9 clause (i) or (ii)(II) of paragraph
10 (11)(D);

11 “(II) dates of application, deter-
12 mination of eligibility or ineligibility,
13 initiation of the individualized reha-
14 bilitation employment plan, and termi-
15 nation of participation in the pro-
16 gram;

17 “(III) earnings at the time of ap-
18 plication for the program and termi-
19 nation of participation in the pro-
20 gram;

21 “(IV) work status and occupa-
22 tion;

23 “(V) types of services, including
24 assistive technology services and as-

1 sistive technology devices, provided
2 under the program;

3 “(VI) types of public or private
4 programs or agencies that furnished
5 services under the program; and

6 “(VII) the reasons for individuals
7 terminating participation in the pro-
8 gram without achieving an employ-
9 ment outcome; and

10 “(ii) information necessary to deter-
11 mine the success of the State in meeting—

12 “(I) the State performance meas-
13 ures established under section 321(b)
14 of the Workforce Investment Partner-
15 ship Act of 1998 to the extent the
16 measures are applicable to individuals
17 with disabilities; and

18 “(II) the standards and indica-
19 tors established pursuant to section
20 106.

21 “(F) COMPLETENESS AND CONFIDENTIAL-
22 ITY.—The State plan shall include an assurance
23 that the information submitted in the reports
24 will include a complete count, except as pro-
25 vided in subparagraph (E), of the applicants

1 and eligible individuals, in a manner permitting
 2 the greatest possible cross-classification of data
 3 and that the identity of each individual for
 4 which information is supplied under this para-
 5 graph will be kept confidential.

6 “(11) COOPERATION, COLLABORATION, AND CO-
 7 ORDINATION.—

8 “(A) COOPERATIVE AGREEMENTS WITH
 9 OTHER COMPONENTS OF STATEWIDE WORK-
 10 FORCE INVESTMENT SYSTEMS.—The State plan
 11 shall provide that the designated State unit or
 12 designated State agency shall enter into a coop-
 13 erative agreement with other entities that are
 14 components of the statewide workforce invest-
 15 ment system of the State, regarding the system,
 16 which agreement may provide for—

17 “(i) provision of intercomponent staff
 18 training and technical assistance with re-
 19 gard to—

20 “(I) the availability and benefits
 21 of, and eligibility standards for, voca-
 22 tional rehabilitation services; and

23 “(II) the promotion of equal, ef-
 24 fective, and meaningful participation
 25 by individuals with disabilities in

1 workforce investment activities in the
2 State through the promotion of pro-
3 gram accessibility, the use of non-
4 discriminatory policies and proce-
5 dures, and the provision of reasonable
6 accommodations, auxiliary aids and
7 services, and rehabilitation technology,
8 for individuals with disabilities;

9 “(ii) use of information and financial
10 management systems that link all compo-
11 nents of the statewide workforce invest-
12 ment system, that link the components to
13 other electronic networks, including non-
14 visual electronic networks, and that relate
15 to such subjects as labor market informa-
16 tion, and information on job vacancies, ca-
17 reer planning, and workforce investment
18 activities;

19 “(iii) use of customer service features
20 such as common intake and referral proce-
21 dures, customer databases, resource infor-
22 mation, and human services hotlines;

23 “(iv) establishment of cooperative ef-
24 forts with employers to—

25 “(I) facilitate job placement; and

1 “(II) carry out any other activi-
2 ties that the designated State unit
3 and the employers determine to be ap-
4 propriate;

5 “(v) identification of staff roles, re-
6 sponsibilities, and available resources, and
7 specification of the financial responsibility
8 of each component of the statewide work-
9 force investment system with regard to
10 paying for necessary services (consistent
11 with State law and Federal requirements);
12 and

13 “(vi) specification of procedures for
14 resolving disputes among such components.

15 “(B) REPLICATION OF COOPERATIVE
16 AGREEMENTS.—The State plan shall provide
17 for the replication of such cooperative agree-
18 ments at the local level between individual of-
19 fices of the designated State unit and local enti-
20 ties carrying out activities through the state-
21 wide workforce investment system.

22 “(C) INTERAGENCY COOPERATION WITH
23 OTHER AGENCIES.—The State plan shall in-
24 clude descriptions of interagency cooperation
25 with, and utilization of the services and facili-

1 ties of, the Federal, State, and local agencies
2 and programs that are not carrying out activi-
3 ties through the statewide workforce investment
4 system.

5 “(D) COORDINATION WITH EDUCATION OF-
6 FICIALS.—The State plan shall contain plans,
7 policies, and procedures for coordination be-
8 tween the designated State agency and edu-
9 cation officials that are designed to facilitate
10 the transition of students who are individuals
11 with disabilities described in section 7(20)(B)
12 from the receipt of educational services in
13 school to the receipt of vocational rehabilitation
14 services under this title, including information
15 on a formal interagency agreement with the
16 State educational agency that, at a minimum,
17 provides for—

18 “(i) consultation and technical assist-
19 ance to assist educational agencies in plan-
20 ning for the transition of students who are
21 individuals with disabilities described in
22 section 7(20)(B) from school to post-school
23 activities, including vocational rehabilita-
24 tion services;

1 “(ii)(I) transition planning by person-
2 nel of the designated State agency and
3 educational agency personnel for students
4 with disabilities described in clause (i) that
5 facilitates the development and completion
6 of their individualized education programs
7 under section 614(d) of the Individuals
8 with Disabilities Education Act (as added
9 by section 101 of Public Law 105–17); and

10 “(II) transition planning and services
11 for students who are eligible to receive
12 services under this title and who will be
13 exiting school in the school year in which
14 the planning and services are provided;

15 “(iii) the roles and responsibilities, in-
16 cluding financial responsibilities, of each
17 agency, including provisions for determin-
18 ing State lead agencies and qualified per-
19 sonnel responsible for the transition serv-
20 ices described in clause (ii)(II); and

21 “(iv) procedures for outreach to and
22 identification of students with disabilities
23 described in clause (ii)(II) who need the
24 transition services.

1 “(E) COORDINATION WITH STATEWIDE
2 INDEPENDENT LIVING COUNCILS AND INDE-
3 PENDENT LIVING CENTERS.—The State plan
4 shall include an assurance that the designated
5 State unit, the Statewide Independent Living
6 Council established under section 705, and the
7 independent living centers described in part C
8 of title VII within the State have developed
9 working relationships and coordinate their ac-
10 tivities.

11 “(F) COOPERATIVE AGREEMENT WITH RE-
12 CIPIENTS OF GRANTS FOR SERVICES TO AMER-
13 ICAN INDIANS.—In applicable cases, the State
14 plan shall include an assurance that the State
15 has entered into a formal cooperative agreement
16 with each grant recipient in the State that re-
17 ceives funds under part C. The agreement shall
18 describe strategies for collaboration and coordi-
19 nation in providing vocational rehabilitation
20 services to American Indians who are individ-
21 uals with disabilities, including—

22 “(i) strategies for interagency referral
23 and information sharing that will assist in
24 eligibility determinations and the develop-

1 ment of individualized rehabilitation em-
2 ployment plans;

3 “(ii) procedures for ensuring that
4 American Indians who are individuals with
5 disabilities and are living near a reserva-
6 tion or tribal service area are provided vo-
7 cational rehabilitation services; and

8 “(iii) provisions for sharing resources
9 in cooperative studies and assessments,
10 joint training activities, and other collabo-
11 rative activities designed to improve the
12 provision of services to American Indians
13 who are individuals with disabilities.

14 “(12) RESIDENCY.—The State plan shall in-
15 clude an assurance that the State will not impose a
16 residence requirement that excludes from services
17 provided under the plan any individual who is
18 present in the State.

19 “(13) SERVICES TO AMERICAN INDIANS.—The
20 State plan shall include an assurance that, except as
21 otherwise provided in part C, the designated State
22 agency will provide vocational rehabilitation services
23 to American Indians who are individuals with dis-
24 abilities residing in the State to the same extent as
25 the designated State agency provides such services

1 to other significant populations of individuals with
2 disabilities residing in the State.

3 “(14) ANNUAL REVIEW OF INDIVIDUALS IN EX-
4 TENDED EMPLOYMENT OR OTHER EMPLOYMENT
5 UNDER SPECIAL CERTIFICATE PROVISIONS OF THE
6 FAIR LABOR STANDARDS ACT OF 1938.—The State
7 plan shall provide for—

8 “(A) an annual review and reevaluation of
9 the status of each individual with a disability
10 served under this title who has achieved an em-
11 ployment outcome either in an extended em-
12 ployment setting in a community rehabilitation
13 program or any other employment under sec-
14 tion 14(c) of the Fair Labor Standards Act (29
15 U.S.C. 214(c)) for 2 years after the achieve-
16 ment of the outcome (and annually thereafter if
17 requested by the individual or, if appropriate,
18 the individual’s representative), to determine
19 the interests, priorities, and needs of the indi-
20 vidual with respect to competitive employment
21 or training for competitive employment;

22 “(B) input into the review and reevalua-
23 tion, and a signed acknowledgement that such
24 review and reevaluation have been conducted,

1 by the individual with a disability, or, if appro-
2 priate, the individual's representative; and

3 “(C) maximum efforts, including the iden-
4 tification and provision of vocational rehabilita-
5 tion services, reasonable accommodations, and
6 other necessary support services, to assist the
7 individuals described in subparagraph (A) in
8 engaging in competitive employment.

9 “(15) ANNUAL STATE GOALS AND REPORTS OF
10 PROGRESS.—

11 “(A) ASSESSMENTS AND ESTIMATES.—The
12 State plan shall—

13 “(i) include the results of a com-
14 prehensive, statewide assessment, jointly
15 conducted by the designated State unit and
16 the State Rehabilitation Council (if the
17 State has such a Council) every 3 years,
18 describing the rehabilitation needs of indi-
19 viduals with disabilities residing within the
20 State, particularly the vocational rehabili-
21 tation services needs of—

22 “(I) individuals with the most
23 significant disabilities, including their
24 need for supported employment serv-
25 ices;

1 “(II) individuals with disabilities
2 who are minorities and individuals
3 with disabilities who have been
4 unserved or underserved by the voca-
5 tional rehabilitation program carried
6 out under this title; and

7 “(III) individuals with disabilities
8 served through other components of
9 the statewide workforce investment
10 system (other than the vocational re-
11 habilitation program), as identified by
12 such individuals and personnel assist-
13 ing such individuals through the com-
14 ponents;

15 “(ii) include an assessment of the
16 need to establish, develop, or improve com-
17 munity rehabilitation programs within the
18 State; and

19 “(iii) provide that the State shall sub-
20 mit to the Commissioner a report contain-
21 ing information regarding updates to the
22 assessments, for any year in which the
23 State updates the assessments.

24 “(B) ANNUAL ESTIMATES.—The State
25 plan shall include, and shall provide that the

1 State shall annually submit a report to the
2 Commissioner that includes, State estimates
3 of—

4 “(i) the number of individuals in the
5 State who are eligible for services under
6 this title;

7 “(ii) the number of such individuals
8 who will receive services provided with
9 funds provided under part B and under
10 part C of title VI, including, if the des-
11 ignated State agency uses an order of se-
12 lection in accordance with paragraph (5),
13 estimates of the number of individuals to
14 be served under each priority category
15 within the order; and

16 “(iii) the costs of the services de-
17 scribed in clause (i), including, if the des-
18 ignated State agency uses an order of se-
19 lection in accordance with paragraph (5),
20 the service costs for each priority category
21 within the order.

22 “(C) GOALS AND PRIORITIES.—

23 “(i) IN GENERAL.—The State plan
24 shall identify the goals and priorities of the
25 State in carrying out the program. The

1 goals and priorities shall be jointly devel-
2 oped, agreed to, and reviewed annually by
3 the designated State unit and the State
4 Rehabilitation Council, if the State has
5 such a Council. Any revisions to the goals
6 and priorities shall be jointly agreed to by
7 the designated State unit and the State
8 Rehabilitation Council, if the State has
9 such a Council. The State plan shall pro-
10 vide that the State shall submit to the
11 Commissioner a report containing informa-
12 tion regarding revisions in the goals and
13 priorities, for any year in which the State
14 revises the goals and priorities.

15 “(ii) BASIS.—The State goals and pri-
16 orities shall be based on an analysis of—

17 “(I) the comprehensive assess-
18 ment described in subparagraph (A),
19 including any updates to the assess-
20 ment;

21 “(II) the performance of the
22 State on the standards and indicators
23 established under section 106; and

24 “(III) other available information
25 on the operation and the effectiveness

1 of the vocational rehabilitation pro-
2 gram carried out in the State, includ-
3 ing any reports received from the
4 State Rehabilitation Council, under
5 section 105(c) and the findings and
6 recommendations from monitoring ac-
7 tivities conducted under section 107.

8 “(iii) SERVICE AND OUTCOME GOALS
9 FOR CATEGORIES IN ORDER OF SELEC-
10 TION.—If the designated State agency uses
11 an order of selection in accordance with
12 paragraph (5), the State shall also identify
13 in the State plan service and outcome
14 goals and the time within which these
15 goals may be achieved for individuals in
16 each priority category within the order.

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

23 “(i) the methods to be used to expand
24 and improve services to individuals with
25 disabilities, including how a broad range of

1 assistive technology services and assistive
2 technology devices will be provided to such
3 individuals at each stage of the rehabilita-
4 tion process and how such services and de-
5 vices will be provided to such individuals
6 on a statewide basis;

7 “(ii) outreach procedures to identify
8 and serve individuals with disabilities who
9 are minorities and individuals with disabil-
10 ities who have been unserved or under-
11 served by the vocational rehabilitation pro-
12 gram;

13 “(iii) where necessary, the plan of the
14 State for establishing, developing, or im-
15 proving community rehabilitation pro-
16 grams;

17 “(iv) strategies to improve the per-
18 formance of the State with respect to the
19 evaluation standards and performance indi-
20 cators established pursuant to section 106;
21 and

22 “(v) strategies for assisting entities
23 carrying out other components of the
24 statewide workforce investment system
25 (other than the vocational rehabilitation

1 program) in assisting individuals with dis-
2 abilities.

3 “(E) EVALUATION AND REPORTS OF
4 PROGRESS.—The State plan shall—

5 “(i) include the results of an evalua-
6 tion of the effectiveness of the vocational
7 rehabilitation program, and a joint report
8 by the designated State unit and the State
9 Rehabilitation Council, if the State has
10 such a Council, to the Commissioner on
11 the progress made in improving the effec-
12 tiveness from the previous year, which
13 evaluation and report shall include—

14 “(I) an evaluation of the extent
15 to which the goals identified in sub-
16 paragraph (C) were achieved;

17 “(II) a description of strategies
18 that contributed to achieving the
19 goals;

20 “(III) to the extent to which the
21 goals were not achieved, a description
22 of the factors that impeded that
23 achievement; and

24 “(IV) an assessment of the per-
25 formance of the State on the stand-

1 ards and indicators established pursu-
2 ant to section 106; and

3 “(ii) provide that the designated State
4 unit and the State Rehabilitation Council,
5 if the State has such a Council, shall joint-
6 ly submit to the Commissioner an annual
7 report that contains the information de-
8 scribed in clause (i).

9 “(16) PUBLIC COMMENT.—The State plan
10 shall—

11 “(A) provide that the designated State
12 agency, prior to the adoption of any policies or
13 procedures governing the provision of vocational
14 rehabilitation services under the State plan (in-
15 cluding making any amendment to such policies
16 and procedures), shall conduct public meetings
17 throughout the State, after providing adequate
18 notice of the meetings, to provide the public, in-
19 cluding individuals with disabilities, an oppor-
20 tunity to comment on the policies or proce-
21 dures, and actively consult with the Director of
22 the client assistance program carried out under
23 section 112, and, as appropriate, Indian tribes,
24 tribal organizations, and Native Hawaiian orga-
25 nizations on the policies or procedures; and

1 “(B) provide that the designated State
2 agency (or each designated State agency if 2
3 agencies are designated) and any sole agency
4 administering the plan in a political subdivision
5 of the State, shall take into account, in connec-
6 tion with matters of general policy arising in
7 the administration of the plan, the views of—

8 “(i) individuals and groups of individ-
9 uals who are recipients of vocational reha-
10 bilitation services, or in appropriate cases,
11 the individuals’ representatives;

12 “(ii) personnel working in programs
13 that provide vocational rehabilitation serv-
14 ices to individuals with disabilities;

15 “(iii) providers of vocational rehabili-
16 tation services to individuals with disabil-
17 ities;

18 “(iv) the director of the client assist-
19 ance program; and

20 “(v) the State Rehabilitation Council,
21 if the State has such a Council.

22 “(17) PROHIBITION ON USE OF FUNDS FOR
23 CONSTRUCTION OF FACILITIES.—The State plan
24 shall contain an assurance that the State will not

1 use any funds made available under this title for the
2 construction of facilities.

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

4 “(A) include an assurance that the State
5 will reserve and use a portion of the funds allotted
6 to the State under section 110—

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

8 “(ii) to support the funding of—

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

10 “(II) the Statewide Independent Living Council, consistent with the

1 plan prepared under section
2 705(e)(1);

3 “(B) include a description of how the re-
4 served funds will be utilized; and

5 “(C) provide that the State shall submit to
6 the Commissioner an annual report containing
7 a description of how the reserved funds will be
8 utilized.

9 “(19) CHOICE.—The State plan shall include
10 an assurance that applicants and eligible individuals
11 or, as appropriate, the applicants’ representatives or
12 individuals’ representatives, will be provided infor-
13 mation and support services to assist the applicants
14 and individuals in exercising informed choice
15 throughout the rehabilitation process, consistent
16 with the provisions of section 102(d).

17 “(20) INFORMATION AND REFERRAL SERV-
18 ICES.—

19 “(A) IN GENERAL.—The State plan shall
20 include an assurance that the designated State
21 agency will implement an information and re-
22 ferral system adequate to ensure that individ-
23 uals with disabilities will be provided accurate
24 vocational rehabilitation information, using ap-
25 propriate modes of communication, to assist

1 such individuals in preparing for, securing, re-
2 taining, or regaining employment, and will be
3 appropriately referred to Federal and State pro-
4 grams (other than the vocational rehabilitation
5 program carried out under this title), including
6 other components of the statewide workforce in-
7 vestment system in the State.

8 “(B) SERVICES.—In providing activities
9 through the system established under subpara-
10 graph (A), the State may include services con-
11 sisting of the provision of individualized coun-
12 seling and guidance, individualized vocational
13 exploration, supervised job placement referrals,
14 and assistance in securing reasonable accom-
15 modations for eligible individuals who do not
16 meet the order of selection criteria used by the
17 State, to the extent that such services are not
18 purchased by the designated State unit.

19 “(21) STATE INDEPENDENT CONSUMER-CON-
20 TROLLED COMMISSION; STATE REHABILITATION
21 COUNCIL.—

22 “(A) COMMISSION OR COUNCIL.—The
23 State plan shall provide that either—

24 “(i) the designated State agency is an
25 independent commission that—

1 “(I) is responsible under State
2 law for operating, or overseeing the
3 operation of, the vocational rehabilita-
4 tion program in the State;

5 “(II) is consumer-controlled by
6 persons who—

7 “(aa) are individuals with
8 physical or mental impairments
9 that substantially limit major life
10 activities; and

11 “(bb) represent individuals
12 with a broad range of disabilities,
13 unless the designated State unit
14 under the direction of the com-
15 mission is the State agency for
16 individuals who are blind;

17 “(III) includes family members,
18 advocates, or other representatives, of
19 individuals with mental impairments;
20 and

21 “(IV) undertakes the functions
22 set forth in section 105(c)(4); or

23 “(ii) the State has established a State
24 Rehabilitation Council that meets the cri-

1 teria set forth in section 105 and the des-
2 ignated State unit—

3 “(I) in accordance with para-
4 graph (15), jointly develops, agrees to,
5 and reviews annually State goals and
6 priorities, and jointly submits annual
7 reports of progress with the Council;

8 “(II) regularly consults with the
9 Council regarding the development,
10 implementation, and revision of State
11 policies and procedures of general ap-
12 plicability pertaining to the provision
13 of vocational rehabilitation services;

14 “(III) includes in the State plan
15 and in any revision to the State plan,
16 a summary of input provided by the
17 Council, including recommendations
18 from the annual report of the Council
19 described in section 105(c)(5), the re-
20 view and analysis of consumer satis-
21 faction described in section 105(c)(4),
22 and other reports prepared by the
23 Council, and the response of the des-
24 ignated State unit to such input and
25 recommendations, including expla-

1 nations for rejecting any input or rec-
2 ommendation; and

3 “(IV) transmits to the Council—

4 “(aa) all plans, reports, and
5 other information required under
6 this title to be submitted to the
7 Secretary;

8 “(bb) all policies, and infor-
9 mation on all practices and pro-
10 cedures, of general applicability
11 provided to or used by rehabilita-
12 tion personnel in carrying out
13 this title; and

14 “(cc) copies of due process
15 hearing decisions issued under
16 this title, which shall be trans-
17 mitted in such a manner as to
18 ensure that the identity of the
19 participants in the hearings is
20 kept confidential.

21 “(B) MORE THAN 1 DESIGNATED STATE
22 AGENCY.—In the case of a State that, under
23 section 101(a)(2), designates a State agency to
24 administer the part of the State plan under
25 which vocational rehabilitation services are pro-

1 vided for individuals who are blind (or to super-
2 vise the administration of such part by a local
3 agency) and designates a separate State agency
4 to administer the rest of the State plan, the
5 State shall either establish a State Rehabilita-
6 tion Council for each of the 2 agencies that
7 does not meet the requirements in subpara-
8 graph (A)(i), or establish 1 State Rehabilitation
9 Council for both agencies if neither agency
10 meets the requirements of subparagraph (A)(i).

11 “(22) SUPPORTED EMPLOYMENT STATE PLAN
12 SUPPLEMENT.—The State plan shall include an as-
13 surance that the State has an acceptable plan for
14 carrying out part C of title VI, including the use of
15 funds under that part to supplement funds made
16 available under part B of this title to pay for the
17 cost of services leading to supported employment.

18 “(23) ELECTRONIC AND INFORMATION TECH-
19 NOLOGY REGULATIONS.—The State plan shall in-
20 clude an assurance that the State, and any recipient
21 or subrecipient of funds made available to the State
22 under this title—

23 “(A) will comply with the requirements of
24 section 508, including the regulations estab-
25 lished under that section; and

1 “(B) will designate an employee to coordi-
2 nate efforts to comply with section 508 and will
3 adopt grievance procedures that incorporate due
4 process standards and provide for the prompt
5 and equitable resolution of complaints concern-
6 ing such requirements.

7 “(24) ANNUAL UPDATES.—The plan shall in-
8 clude an assurance that the State will submit to the
9 Commissioner reports containing annual updates of
10 the information required under paragraph (7) (relat-
11 ing to a comprehensive system of personnel develop-
12 ment) and any other updates of the information re-
13 quired under this section that are requested by the
14 Commissioner, and annual reports as provided in
15 paragraphs (15) (relating to assessments, estimates,
16 goals and priorities, and reports of progress) and
17 (18) (relating to innovation and expansion), at such
18 time and in such manner as the Secretary may de-
19 termine to be appropriate.

20 “(b) APPROVAL; DISAPPROVAL OF THE STATE
21 PLAN.—

22 “(1) APPROVAL.—The Commissioner shall ap-
23 prove any plan that the Commissioner finds fulfills
24 the conditions specified in this section, and shall dis-

1 approve any plan that does not fulfill such condi-
2 tions.

3 “(2) DISAPPROVAL.—Prior to disapproval of
4 the State plan, the Commissioner shall notify the
5 State of the intention to disapprove the plan and
6 shall afford the State reasonable notice and oppor-
7 tunity for a hearing.

8 **“SEC. 102. ELIGIBILITY AND INDIVIDUALIZED REHABILITA-
9 TION EMPLOYMENT PLAN.**

10 “(a) ELIGIBILITY.—

11 “(1) CRITERION FOR ELIGIBILITY.—An individ-
12 ual is eligible for assistance under this title if the in-
13 dividual—

14 “(A) is an individual with a disability
15 under section 7(20)(A); and

16 “(B) requires vocational rehabilitation
17 services to prepare for, secure, retain, or regain
18 employment.

19 “(2) PRESUMPTION OF BENEFIT.—

20 “(A) DEMONSTRATION.—For purposes of
21 this section, an individual shall be presumed to
22 be an individual that can benefit in terms of an
23 employment outcome from vocational rehabilita-
24 tion services under section 7(20)(A), unless the
25 designated State unit involved can demonstrate

1 by clear and convincing evidence that such indi-
2 vidual is incapable of benefiting in terms of an
3 employment outcome from vocational rehabilita-
4 tion services due to the severity of the disability
5 of the individual.

6 “(B) METHODS.—In making the dem-
7 onstration required under subparagraph (A),
8 the designated State unit shall explore the indi-
9 vidual’s abilities, capabilities, and capacity to
10 perform in work situations, through the use of
11 trial work experiences, as described in section
12 7(2)(D), with appropriate supports provided
13 through the designated State unit, except under
14 limited circumstances when an individual can
15 not take advantage of such experiences. Such
16 experiences shall be of sufficient variety and
17 over a sufficient period of time to determine the
18 eligibility of the individual or to determine the
19 existence of clear and convincing evidence that
20 the individual is incapable of benefiting in
21 terms of an employment outcome from voca-
22 tional rehabilitation services due to the severity
23 of the disability of the individual.

24 “(3) PRESUMPTION OF ELIGIBILITY.—For pur-
25 poses of this section, an individual who has a disabil-

1 ity or is blind as determined pursuant to title II or
2 title XVI of the Social Security Act (42 U.S.C. 401
3 et seq. and 1381 et seq.) shall be—

4 “(A) considered to be an individual with a
5 significant disability under section 7(21)(A);
6 and

7 “(B) presumed to be eligible for vocational
8 rehabilitation services under this title (provided
9 that the individual intends to achieve an em-
10 ployment outcome consistent with the unique
11 strengths, resources, priorities, concerns, abili-
12 ties, capabilities, interests, and informed choice
13 of the individual) unless the designated State
14 unit involved can demonstrate by clear and con-
15 vincing evidence that such individual is incapa-
16 ble of benefiting in terms of an employment
17 outcome from vocational rehabilitation services
18 due to the severity of the disability of the indi-
19 vidual in accordance with paragraph (2).

20 “(4) USE OF EXISTING INFORMATION.—

21 “(A) IN GENERAL.—To the maximum ex-
22 tent appropriate and consistent with the re-
23 quirements of this part, for purposes of deter-
24 mining the eligibility of an individual for voca-
25 tional rehabilitation services under this title and

1 developing the individualized rehabilitation em-
2 ployment plan described in subsection (b) for
3 the individual, the designated State unit shall
4 use information that is existing and current (as
5 of the date of the determination of eligibility or
6 of the development of the individualized reha-
7 bilitation employment plan), including informa-
8 tion available from other programs and provid-
9 ers, particularly information used by education
10 officials and the Social Security Administration,
11 information provided by the individual and the
12 family of the individual, and information ob-
13 tained under the assessment for determining
14 eligibility and vocational rehabilitation needs.

15 “(B) DETERMINATIONS BY OFFICIALS OF
16 OTHER AGENCIES.—Determinations made by
17 officials of other agencies, particularly edu-
18 cation officials described in section
19 101(a)(11)(D), regarding whether an individual
20 satisfies 1 or more factors relating to whether
21 an individual is an individual with a disability
22 under section 7(20)(A) or an individual with a
23 significant disability under section 7(21)(A)
24 shall be used, to the extent appropriate and
25 consistent with the requirements of this part, in

1 assisting the designated State unit in making
2 such determinations.

3 “(C) BASIS.—The determination of eligi-
4 bility for vocational rehabilitation services shall
5 be based on—

6 “(i) the review of existing data de-
7 scribed in section 7(2)(A)(i); and

8 “(ii) to the extent that such data is
9 unavailable or insufficient for determining
10 eligibility, the provision of assessment ac-
11 tivities described in section 7(2)(A)(ii).

12 “(5) DETERMINATION OF INELIGIBILITY.—If
13 an individual who applies for services under this title
14 is determined, based on the review of existing data
15 and, to the extent necessary, the assessment activi-
16 ties described in section 7(2)(A)(ii), not to be eligible
17 for the services, or if an eligible individual receiving
18 services under an individualized rehabilitation em-
19 ployment plan is determined to be no longer eligible
20 for the services—

21 “(A) the ineligibility determination in-
22 volved shall be made only after providing an op-
23 portunity for full consultation with the individ-
24 ual or, as appropriate, the individual’s rep-
25 resentative;

1 “(B) the individual or, as appropriate, the
2 individual’s representative, shall be informed in
3 writing (supplemented as necessary by other ap-
4 propriate modes of communication consistent
5 with the informed choice of the individual) of
6 the ineligibility determination, including—

7 “(i) the reasons for the determination;

8 and

9 “(ii) a description of the means by
10 which the individual may express, and seek
11 a remedy for, any dissatisfaction with the
12 determination, including the procedures for
13 review by an impartial hearing officer
14 under subsection (c);

15 “(C) the individual shall be provided with
16 a description of services available from the cli-
17 ent assistance program under section 112 and
18 information on how to contact that program;
19 and

20 “(D) any ineligibility determination that is
21 based on a finding that the individual is incapa-
22 ble of benefiting in terms of an employment
23 outcome shall be reviewed—

24 “(i) within 12 months; and

1 “(ii) annually thereafter, if such a re-
2 view is requested by the individual or, if
3 appropriate, by the individual’s representa-
4 tive.

5 “(6) TIMEFRAME FOR MAKING AN ELIGIBILITY
6 DETERMINATION.—The designated State unit shall
7 determine whether an individual is eligible for voca-
8 tional rehabilitation services under this title within a
9 reasonable period of time, not to exceed 60 days,
10 after the individual has submitted an application for
11 the services unless—

12 “(A) exceptional and unforeseen cir-
13 cumstances beyond the control of the des-
14 ignated State unit preclude making an eligi-
15 bility determination within 60 days and the des-
16 ignated State unit and the individual agree to
17 a specific extension of time; or

18 “(B) the designated State unit is exploring
19 an individual’s abilities, capabilities, and capac-
20 ity to perform in work situations under para-
21 graph (2)(B).

22 “(b) DEVELOPMENT OF AN INDIVIDUALIZED REHA-
23 BILITATION EMPLOYMENT PLAN.—

24 “(1) OPTIONS FOR DEVELOPING AN INDIVID-
25 UALIZED REHABILITATION EMPLOYMENT PLAN.—If

1 an individual is determined to be eligible for voca-
2 tional rehabilitation services as described in sub-
3 section (a), the designated State unit shall complete
4 the assessment for determining eligibility and voca-
5 tional rehabilitation needs, as appropriate, and shall
6 provide the eligible individual or the individual’s rep-
7 resentative, in writing and in an appropriate mode
8 of communication, with information on the individ-
9 ual’s options for developing an individualized reha-
10 bilitation employment plan, including—

11 “(A) information on the availability of as-
12 sistance, to the extent determined to be appro-
13 priate by the eligible individual, from a quali-
14 fied vocational rehabilitation counselor in devel-
15 oping all or part of the individualized rehabilita-
16 tion employment plan for the individual, and
17 the availability of technical assistance in devel-
18 oping all or part of the individualized rehabilita-
19 tion employment plan for the individual;

20 “(B) a description of the full range of com-
21 ponents that shall be included in an individual-
22 ized rehabilitation employment plan;

23 “(C) as appropriate—

24 “(i) an explanation of agency guide-
25 lines and criteria associated with financial

1 commitments concerning an individualized
2 rehabilitation employment plan;

3 “(ii) additional information the eligi-
4 ble individual requests or the designated
5 State unit determines to be necessary; and

6 “(iii) information on the availability of
7 assistance in completing designated State
8 agency forms required in developing an in-
9 dividualized rehabilitation employment
10 plan; and

11 “(D)(i) a description of the rights and
12 remedies available to such an individual includ-
13 ing, if appropriate, recourse to the processes set
14 forth in subsection (c); and

15 “(ii) a description of the availability of a
16 client assistance program established pursuant
17 to section 112 and information about how to
18 contact the client assistance program.

19 “(2) MANDATORY PROCEDURES.—

20 “(A) WRITTEN DOCUMENT.—An individ-
21 ualized rehabilitation employment plan shall be
22 a written document prepared on forms provided
23 by the designated State unit.

24 “(B) INFORMED CHOICE.—An individual-
25 ized rehabilitation employment plan shall be de-

1 veloped and implemented in a manner that af-
2 fords eligible individuals the opportunity to ex-
3 ercise informed choice in selecting an employ-
4 ment outcome, the specific vocational rehabilita-
5 tion services to be provided under the plan, the
6 entity that will provide the vocational rehabilita-
7 tion services, and the methods used to procure
8 the services, consistent with subsection (d).

9 “(C) SIGNATORIES.—An individualized re-
10 habilitation employment plan shall be—

11 “(i) agreed to, and signed by, such eli-
12 gible individual or, as appropriate, the in-
13 dividual’s representative; and

14 “(ii) approved and signed by a quali-
15 fied vocational rehabilitation counselor em-
16 ployed by the designated State unit.

17 “(D) COPY.—A copy of the individualized
18 rehabilitation employment plan for an eligible
19 individual shall be provided to the individual or,
20 as appropriate, to the individual’s representa-
21 tive, in writing and, if appropriate, in the native
22 language or mode of communication of the indi-
23 vidual or, as appropriate, of the individual’s
24 representative.

1 “(E) REVIEW AND AMENDMENT.—The in-
2 dividualized rehabilitation employment plan
3 shall be—

4 “(i) reviewed at least annually by—

5 “(I) a qualified vocational reha-
6 bilitation counselor; and

7 “(II) the eligible individual or, as
8 appropriate, the individual’s rep-
9 resentative; and

10 “(ii) amended, as necessary, by the in-
11 dividual or, as appropriate, the individual’s
12 representative, in collaboration with a rep-
13 resentative of the designated State agency
14 or a qualified vocational rehabilitation
15 counselor, if there are substantive changes
16 in the employment outcome, the vocational
17 rehabilitation services to be provided, or
18 the service providers of the services (which
19 amendments shall not take effect until
20 agreed to and signed by the eligible indi-
21 vidual or, as appropriate, the individual’s
22 representative, and by a qualified voca-
23 tional rehabilitation counselor).

24 “(3) MANDATORY COMPONENTS OF AN INDIVID-
25 UALIZED REHABILITATION EMPLOYMENT PLAN.—

1 Regardless of the approach selected by an eligible
2 individual to develop an individualized rehabilitation
3 employment plan, an individualized rehabilitation
4 employment plan shall, at a minimum, contain man-
5 datory components consisting of—

6 “(A) a description of the specific employ-
7 ment outcome that is chosen by the eligible in-
8 dividual, consistent with the unique strengths,
9 resources, priorities, concerns, abilities, capa-
10 bilities, interests, and informed choice of the eli-
11 gible individual, and, to the maximum extent
12 appropriate, results in employment in an inte-
13 grated setting;

14 “(B)(i) a description of the specific voca-
15 tional rehabilitation services that are—

16 “(I) needed to achieve the employ-
17 ment outcome, including, as appropriate,
18 the provision of assistive technology devices
19 and assistive technology services, and per-
20 sonal assistance services, including training
21 in the management of such services; and

22 “(II) provided in the most integrated
23 setting that is appropriate for the service
24 involved and is consistent with the in-

1 formed choice of the eligible individual;

2 and

3 “(ii) timelines for the achievement of the
4 employment outcome and for the initiation of
5 the services;

6 “(C) a description of the entity chosen by
7 the eligible individual or, as appropriate, the in-
8 dividual’s representative, that will provide the
9 vocational rehabilitation services, and the meth-
10 ods used to procure such services;

11 “(D) a description of criteria to evaluate
12 progress toward achievement of the employment
13 outcome;

14 “(E) the terms and conditions of the indi-
15 vidualized rehabilitation employment plan, in-
16 cluding, as appropriate, information describ-
17 ing—

18 “(i) the responsibilities of the des-
19 ignated State unit;

20 “(ii) the responsibilities of the eligible
21 individual, including—

22 “(I) the responsibilities the eligi-
23 ble individual will assume in relation
24 to the employment outcome of the in-
25 dividual;

1 “(II) if applicable, the participa-
2 tion of the eligible individual in paying
3 for the costs of the plan; and

4 “(III) the responsibility of the el-
5 igible individual with regard to apply-
6 ing for and securing comparable bene-
7 fits as described in section 101(a)(8);

8 “(iii) the responsibilities of other enti-
9 ties as the result of arrangements made
10 pursuant to comparable services or benefits
11 requirements as described in section
12 101(a)(8);

13 “(F) for an eligible individual with the
14 most significant disabilities for whom an em-
15 ployment outcome in a supported employment
16 setting has been determined to be appropriate,
17 information identifying—

18 “(i) the extended services needed by
19 the eligible individual; and

20 “(ii) the source of extended services
21 or, to the extent that the source of the ex-
22 tended services cannot be identified at the
23 time of the development of the individual-
24 ized rehabilitation employment plan, a de-
25 scription of the basis for concluding that

1 there is a reasonable expectation that such
2 source will become available; and

3 “(G) as determined to be necessary, a
4 statement of projected need for post-employ-
5 ment services.

6 “(c) PROCEDURES.—

7 “(1) IN GENERAL.—Each State shall establish
8 procedures for mediation of, and procedures for re-
9 view through an impartial due process hearing of,
10 determinations made by personnel of the designated
11 State unit that affect the provision of vocational re-
12 habilitation services to applicants or eligible individ-
13 uals.

14 “(2) NOTIFICATION.—

15 “(A) RIGHTS AND ASSISTANCE.—The pro-
16 cedures shall provide that an applicant or an el-
17 igible individual or, as appropriate, the appli-
18 cant’s representative or individual’s representa-
19 tive shall be notified of—

20 “(i) the right to obtain review of de-
21 terminations described in paragraph (1) in
22 an impartial due process hearing under
23 paragraph (5);

1 “(ii) the right to pursue mediation
2 with respect to the determinations under
3 paragraph (4); and

4 “(iii) the availability of assistance
5 from the client assistance program under
6 section 112.

7 “(B) TIMING.—Such notification shall be
8 provided in writing—

9 “(i) at the time an individual applies
10 for vocational rehabilitation services pro-
11 vided under this title;

12 “(ii) at the time the individualized re-
13 habilitation employment plan for the indi-
14 vidual is developed; and

15 “(iii) upon reduction, suspension, or
16 cessation of vocational rehabilitation serv-
17 ices for the individual.

18 “(3) EVIDENCE AND REPRESENTATION.—The
19 procedures required under this subsection shall, at a
20 minimum—

21 “(A) provide an opportunity for an appli-
22 cant or an eligible individual, or, as appro-
23 priate, the applicant’s representative or individ-
24 ual’s representative, to submit at the mediation
25 session or hearing evidence and information to

1 support the position of the applicant or eligible
2 individual; and

3 “(B) include provisions to allow an appli-
4 cant or an eligible individual to be represented
5 in the mediation session or hearing by a person
6 selected by the applicant or eligible individual.

7 “(4) MEDIATION.—

8 “(A) PROCEDURES.—Each State shall en-
9 sure that procedures are established and imple-
10 mented under this subsection to allow parties
11 described in paragraph (1) to disputes involving
12 any determination described in paragraph (1)
13 to resolve such disputes through a mediation
14 process that, at a minimum, shall be available
15 whenever a hearing is requested under this sub-
16 section.

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

19 “(i) is voluntary on the part of the
20 parties;

21 “(ii) is not used to deny or delay the
22 right of an individual to a hearing under
23 this subsection, or to deny any other right
24 afforded under this title; and

1 “(iii) is conducted by a qualified and
2 impartial mediator who is trained in effec-
3 tive mediation techniques.

4 “(C) LIST OF MEDIATORS.—The State
5 shall maintain a list of individuals who are
6 qualified mediators and knowledgeable in laws
7 (including regulations) relating to the provision
8 of vocational rehabilitation services under this
9 title, from which the mediators described in
10 subparagraph (B) shall be selected.

11 “(D) COST.—The State shall bear the cost
12 of the mediation process.

13 “(E) SCHEDULING.—Each session in the
14 mediation process shall be scheduled in a timely
15 manner and shall be held in a location that is
16 convenient to the parties to the dispute.

17 “(F) AGREEMENT.—An agreement reached
18 by the parties to the dispute in the mediation
19 process shall be set forth in a written mediation
20 agreement.

21 “(G) CONFIDENTIALITY.—Discussions that
22 occur during the mediation process shall be con-
23 fidential and may not be used as evidence in
24 any subsequent due process hearing or civil pro-
25 ceeding. The parties to the mediation process

1 may be required to sign a confidentiality pledge
2 prior to the commencement of such process.

3 “(H) CONSTRUCTION.—Nothing in this
4 subsection shall be construed to preclude the
5 parties to such a dispute from informally resolv-
6 ing the dispute prior to proceedings under this
7 paragraph or paragraph (5), if the informal
8 process used is not used to deny or delay the
9 right of the applicant or eligible individual to a
10 hearing under this subsection or to deny any
11 other right afforded under this title.

12 “(5) HEARINGS.—

13 “(A) OFFICER.—A due process hearing de-
14 scribed in paragraph (2) shall be conducted by
15 an impartial hearing officer who shall issue a
16 decision based on the provisions of the approved
17 State plan, this Act (including regulations im-
18 plementing this Act), and State regulations and
19 policies that are consistent with the Federal re-
20 quirements specified in this title. The officer
21 shall provide the decision in writing to the ap-
22 plicant or eligible individual, or, as appropriate,
23 the applicant’s representative or individual’s
24 representative, and to the designated State
25 unit.

1 “(B) LIST.—The designated State unit
2 shall maintain a list of qualified impartial hear-
3 ing officers who are knowledgeable in laws (in-
4 cluding regulations) relating to the provision of
5 vocational rehabilitation services under this title
6 from which the officer described in subpara-
7 graph (A) shall be selected. For the purposes of
8 maintaining such list, impartial hearing officers
9 shall be identified jointly by—

10 “(i) the designated State unit; and

11 “(ii) members of the Council or com-
12 mission, as appropriate, described in sec-
13 tion 101(a)(21).

14 “(C) SELECTION.—Such an impartial
15 hearing officer shall be selected to hear a par-
16 ticular case relating to a determination—

17 “(i) on a random basis; or

18 “(ii) by agreement between—

19 “(I) the Director of the des-
20 ignated State unit and the individual
21 with a disability; or

22 “(II) in appropriate cases, the
23 Director and the individual’s rep-
24 resentative.

1 “(D) PROCEDURES FOR SEEKING RE-
2 VIEW.—A State may establish procedures to en-
3 able a party involved in a hearing under this
4 paragraph to seek an impartial review of the
5 decision of the hearing officer under subpara-
6 graph (A) by—

7 “(i) the chief official of the designated
8 State agency if the State has established
9 both a designated State agency and a des-
10 ignated State unit under section 101(a)(2);
11 or

12 “(ii) an official from the office of the
13 Governor or the chief official of another
14 State office or agency that has supervisory
15 authority over the designated State agency.

16 “(E) REVIEW REQUEST.—If the State es-
17 tablishes impartial review procedures under
18 subparagraph (D), either party may request the
19 review of the decision of the hearing officer
20 within 20 days after the decision.

21 “(F) REVIEWING OFFICIAL.—The review-
22 ing official described in subparagraph (D)
23 shall—

24 “(i) in conducting the review, provide
25 an opportunity for the submission of addi-

1 tional evidence and information relevant to
2 a final decision concerning the matter
3 under review;

4 “(ii) not overturn or modify the deci-
5 sion of the hearing officer, or part of the
6 decision, that supports the position of the
7 applicant or eligible individual unless the
8 reviewing official concludes, based on clear
9 and convincing evidence, that the decision
10 of the impartial hearing officer is clearly
11 erroneous on the basis of being contrary to
12 the approved State plan, this Act (includ-
13 ing regulations implementing this Act) or
14 any State regulation or policy that is con-
15 sistent with the Federal requirements spec-
16 ified in this title; and

17 “(iii) make a final decision with re-
18 spect to the matter in a timely manner and
19 provide such decision in writing to the ap-
20 plicant or eligible individual, or, as appro-
21 priate, the applicant’s representative or in-
22 dividual’s representative, and to the des-
23 ignated State unit, including a full report
24 of the findings and the grounds for such
25 decision.

1 “(G) FINALITY OF HEARING DECISION.—A
2 decision made after a hearing under subpara-
3 graph (A) shall be final, except that a party
4 may request an impartial review if the State
5 has established procedures for such review
6 under subparagraph (D) and a party involved
7 in a hearing may bring a civil action under sub-
8 paragraph (J).

9 “(H) FINALITY OF REVIEW.—A decision
10 made under subparagraph (F) shall be final un-
11 less such a party brings a civil action under
12 subparagraph (J).

13 “(I) IMPLEMENTATION.—If a party brings
14 a civil action under subparagraph (J) to chal-
15 lenge a final decision of a hearing officer under
16 subparagraph (A) or to challenge a final deci-
17 sion of a State reviewing official under subpara-
18 graph (F), the final decision involved shall be
19 implemented pending review by the court.

20 “(J) CIVIL ACTION.—

21 “(i) IN GENERAL.—Any party ag-
22 grieved by a final decision described in
23 subparagraph (I), may bring a civil action
24 for review of such decision. The action may
25 be brought in any State court of competent

1 jurisdiction or in a district court of the
2 United States of competent jurisdiction
3 without regard to the amount in con-
4 troversy.

5 “(ii) PROCEDURE.—In any action
6 brought under this subparagraph, the
7 court—

8 “(I) shall receive the records re-
9 lating to the hearing under subpara-
10 graph (A) and the records relating to
11 the State review under subparagraphs
12 (D) through (F), if applicable;

13 “(II) shall hear additional evi-
14 dence at the request of a party to the
15 action; and

16 “(III) basing the decision of the
17 court on the preponderance of the evi-
18 dence, shall grant such relief as the
19 court determines to be appropriate.

20 “(6) HEARING BOARD.—

21 “(A) IN GENERAL.—A fair hearing board,
22 established by a State before January 1, 1985,
23 and authorized under State law to review deter-
24 minations or decisions under this Act, is au-

1 thorized to carry out the responsibilities of the
2 impartial hearing officer under this subsection.

3 “(B) APPLICATION.—The provisions of
4 paragraphs (1), (2), and (3) that relate to due
5 process hearings do not apply, and paragraph
6 (5) (other than subparagraph (J)) does not
7 apply, to any State to which subparagraph (A)
8 applies.

9 “(7) IMPACT ON PROVISION OF SERVICES.—Un-
10 less the individual with a disability so requests, or,
11 in an appropriate case, the individual’s representa-
12 tive, so requests, pending a decision by a mediator,
13 hearing officer, or reviewing officer under this sub-
14 section, the designated State unit shall not institute
15 a suspension, reduction, or termination of services
16 being provided for the individual, including evalua-
17 tion and assessment services and plan development,
18 unless such services have been obtained through mis-
19 representation, fraud, collusion, or criminal conduct
20 on the part of the individual, or the individual’s rep-
21 resentative.

22 “(8) INFORMATION COLLECTION AND RE-
23 PORT.—

24 “(A) IN GENERAL.—The Director of the
25 designated State unit shall collect information

1 described in subparagraph (B) and prepare and
2 submit to the Commissioner a report containing
3 such information. The Commissioner shall pre-
4 pare a summary of the information furnished
5 under this paragraph and include the summary
6 in the annual report submitted under section
7 13. The Commissioner shall also collect copies
8 of the final decisions of impartial hearing offi-
9 cers conducting hearings under this subsection
10 and State officials conducting reviews under
11 this subsection.

12 “(B) INFORMATION.—The information re-
13 quired to be collected under this subsection in-
14 cludes—

15 “(i) a copy of the standards used by
16 State reviewing officials for reviewing deci-
17 sions made by impartial hearing officers
18 under this subsection;

19 “(ii) information on the number of
20 hearings and reviews sought from the im-
21 partial hearing officers and the State re-
22 viewing officials, including the type of com-
23 plaints and the issues involved;

24 “(iii) information on the number of
25 hearing decisions made under this sub-

1 section that were not reviewed by the State
2 reviewing officials; and

3 “(iv) information on the number of
4 the hearing decisions that were reviewed by
5 the State reviewing officials, and, based on
6 such reviews, the number of hearing deci-
7 sions that were—

8 “(I) sustained in favor of an ap-
9 plicant or eligible individual;

10 “(II) sustained in favor of the
11 designated State unit;

12 “(III) reversed in whole or in
13 part in favor of the applicant or eligi-
14 ble individual; and

15 “(IV) reversed in whole or in
16 part in favor of the designated State
17 unit.

18 “(C) CONFIDENTIALITY.—The confiden-
19 tiality of records of applicants and eligible indi-
20 viduals maintained by the designated State unit
21 shall not preclude the access of the Commis-
22 sioner to those records for the purposes de-
23 scribed in subparagraph (A).

24 “(d) POLICIES AND PROCEDURES.—Each designated
25 State agency, in consultation with the State Rehabilitation

1 Council, if the State has such a council, shall, consistent
2 with section 100(a)(3)(C), develop and implement written
3 policies and procedures that enable each individual who
4 is an applicant for or eligible to receive vocational rehabili-
5 tation services under this title to exercise informed choice
6 throughout the vocational rehabilitation process carried
7 out under this title, including policies and procedures that
8 require the designated State agency—

9 “(1) to inform each such applicant and eligible
10 individual (including students with disabilities de-
11 scribed in section 101(a)(11)(D)(ii)(II) who are
12 making the transition from programs under the re-
13 sponsibility of an educational agency to programs
14 under the responsibility of the designated State
15 unit), through appropriate modes of communication,
16 about the availability of, and opportunities to exer-
17 cise, informed choice, including the availability of
18 support services for individuals with cognitive or
19 other disabilities who require assistance in exercising
20 informed choice, throughout the vocational rehabili-
21 tation process;

22 “(2) to assist applicants and eligible individuals
23 in exercising informed choice in decisions related to
24 the provision of assessment services under this title;

1 “(3) to develop and implement flexible procure-
2 ment policies and methods that facilitate the provi-
3 sion of services, and that afford eligible individuals
4 meaningful choices among the methods used to pro-
5 cure services, under this title;

6 “(4) to provide or assist eligible individuals in
7 acquiring information that enables those individuals
8 to exercise informed choice under this title in the se-
9 lection of—

10 “(A) the employment outcome;

11 “(B) the specific vocational rehabilitation
12 services needed to achieve the employment out-
13 come;

14 “(C) the entity that will provide the serv-
15 ices;

16 “(D) the employment setting and the set-
17 tings in which the services will be provided; and

18 “(E) the methods available for procuring
19 the services; and

20 “(5) to ensure that the availability and scope of
21 informed choice provided under this section is con-
22 sistent with the obligations of the designated State
23 agency under this title.

1 **“SEC. 103. VOCATIONAL REHABILITATION SERVICES.**

2 “(a) VOCATIONAL REHABILITATION SERVICES FOR
3 INDIVIDUALS.—Vocational rehabilitation services provided
4 under this title are any services described in an individual-
5 ized rehabilitation employment plan necessary to assist an
6 individual with a disability in preparing for, securing, re-
7 taining, or regaining an employment outcome that is con-
8 sistent with the strengths, resources, priorities, concerns,
9 abilities, capabilities, interests, and informed choice of the
10 individual, including—

11 “(1) an assessment for determining eligibility
12 and vocational rehabilitation needs by qualified per-
13 sonnel, including, if appropriate, an assessment by
14 personnel skilled in rehabilitation technology;

15 “(2) counseling and guidance, including infor-
16 mation and support services to assist an individual
17 in exercising informed choice consistent with the
18 provisions of section 102(d);

19 “(3) referral and other services to secure need-
20 ed services from other agencies through agreements
21 developed under section 101(b)(11), if such services
22 are not available under this title;

23 “(4) job-related services, including job search
24 and placement assistance, job retention services, fol-
25 lowup services, and follow-along services;

1 “(5) vocational and other training services, in-
2 cluding the provision of personal and vocational ad-
3 justment services, books, tools, and other training
4 materials, except that no training services provided
5 at an institution of higher education shall be paid
6 for with funds under this title unless maximum ef-
7 forts have been made by the designated State unit
8 and the individual to secure grant assistance, in
9 whole or in part, from other sources to pay for such
10 training;

11 “(6) to the extent that financial support is not
12 readily available from a source (such as through
13 health insurance of the individual or through com-
14 parable services and benefits consistent with section
15 101(a)(8)(A)), other than the designated State unit,
16 diagnosis and treatment of physical and mental im-
17 pairments, including—

18 “(A) corrective surgery or therapeutic
19 treatment necessary to correct or substantially
20 modify a physical or mental condition that con-
21 stitutes a substantial impediment to employ-
22 ment, but is of such a nature that such correc-
23 tion or modification may reasonably be expected
24 to eliminate or reduce such impediment to em-
25 ployment within a reasonable length of time;

1 “(B) necessary hospitalization in connec-
2 tion with surgery or treatment;

3 “(C) prosthetic and orthotic devices;

4 “(D) eyeglasses and visual services as pre-
5 scribed by qualified personnel who meet State
6 licensure laws and who are selected by the indi-
7 vidual;

8 “(E) special services (including transplan-
9 tation and dialysis), artificial kidneys, and sup-
10 plies necessary for the treatment of individuals
11 with end-stage renal disease; and

12 “(F) diagnosis and treatment for mental
13 and emotional disorders by qualified personnel
14 who meet State licensure laws;

15 “(7) maintenance for additional costs incurred
16 while participating in an assessment for determining
17 eligibility and vocational rehabilitation needs or
18 while receiving services under an individualized reha-
19 bilitation employment plan;

20 “(8) transportation, including adequate training
21 in the use of public transportation vehicles and sys-
22 tems, that is provided in connection with the provi-
23 sion of any other service described in this section
24 and needed by the individual to achieve an employ-
25 ment outcome;

1 “(9) on-the-job or other related personal assist-
2 ance services provided while an individual is receiv-
3 ing other services described in this section;

4 “(10) interpreter services provided by qualified
5 personnel for individuals who are deaf or hard of
6 hearing, and reader services for individuals who are
7 determined to be blind, after an examination by
8 qualified personnel who meet State licensure laws;

9 “(11) rehabilitation teaching services, and ori-
10 entation and mobility services, for individuals who
11 are blind;

12 “(12) occupational licenses, tools, equipment,
13 and initial stocks and supplies;

14 “(13) technical assistance and other consulta-
15 tion services to conduct market analyses, develop
16 business plans, and otherwise provide resources, to
17 the extent such resources are authorized to be pro-
18 vided under the statewide workforce investment sys-
19 tem, to eligible individuals who are pursuing self-em-
20 ployment or establishing a small business operation
21 as an employment outcome;

22 “(14) rehabilitation technology, including tele-
23 communications, sensory, and other technological
24 aids and devices;

1 “(15) transition services for students with dis-
2 abilities described in section 101(a)(11)(D)(ii)(II),
3 that facilitate the achievement of the employment
4 outcome identified in the individualized rehabilita-
5 tion employment plan;

6 “(16) supported employment services;

7 “(17) services to the family of an individual
8 with a disability necessary to assist the individual to
9 achieve an employment outcome; and

10 “(18) specific post-employment services nec-
11 essary to assist an individual with a disability to, re-
12 tain, regain, or advance in employment.

13 “(b) VOCATIONAL REHABILITATION SERVICES FOR
14 GROUPS OF INDIVIDUALS.—Vocational rehabilitation serv-
15 ices provided for the benefit of groups of individuals with
16 disabilities may also include the following:

17 “(1) In the case of any type of small business
18 operated by individuals with significant disabilities
19 the operation of which can be improved by manage-
20 ment services and supervision provided by the des-
21 ignated State agency, the provision of such services
22 and supervision, along or together with the acquisi-
23 tion by the designated State agency of vending facili-
24 ties or other equipment and initial stocks and sup-
25 plies.

1 “(2) The establishment, development, or im-
2 provement of community rehabilitation programs,
3 that promise to contribute substantially to the reha-
4 bilitation of a group of individuals but that are not
5 related directly to the individualized rehabilitation
6 employment plan of any 1 individual with a disabili-
7 ty. Such programs shall be used to provide services
8 that promote integration and competitive employ-
9 ment.

10 “(3) The use of telecommunications systems
11 (including telephone, television, satellite, radio, and
12 other similar systems) that have the potential for
13 substantially improving delivery methods of activities
14 described in this section and developing appropriate
15 programming to meet the particular needs of indi-
16 viduals with disabilities.

17 “(4)(A) Special services to provide nonvisual ac-
18 cess to information for individuals who are blind, in-
19 cluding the use of telecommunications, Braille,
20 sound recordings, or other appropriate media.

21 “(B) Captioned television, films, or video cas-
22 settes for individuals who are deaf or hard of hear-
23 ing.

24 “(C) Tactile materials for individuals who are
25 deaf-blind.

1 “(D) Other special services that provide infor-
2 mation through tactile, vibratory, auditory, and vis-
3 ual media.

4 “(5) Technical assistance and support services
5 to businesses that are not subject to title I of the
6 Americans with Disabilities Act of 1990 (42 U.S.C.
7 12111 et seq.) and that are seeking to employ indi-
8 viduals with disabilities.

9 “(6) Consultative and technical assistance serv-
10 ices to assist educational agencies in planning for
11 the transition of students with disabilities described
12 in section 101(a)(11)(D)(i) from school to post-
13 school activities, including employment.

14 **“SEC. 104. NON-FEDERAL SHARE FOR ESTABLISHMENT OF**
15 **PROGRAM.**

16 “For the purpose of determining the amount of pay-
17 ments to States for carrying out part B of this title (or
18 to an Indian tribe under part C), the non-Federal share,
19 subject to such limitations and conditions as may be pre-
20 scribed in regulations by the Commissioner, shall include
21 contributions of funds made by any private agency, orga-
22 nization, or individual to a State or local agency to assist
23 in meeting the costs of establishment of a community re-
24 habilitation program, which would be regarded as State
25 or local funds except for the condition, imposed by the con-

1 tributor, limiting use of such funds to establishment of
2 such a program.”.

3 **“SEC. 105. STATE REHABILITATION COUNCIL.**

4 “(a) ESTABLISHMENT.—

5 “(1) IN GENERAL.—Except as provided in sec-
6 tion 101(a)(21)(A)(i), to be eligible to receive finan-
7 cial assistance under this title a State shall establish
8 a State Rehabilitation Council (referred to in this
9 section as the ‘Council’) in accordance with this sec-
10 tion.

11 “(2) SEPARATE AGENCY FOR INDIVIDUALS WHO
12 ARE BLIND.—A State that designates a State agency
13 to administer the part of the State plan under which
14 vocational rehabilitation services are provided for in-
15 dividuals who are blind under section
16 101(a)(2)(A)(i) may establish a separate Council in
17 accordance with this section to perform the duties of
18 such a Council with respect to such State agency.

19 “(b) COMPOSITION AND APPOINTMENT.—

20 “(1) COMPOSITION.—

21 “(A) IN GENERAL.—Except in the case of
22 a separate Council established under subsection
23 (a)(2), the Council shall be composed of—

24 “(i) at least one representative of the
25 Statewide Independent Living Council es-

1 tablISHED under section 705, which rep-
2 resentative may be the chairperson or
3 other designee of the Council;

4 “(ii) at least one representative of a
5 parent training and information center es-
6 tablished pursuant to section 682(a) of the
7 Individuals with Disabilities Education Act
8 (as added by section 101 of the Individuals
9 with Disabilities Education Act Amend-
10 ments of 1997; Public Law 105–17);

11 “(iii) at least one representative of the
12 client assistance program established under
13 section 112;

14 “(iv) at least one vocational rehabili-
15 tation counselor, with knowledge of and ex-
16 perience with vocational rehabilitation pro-
17 grams, who shall serve as an ex officio,
18 nonvoting member of the Council if the
19 counselor is an employee of the designated
20 State agency;

21 “(v) at least one representative of
22 community rehabilitation program service
23 providers;

24 “(vi) four representatives of business,
25 industry, and labor;

1 “(vii) representatives of disability ad-
2 vocacy groups representing a cross section
3 of—

4 “(I) individuals with physical,
5 cognitive, sensory, and mental disabil-
6 ities; and

7 “(II) individuals’ representatives
8 of individuals with disabilities who
9 have difficulty in representing them-
10 selves or are unable due to their dis-
11 abilities to represent themselves;

12 “(viii) current or former applicants
13 for, or recipients of, vocational rehabilita-
14 tion services;

15 “(ix) in a State in which one or more
16 projects are carried out under section 121,
17 at least one representative of the directors
18 of the projects;

19 “(x) at least one representative of the
20 State educational agency responsible for
21 the public education of students with dis-
22 abilities who are eligible to receive services
23 under this title and part B of the Individ-
24 uals with Disabilities Education Act; and

1 “(xi) at least one representative of the
2 statewide workforce investment partner-
3 ship.

4 “(B) SEPARATE COUNCIL.—In the case of
5 a separate Council established under subsection
6 (a)(2), the Council shall be composed of—

7 “(i) at least one representative de-
8 scribed in subparagraph (A)(i);

9 “(ii) at least one representative de-
10 scribed in subparagraph (A)(ii);

11 “(iii) at least one representative de-
12 scribed in subparagraph (A)(iii);

13 “(iv) at least one vocational rehabili-
14 tation counselor described in subparagraph
15 (A)(iv), who shall serve as described in
16 such subparagraph;

17 “(v) at least one representative de-
18 scribed in subparagraph (A)(v);

19 “(vi) four representatives described in
20 subparagraph (A)(vi);

21 “(vii) at least one representative of a
22 disability advocacy group representing indi-
23 viduals who are blind;

24 “(viii) at least one individual’s rep-
25 resentative, of an individual who—

1 “(I) is an individual who is blind
2 and has multiple disabilities; and

3 “(II) has difficulty in represent-
4 ing himself or herself or is unable due
5 to disabilities to represent himself or
6 herself;

7 “(ix) applicants or recipients de-
8 scribed in subparagraph (A)(viii);

9 “(x) in a State described in subpara-
10 graph (A)(ix), at least one representative
11 described in such subparagraph;

12 “(xi) at least one representative de-
13 scribed in subparagraph (A)(x); and

14 “(xii) at least one representative de-
15 scribed in subparagraph (A)(xi).

16 “(C) EXCEPTION.—In the case of a sepa-
17 rate Council established under subsection
18 (a)(2), any Council that is required by State
19 law, as in effect on the date of enactment of the
20 Rehabilitation Act Amendments of 1992, to
21 have fewer than 15 members shall be deemed to
22 be in compliance with subparagraph (B) if the
23 Council—

24 “(i) meets the requirements of sub-
25 paragraph (B), other than the require-

1 ments of clauses (vi) and (ix) of such sub-
2 paragraph; and

3 “(ii) includes at least—

4 “(I) one representative described
5 in subparagraph (B)(vi); and

6 “(II) one applicant or recipient
7 described in subparagraph (B)(ix).

8 “(2) EX OFFICIO MEMBER.—The Director of
9 the designated State unit shall be an ex officio, non-
10 voting member of the Council.

11 “(3) APPOINTMENT.—Members of the Council
12 shall be appointed by the Governor. In the case of
13 a State that, under State law, vests appointment au-
14 thority in an entity in lieu of, or in conjunction with,
15 the Governor, such as one or more houses of the
16 State legislature, or an independent board that has
17 general appointment authority, that entity shall
18 make the appointments. The appointing authority
19 shall select members after soliciting recommenda-
20 tions from representatives of organizations rep-
21 resenting a broad range of individuals with disabili-
22 ties and organizations interested in individuals with
23 disabilities. In selecting members, the appointing au-
24 thority shall consider, to the greatest extent prac-

1 ticable, the extent to which minority populations are
2 represented on the Council.

3 “(4) QUALIFICATIONS.—A majority of Council
4 members shall be persons who are—

5 “(A) individuals with disabilities described
6 in section 7(20)(A); and

7 “(B) not employed by the designated State
8 unit.

9 “(5) CHAIRPERSON.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), the Council shall select a
12 chairperson from among the membership of the
13 Council.

14 “(B) DESIGNATION BY GOVERNOR.—In
15 States in which the Governor does not have veto
16 power pursuant to State law, the Governor shall
17 designate a member of the Council to serve as
18 the chairperson of the Council or shall require
19 the Council to so designate such a member.

20 “(6) TERMS OF APPOINTMENT.—

21 “(A) LENGTH OF TERM.—Each member of
22 the Council shall serve for a term of not more
23 than 3 years, except that—

24 “(i) a member appointed to fill a va-
25 cancy occurring prior to the expiration of

1 the term for which a predecessor was ap-
2 pointed, shall be appointed for the remain-
3 der of such term; and

4 “(ii) the terms of service of the mem-
5 bers initially appointed shall be (as speci-
6 fied by the appointing authority) for such
7 fewer number of years as will provide for
8 the expiration of terms on a staggered
9 basis.

10 “(B) NUMBER OF TERMS.—No member of
11 the Council, other than a representative de-
12 scribed in clause (iii) or (ix) of paragraph
13 (1)(A), or clause (iii) or (x) of paragraph
14 (1)(B), may serve more than two consecutive
15 full terms.

16 “(7) VACANCIES.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B), any vacancy occurring in the
19 membership of the Council shall be filled in the
20 same manner as the original appointment. The
21 vacancy shall not affect the power of the re-
22 maining members to execute the duties of the
23 Council.

24 “(B) DELEGATION.—The Governor (in-
25 cluding an entity described in paragraph (3))

1 may delegate the authority to fill such a va-
2 cancy to the remaining members of the Council
3 after making the original appointment.

4 “(c) FUNCTIONS OF COUNCIL.—The Council shall,
5 after consulting with the statewide workforce investment
6 partnership—

7 “(1) review, analyze, and advise the designated
8 State unit regarding the performance of the respon-
9 sibilities of the unit under this title, particularly re-
10 sponsibilities relating to—

11 “(A) eligibility (including order of selec-
12 tion);

13 “(B) the extent, scope, and effectiveness of
14 services provided; and

15 “(C) functions performed by State agen-
16 cies that affect or that potentially affect the
17 ability of individuals with disabilities in achiev-
18 ing employment outcomes under this title;

19 “(2) in partnership with the designated State
20 unit—

21 “(A) develop, agree to, and review State
22 goals and priorities in accordance with section
23 101(a)(15)(C); and

24 “(B) evaluate the effectiveness of the voca-
25 tional rehabilitation program and submit re-

1 ports of progress to the Commissioner in ac-
2 cordance with section 101(a)(15)(E);

3 “(3) advise the designated State agency and the
4 designated State unit regarding activities authorized
5 to be carried out under this title, and assist in the
6 preparation of the State plan and amendments to
7 the plan, applications, reports, needs assessments,
8 and evaluations required by this title;

9 “(4) to the extent feasible, conduct a review
10 and analysis of the effectiveness of, and consumer
11 satisfaction with—

12 “(A) the functions performed by the des-
13 ignated State agency;

14 “(B) vocational rehabilitation services pro-
15 vided by State agencies and other public and
16 private entities responsible for providing voca-
17 tional rehabilitation services to individuals with
18 disabilities under this Act; and

19 “(C) employment outcomes achieved by eli-
20 gible individuals receiving services under this
21 title, including the availability of health and
22 other employment benefits in connection with
23 such employment outcomes;

24 “(5) prepare and submit an annual report to
25 the Governor or appropriate State entity and the

1 Commissioner on the status of vocational rehabilita-
2 tion programs operated within the State, and make
3 the report available to the public;

4 “(6) to avoid duplication of efforts and enhance
5 the number of individuals served, coordinate activi-
6 ties with the activities of other councils within the
7 State, including the Statewide Independent Living
8 Council established under section 705, the advisory
9 panel established under section 612(a)(21) of the In-
10 dividual with Disabilities Education Act (as amend-
11 ed by section 101 of the Individuals with Disabilities
12 Education Act Amendments of 1997; Public Law
13 105–17), the State Developmental Disabilities Coun-
14 cil described in section 124 of the Developmental
15 Disabilities Assistance and Bill of Rights Act (42
16 U.S.C. 6024), the State mental health planning
17 council established under section 1914(a) of the
18 Public Health Service Act (42 U.S.C. 300x–4(a)),
19 and the statewide workforce investment partnership;

20 “(7) provide for coordination and the establish-
21 ment of working relationships between the des-
22 ignated State agency and the Statewide Independent
23 Living Council and centers for independent living
24 within the State; and

1 “(8) perform such other functions, consistent
2 with the purpose of this title, as the State Rehabili-
3 tation Council determines to be appropriate, that are
4 comparable to the other functions performed by the
5 Council.

6 “(d) RESOURCES.—

7 “(1) PLAN.—The Council shall prepare, in con-
8 junction with the designated State unit, a plan for
9 the provision of such resources, including such staff
10 and other personnel, as may be necessary and suffi-
11 cient to carry out the functions of the Council under
12 this section. The resource plan shall, to the maxi-
13 mum extent possible, rely on the use of resources in
14 existence during the period of implementation of the
15 plan.

16 “(2) RESOLUTION OF DISAGREEMENTS.—To
17 the extent that there is a disagreement between the
18 Council and the designated State unit in regard to
19 the resources necessary to carry out the functions of
20 the Council as set forth in this section, the disagree-
21 ment shall be resolved by the Governor or appointing
22 agency consistent with paragraph (1).

23 “(3) SUPERVISION AND EVALUATION.—Each
24 Council shall, consistent with State law, supervise
25 and evaluate such staff and other personnel as may

1 be necessary to carry out its functions under this
2 section.

3 “(4) PERSONNEL CONFLICT OF INTEREST.—

4 While assisting the Council in carrying out its du-
5 ties, staff and other personnel shall not be assigned
6 duties by the designated State unit or any other
7 agency or office of the State, that would create a
8 conflict of interest.

9 “(e) CONFLICT OF INTEREST.—No member of the
10 Council shall cast a vote on any matter that would provide
11 direct financial benefit to the member or otherwise give
12 the appearance of a conflict of interest under State law.

13 “(f) MEETINGS.—The Council shall convene at least
14 4 meetings a year in such places as it determines to be
15 necessary to conduct Council business and conduct such
16 forums or hearings as the Council considers appropriate.
17 The meetings, hearings, and forums shall be publicly an-
18 nounced. The meetings shall be open and accessible to the
19 general public unless there is a valid reason for an execu-
20 tive session.

21 “(g) COMPENSATION AND EXPENSES.—The Council
22 may use funds allocated to the Council by the designated
23 State unit under this title (except for funds appropriated
24 to carry out the client assistance program under section
25 112 and funds reserved pursuant to section 110(c) to

1 carry out part C) to reimburse members of the Council
 2 for reasonable and necessary expenses of attending Coun-
 3 cil meetings and performing Council duties (including
 4 child care and personal assistance services), and to pay
 5 compensation to a member of the Council, if such member
 6 is not employed or must forfeit wages from other employ-
 7 ment, for each day the member is engaged in performing
 8 the duties of the Council.

9 “(h) HEARINGS AND FORUMS.—The Council is au-
 10 thorized to hold such hearings and forums as the Council
 11 may determine to be necessary to carry out the duties of
 12 the Council.

13 **“SEC. 106. EVALUATION STANDARDS AND PERFORMANCE**
 14 **INDICATORS.**

15 “(a) ESTABLISHMENT.—

16 “(1) IN GENERAL.—

17 “(A) ESTABLISHMENT OF STANDARDS AND
 18 INDICATORS.—The Commissioner shall, not
 19 later than September 30, 1998, establish and
 20 publish evaluation standards and performance
 21 indicators for the vocational rehabilitation pro-
 22 gram carried out under this title.

23 “(B) REVIEW AND REVISION.—Effective
 24 September 30, 1998, the Commissioner shall
 25 review and, if necessary, revise the evaluation

1 standards and performance indicators every 3
2 years. Any revisions of the standards and indi-
3 cators shall be developed with input from State
4 vocational rehabilitation agencies, related pro-
5 fessional and consumer organizations, recipients
6 of vocational rehabilitation services, and other
7 interested parties. Any revisions of the stand-
8 ards and indicators shall be subject to the pub-
9 lication, review, and comment provisions of
10 paragraph (3).

11 “(C) BASES.—Effective July 1, 1999, to
12 the maximum extent practicable, the standards
13 and indicators shall be consistent with the core
14 indicators of performance established under sec-
15 tion 321(b) of the Workforce Investment Part-
16 nership Act of 1998.

17 “(2) MEASURES.—The standards and indica-
18 tors shall include outcome and related measures of
19 program performance that facilitate the accomplish-
20 ment of the purpose and policy of this title.

21 “(3) COMMENT.—The standards and indicators
22 shall be developed with input from State vocational
23 rehabilitation agencies, related professional and con-
24 sumer organizations, recipients of vocational reha-
25 bilitation services, and other interested parties. The

1 Commissioner shall publish in the Federal Register
2 a notice of intent to regulate regarding the develop-
3 ment of proposed standards and indicators. Pro-
4 posed standards and indicators shall be published in
5 the Federal Register for review and comment. Final
6 standards and indicators shall be published in the
7 Federal Register.

8 “(b) COMPLIANCE.—

9 “(1) STATE REPORTS.—In accordance with reg-
10 ulations established by the Secretary, each State
11 shall report to the Commissioner after the end of
12 each fiscal year the extent to which the State is in
13 compliance with the standards and indicators.

14 “(2) PROGRAM IMPROVEMENT.—

15 “(A) PLAN.—If the Commissioner deter-
16 mines that the performance of any State is
17 below established standards, the Commissioner
18 shall provide technical assistance to the State
19 and the State and the Commissioner shall joint-
20 ly develop a program improvement plan outlin-
21 ing the specific actions to be taken by the State
22 to improve program performance.

23 “(B) REVIEW.—The Commissioner shall—

24 “(i) review the program improvement
25 efforts of the State on a biannual basis

1 and, if necessary, request the State to
2 make further revisions to the plan to im-
3 prove performance; and

4 “(ii) continue to conduct such reviews
5 and request such revisions until the State
6 sustains satisfactory performance over a
7 period of more than 1 year.

8 “(c) WITHHOLDING.—If the Commissioner deter-
9 mines that a State whose performance falls below the es-
10 tablished standards has failed to enter into a program im-
11 provement plan, or is not complying substantially with the
12 terms and conditions of such a program improvement
13 plan, the Commissioner shall, consistent with subsections
14 (c) and (d) of section 107, reduce or make no further pay-
15 ments to the State under this program, until the State
16 has entered into an approved program improvement plan,
17 or satisfies the Commissioner that the State is complying
18 substantially with the terms and conditions of such a pro-
19 gram improvement plan, as appropriate.

20 “(d) REPORT TO CONGRESS.—Beginning in fiscal
21 year 1999, the Commissioner shall include in each annual
22 report to the Congress under section 13 an analysis of
23 program performance, including relative State perform-
24 ance, based on the standards and indicators.

1 **“SEC. 107. MONITORING AND REVIEW.**

2 “(a) IN GENERAL.—

3 “(1) DUTIES.—In carrying out the duties of the
4 Commissioner under this title, the Commissioner
5 shall—

6 “(A) provide for the annual review and
7 periodic onsite monitoring of programs under
8 this title; and

9 “(B) determine whether, in the administra-
10 tion of the State plan, a State is complying sub-
11 stantially with the provisions of such plan and
12 with evaluation standards and performance in-
13 dicators established under section 106.

14 “(2) PROCEDURES FOR REVIEWS.—In conduct-
15 ing reviews under this section the Commissioner
16 shall consider, at a minimum—

17 “(A) State policies and procedures;

18 “(B) guidance materials;

19 “(C) decisions resulting from hearings con-
20 ducted in accordance with due process;

21 “(D) State goals established under section
22 101(a)(15) and the extent to which the State
23 has achieved such goals;

24 “(E) plans and reports prepared under
25 section 106(b);

1 “(F) consumer satisfaction reviews and
2 analyses described in section 105(c)(4);

3 “(G) information provided by the State
4 Rehabilitation Council established under section
5 105, if the State has such a Council, or by the
6 commission described in section
7 101(a)(21)(A)(i), if the State has such a com-
8 mission;

9 “(H) reports; and

10 “(I) budget and financial management
11 data.

12 “(3) PROCEDURES FOR MONITORING.—In con-
13 ducting monitoring under this section the Commis-
14 sioner shall conduct—

15 “(A) onsite visits, including onsite reviews
16 of records to verify that the State is following
17 requirements regarding the order of selection
18 set forth in section 101(a)(5)(A);

19 “(B) public hearings and other strategies
20 for collecting information from the public;

21 “(C) meetings with the State Rehabilita-
22 tion Council, if the State has such a Council or
23 with the commission described in section
24 101(a)(21)(A)(i), if the State has such a com-
25 mission;

1 “(D) reviews of individual case files, in-
2 cluding individualized rehabilitation employment
3 plans and ineligibility determinations; and

4 “(E) meetings with rehabilitation coun-
5 selors and other personnel.

6 “(4) AREAS OF INQUIRY.—In conducting the
7 review and monitoring, the Commissioner shall ex-
8 amine—

9 “(A) the eligibility process;

10 “(B) the provision of services, including, if
11 applicable, the order of selection;

12 “(C) whether the personnel evaluation sys-
13 tem described in section 101(a)(7)(A)(iv) facili-
14 tates the accomplishments of the program;

15 “(D) such other areas as may be identified
16 by the public or through meetings with the
17 State Rehabilitation Council, if the State has
18 such a Council or with the commission de-
19 scribed in section 101(a)(21)(A)(i), if the State
20 has such a commission; and

21 “(E) such other areas of inquiry as the
22 Commissioner may consider appropriate.

23 “(5) REPORTS.—If the Commissioner issues a
24 report detailing the findings of an annual review or
25 onsite monitoring conducted under this section, the

1 report shall be made available to the State Rehabili-
2 tation Council, if the State has such a Council.

3 “(b) TECHNICAL ASSISTANCE.—The Commissioner
4 shall—

5 “(1) provide technical assistance to programs
6 under this title regarding improving the quality of
7 vocational rehabilitation services provided; and

8 “(2) provide technical assistance and establish
9 a corrective action plan for a program under this
10 title if the Commissioner finds that the program
11 fails to comply substantially with the provisions of
12 the State plan, or with evaluation standards or per-
13 formance indicators established under section 106,
14 in order to ensure that such failure is corrected as
15 soon as practicable.

16 “(c) FAILURE TO COMPLY WITH PLAN.—

17 “(1) WITHHOLDING PAYMENTS.—Whenever the
18 Commissioner, after providing reasonable notice and
19 an opportunity for a hearing to the State agency ad-
20 ministering or supervising the administration of the
21 State plan approved under section 101, finds that—

22 “(A) the plan has been so changed that it
23 no longer complies with the requirements of
24 section 101(a); or

1 “(B) in the administration of the plan
2 there is a failure to comply substantially with
3 any provision of such plan or with an evaluation
4 standard or performance indicator established
5 under section 106,

6 the Commissioner shall notify such State agency
7 that no further payments will be made to the State
8 under this title (or, in the discretion of the Commis-
9 sioner, that such further payments will be reduced,
10 in accordance with regulations the Commissioner
11 shall prescribe, or that further payments will not be
12 made to the State only for the projects under the
13 parts of the State plan affected by such failure),
14 until the Commissioner is satisfied there is no longer
15 any such failure.

16 “(2) PERIOD.—Until the Commissioner is so
17 satisfied, the Commissioner shall make no further
18 payments to such State under this title (or shall re-
19 duce payments or limit payments to projects under
20 those parts of the State plan in which there is no
21 such failure).

22 “(3) DISBURSAL OF WITHHELD FUNDS.—The
23 Commissioner may, in accordance with regulations
24 the Secretary shall prescribe, disburse any funds
25 withheld from a State under paragraph (1) to any

1 public or nonprofit private organization or agency
2 within such State or to any political subdivision of
3 such State submitting a plan meeting the require-
4 ments of section 101(a). The Commissioner may not
5 make any payment under this paragraph unless the
6 entity to which such payment is made has provided
7 assurances to the Commissioner that such entity will
8 contribute, for purposes of carrying out such plan,
9 the same amount as the State would have been obli-
10 gated to contribute if the State received such pay-
11 ment.

12 “(d) REVIEW.—

13 “(1) PETITION.—Any State that is dissatisfied
14 with a final determination of the Commissioner
15 under section 101(b) or subsection (c) may file a pe-
16 tition for judicial review of such determination in the
17 United States Court of Appeals for the circuit in
18 which the State is located. Such a petition may be
19 filed only within the 30-day period beginning on the
20 date that notice of such final determination was re-
21 ceived by the State. The clerk of the court shall
22 transmit a copy of the petition to the Commissioner
23 or to any officer designated by the Commissioner for
24 that purpose. In accordance with section 2112 of
25 title 28, United States Code, the Commissioner shall

1 file with the court a record of the proceeding on
2 which the Commissioner based the determination
3 being appealed by the State. Until a record is so
4 filed, the Commissioner may modify or set aside any
5 determination made under such proceedings.

6 “(2) SUBMISSIONS AND DETERMINATIONS.—If,
7 in an action under this subsection to review a final
8 determination of the Commissioner under section
9 101(b) or subsection (c), the petitioner or the Com-
10 missioner applies to the court for leave to have addi-
11 tional oral submissions or written presentations
12 made respecting such determination, the court may,
13 for good cause shown, order the Commissioner to
14 provide within 30 days an additional opportunity to
15 make such submissions and presentations. Within
16 such period, the Commissioner may revise any find-
17 ings of fact, modify or set aside the determination
18 being reviewed, or make a new determination by rea-
19 son of the additional submissions and presentations,
20 and shall file such modified or new determination,
21 and any revised findings of fact, with the return of
22 such submissions and presentations. The court shall
23 thereafter review such new or modified determina-
24 tion.

25 “(3) STANDARDS OF REVIEW.—

1 “(A) IN GENERAL.—Upon the filing of a
2 petition under paragraph (1) for judicial review
3 of a determination, the court shall have juris-
4 diction—

5 “(i) to grant appropriate relief as pro-
6 vided in chapter 7 of title 5, United States
7 Code, except for interim relief with respect
8 to a determination under subsection (c);
9 and

10 “(ii) except as otherwise provided in
11 subparagraph (B), to review such deter-
12 mination in accordance with chapter 7 of
13 title 5, United States Code.

14 “(B) SUBSTANTIAL EVIDENCE.—Section
15 706 of title 5, United States Code, shall apply
16 to the review of any determination under this
17 subsection, except that the standard for review
18 prescribed by paragraph (2)(E) of such section
19 706 shall not apply and the court shall hold un-
20 lawful and set aside such determination if the
21 court finds that the determination is not sup-
22 ported by substantial evidence in the record of
23 the proceeding submitted pursuant to para-
24 graph (1), as supplemented by any additional

1 submissions and presentations filed under para-
2 graph (2).

3 **“SEC. 108. EXPENDITURE OF CERTAIN AMOUNTS.**

4 “(a) EXPENDITURE.—Amounts described in sub-
5 section (b) may not be expended by a State for any pur-
6 pose other than carrying out programs for which the State
7 receives financial assistance under this title, under part
8 C of title VI, or under title VII.

9 “(b) AMOUNTS.—The amounts referred to in sub-
10 section (a) are amounts provided to a State under the So-
11 cial Security Act (42 U.S.C. 301 et seq.) as reimburse-
12 ment for the expenditure of payments received by the
13 State from allotments under section 110 of this Act.

14 **“SEC. 109. TRAINING OF EMPLOYERS WITH RESPECT TO**
15 **AMERICANS WITH DISABILITIES ACT OF 1990.**

16 “A State may expend payments received under sec-
17 tion 111—

18 “(1) to carry out a program to train employers
19 with respect to compliance with the requirements of
20 title I of the Americans with Disabilities Act of 1990
21 (42 U.S.C. 12111 et seq.); and

22 “(2) to inform employers of the existence of the
23 program and the availability of the services of the
24 program.

1 section 100(b)(1)(A) for the fiscal year ending September
2 30, 1978, in an amount equal to the sum of—

3 “(i) an amount bearing the same ratio to 50
4 percent of such excess amount as the product of the
5 population of the State and the square of its allot-
6 ment percentage bears to the sum of the correspond-
7 ing products for all the States; and

8 “(ii) an amount bearing the same ratio to 50
9 percent of such excess amount as the product of the
10 population of the State and its allotment percentage
11 bears to the sum of the corresponding products for
12 all the States.

13 “(3) The sum of the payment to any State (other
14 than Guam, American Samoa, the Virgin Islands, and the
15 Commonwealth of the Northern Mariana Islands) under
16 this subsection for any fiscal year which is less than one-
17 third of 1 percent of the amount appropriated under sec-
18 tion 100(b)(1), or \$3,000,000, whichever is greater, shall
19 be increased to that amount, the total of the increases
20 thereby required being derived by proportionately reducing
21 the allotment to each of the remaining such States under
22 this subsection, but with such adjustments as may be nec-
23 essary to prevent the sum of the allotments made under
24 this subsection to any such remaining State from being
25 thereby reduced to less than that amount.

1 “(b)(1) Not later than forty-five days prior to the end
2 of the fiscal year, the Commissioner shall determine, after
3 reasonable opportunity for the submission to the Commis-
4 sioner of comments by the State agency administering or
5 supervising the program established under this title, that
6 any payment of an allotment to a State under section
7 111(a) for any fiscal year will not be utilized by such State
8 in carrying out the purposes of this title.

9 “(2) As soon as practicable but not later than the
10 end of the fiscal year, the Commissioner shall make such
11 amount available for carrying out the purposes of this title
12 to one or more other States to the extent the Commis-
13 sioner determines such other State will be able to use such
14 additional amount during that fiscal year or the subse-
15 quent fiscal year for carrying out such purposes. The
16 Commissioner shall make such amount available only if
17 such other State will be able to make sufficient payments
18 from non-Federal sources to pay for the non-Federal share
19 of the cost of vocational rehabilitation services under the
20 State plan for the fiscal year for which the amount was
21 appropriated.

22 “(3) For the purposes of this part, any amount made
23 available to a State for any fiscal year pursuant to this
24 subsection shall be regarded as an increase of such State’s

1 allotment (as determined under the preceding provisions
2 of this section) for such year.

3 “(c)(1) For fiscal year 1987 and for each subsequent
4 fiscal year, the Commissioner shall reserve from the
5 amount appropriated under section 100(b)(1) for allot-
6 ment under this section a sum, determined under para-
7 graph (2), to carry out the purposes of part C.

8 “(2) The sum referred to in paragraph (1) shall be,
9 as determined by the Secretary—

10 “(A) not less than three-quarters of 1 percent
11 and not more than 1.5 percent of the amount re-
12 ferred to in paragraph (1), for fiscal year 1998; and

13 “(B) not less than 1 percent and not more than
14 1.5 percent of the amount referred to in paragraph
15 (1), for each of fiscal years 1999 through 2004.

16 “PAYMENTS TO STATES

17 “SEC. 111. (a)(1) Except as provided in paragraph
18 (2), from each State’s allotment under this part for any
19 fiscal year, the Commissioner shall pay to a State an
20 amount equal to the Federal share of the cost of vocational
21 rehabilitation services under the plan for that State ap-
22 proved under section 101, including expenditures for the
23 administration of the State plan.

24 “(2)(A) The total of payments under paragraph (1)
25 to a State for a fiscal year may not exceed its allotment
26 under subsection (a) of section 110 for such year.

1 “(B) For fiscal year 1994 and each fiscal year there-
2 after, the amount otherwise payable to a State for a fiscal
3 year under this section shall be reduced by the amount
4 by which expenditures from non-Federal sources under the
5 State plan under this title for the previous fiscal year are
6 less than the total of such expenditures for the second fis-
7 cal year preceding the previous fiscal year.

8 “(C) The Commissioner may waive or modify any re-
9 quirement or limitation under paragraphs (A) and (B) if
10 the Commissioner determines that a waiver or modifica-
11 tion is an equitable response to exceptional or uncontrol-
12 lable circumstances affecting the State.

13 “(b) The method of computing and paying amounts
14 pursuant to subsection (a) shall be as follows:

15 “(1) The Commissioner shall, prior to the be-
16 ginning of each calendar quarter or other period pre-
17 scribed by the Commissioner, estimate the amount
18 to be paid to each State under the provisions of such
19 subsection for such period, such estimate to be based
20 on such records of the State and information fur-
21 nished by it, and such other investigation as the
22 Commissioner may find necessary.

23 “(2) The Commissioner shall pay, from the al-
24 lotment available therefor, the amount so estimated
25 by the Commissioner for such period, reduced or in-

1 creased, as the case may be, by any sum (not pre-
2 viously adjusted under this paragraph) by which the
3 Commissioner finds that the estimate of the amount
4 to be paid the State for any prior period under such
5 subsection was greater or less than the amount
6 which should have been paid to the State for such
7 prior period under such subsection. Such payment
8 shall be made prior to audit or settlement by the
9 General Accounting Office, shall be made through
10 the disbursing facilities of the Treasury Department,
11 and shall be made in such installments as the Com-
12 missioner may determine.

13 “CLIENT ASSISTANCE PROGRAM

14 “SEC. 112. (a) From funds appropriated under sub-
15 section (h), the Secretary shall, in accordance with this
16 section, make grants to States to establish and carry out
17 client assistance programs to provide assistance in inform-
18 ing and advising all clients and client applicants of all
19 available benefits under this Act, and, upon request of
20 such clients or client applicants, to assist and advocate
21 for such clients or applicants in their relationships with
22 projects, programs, and services provided under this Act,
23 including assistance and advocacy in pursuing legal, ad-
24 ministrative, or other appropriate remedies to ensure the
25 protection of the rights of such individuals under this Act
26 and to facilitate access to the services funded under this

1 Act through individual and systemic advocacy. The client
2 assistance program shall provide information on the avail-
3 able services and benefits under this Act and title I of
4 the Americans with Disabilities Act of 1990 (42 U.S.C.
5 12111 et seq.) to individuals with disabilities in the State,
6 especially with regard to individuals with disabilities who
7 have traditionally been unserved or underserved by voca-
8 tional rehabilitation programs. In providing assistance and
9 advocacy under this subsection with respect to services
10 under this title, a client assistance program may provide
11 the assistance and advocacy with respect to services that
12 are directly related to facilitating the employment of the
13 individual.

14 “(b) No State may receive payments from its allot-
15 ment under this Act in any fiscal year unless the State
16 has in effect not later than October 1, 1984, a client as-
17 sistance program which—

18 “(1) has the authority to pursue legal, adminis-
19 trative, and other appropriate remedies to ensure the
20 protection of rights of individuals with disabilities
21 who are receiving treatments, services, or rehabilita-
22 tion under this Act within the State; and

23 “(2) meets the requirements of designation
24 under subsection (c).

1 “(c)(1)(A) The Governor shall designate a public or
2 private agency to conduct the client assistance program
3 under this section. Except as provided in the last sentence
4 of this subparagraph, the Governor shall designate an
5 agency which is independent of any agency which provides
6 treatment, services, or rehabilitation to individuals under
7 this Act. If there is an agency in the State which has,
8 or had, prior to the date of enactment of the Rehabilita-
9 tion Amendments of 1984, served as a client assistance
10 agency under this section and which received Federal fi-
11 nancial assistance under this Act, the Governor may, in
12 the initial designation, designate an agency which provides
13 treatment, services, or rehabilitation to individuals with
14 disabilities under this Act.

15 “(B)(i) The Governor may not redesignate the agency
16 designated under subparagraph (A) without good cause
17 and unless—

18 “(I) the Governor has given the agency 30 days
19 notice of the intention to make such redesignation,
20 including specification of the good cause for such re-
21 designation and an opportunity to respond to the as-
22 sertion that good cause has been shown;

23 “(II) individuals with disabilities or the individ-
24 uals’ representatives have timely notice of the redesi-
25 gnation and opportunity for public comment; and

1 “(III) the agency has the opportunity to appeal
2 to the Commissioner on the basis that the redesigna-
3 tion was not for good cause.

4 “(ii) If, after the date of enactment of the Rehabilita-
5 tion Act Amendments of 1998—

6 “(I) a designated State agency undergoes any
7 change in the organizational structure of the agency
8 that results in the creation of 1 or more new State
9 agencies or departments or results in the merger of
10 the designated State agency with 1 or more other
11 State agencies or departments; and

12 “(II) an agency (including an office or other
13 unit) within the designated State agency was con-
14 ducting a client assistance program before the
15 change under the last sentence of subparagraph (A),
16 the Governor shall redesignate the agency conducting the
17 program. In conducting the redesignation, the Governor
18 shall designate to conduct the program an agency that is
19 independent of any agency that provides treatment, serv-
20 ices, or rehabilitation to individuals with disabilities under
21 this Act.

22 “(2) In carrying out the provisions of this section,
23 the Governor shall consult with the director of the State
24 vocational rehabilitation agency, the head of the develop-
25 mental disability protection and advocacy agency, and with

1 representatives of professional and consumer organiza-
2 tions serving individuals with disabilities in the State.

3 “(3) The agency designated under this subsection
4 shall be accountable for the proper use of funds made
5 available to the agency.

6 “(4) For the purpose of this subsection, the term
7 ‘Governor’ means the chief executive of the State.

8 “(d) The agency designated under subsection (c) of
9 this section may not bring any class action in carrying
10 out its responsibilities under this section.

11 “(e)(1)(A) The Secretary shall allot the sums appro-
12 priated for each fiscal year under this section among the
13 States on the basis of relative population of each State,
14 except that no State shall receive less than \$50,000.

15 “(B) The Secretary shall allot \$30,000 each to Amer-
16 ican Samoa, Guam, the Virgin Islands, and the Common-
17 wealth of the Northern Mariana Islands.

18 “(C) For the purpose of this paragraph, the term
19 ‘State’ does not include American Samoa, Guam, the Vir-
20 gin Islands, and the Commonwealth of the Northern Mari-
21 ana Islands.

22 “(D)(i) In any fiscal year that the funds appropriated
23 for such fiscal year exceed \$7,500,000, the minimum allot-
24 ment shall be \$100,000 for States and \$45,000 for terri-
25 tories.

1 “(ii) For any fiscal year in which the total amount
2 appropriated under subsection (h) exceeds the total
3 amount appropriated under such subsection for the pre-
4 ceding fiscal year, the Secretary shall increase each of the
5 minimum allotments under clause (i) by a percentage that
6 shall not exceed the percentage increase in the total
7 amount appropriated under such subsection between the
8 preceding fiscal year and the fiscal year involved.

9 “(2) The amount of an allotment to a State for a
10 fiscal year which the Secretary determines will not be re-
11 quired by the State during the period for which it is avail-
12 able for the purpose for which allotted shall be available
13 for reallocation by the Secretary at appropriate times to
14 other States with respect to which such a determination
15 has not been made, in proportion to the original allotments
16 of such States for such fiscal year, but with such propor-
17 tionate amount for any of such other States being reduced
18 to the extent it exceeds the sum the Secretary estimates
19 such State needs and will be able to use during such pe-
20 riod, and the total of such reduction shall be similarly real-
21 lotted among the States whose proportionate amounts
22 were not so reduced. Any such amount so reallocated to
23 a State for a fiscal year shall be deemed to be a part of
24 its allotment for such fiscal year.

1 “(3) Except as specifically prohibited by or as other-
2 wise provided in State law, the Secretary shall pay to the
3 agency designated under subsection (c) the amount speci-
4 fied in the application approved under subsection (f).

5 “(f) No grant may be made under this section unless
6 the State submits an application to the Secretary at such
7 time, in such manner, and containing or accompanied by
8 such information as the Secretary deems necessary to
9 meet the requirements of this section.

10 “(g) The Secretary shall prescribe regulations appli-
11 cable to the client assistance program which shall include
12 the following requirements:

13 “(1) No employees of such programs shall,
14 while so employed, serve as staff or consultants of
15 any rehabilitation project, program, or facility re-
16 ceiving assistance under this Act in the State.

17 “(2) Each program shall be afforded reasonable
18 access to policymaking and administrative personnel
19 in the State and local rehabilitation programs,
20 projects, or facilities.

21 “(3)(A) Each program shall contain provisions
22 designed to assure that to the maximum extent pos-
23 sible alternative means of dispute resolution are
24 available for use at the discretion of an applicant or
25 client of the program prior to resorting to litigation

1 or formal adjudication to resolve a dispute arising
2 under this section.

3 “(B) In subparagraph (A), the term ‘alternative
4 means of dispute resolution’ means any procedure,
5 including good faith negotiation, conciliation, facili-
6 tation, mediation, fact finding, and arbitration, and
7 any combination of procedures, that is used in lieu
8 of litigation in a court or formal adjudication in an
9 administrative forum, to resolve a dispute arising
10 under this section.

11 “(4) For purposes of any periodic audit, report,
12 or evaluation of the performance of a client assist-
13 ance program under this section, the Secretary shall
14 not require such a program to disclose the identity
15 of, or any other personally identifiable information
16 related to, any individual requesting assistance
17 under such program.

18 “(h) There are authorized to be appropriated such
19 sums as may be necessary for fiscal years 1998 through
20 2004 to carry out the provisions of this section.

21 “PART C—AMERICAN INDIAN VOCATIONAL

22 REHABILITATION SERVICES

23 “VOCATIONAL REHABILITATION SERVICES GRANTS

24 “SEC. 121. (a) The Commissioner, in accordance with
25 the provisions of this part, may make grants to the gov-

1 erning bodies of Indian tribes located on Federal and
2 State reservations (and consortia of such governing bod-
3 ies) to pay 90 percent of the costs of vocational rehabilita-
4 tion services for American Indians who are individuals
5 with disabilities residing on such reservations. The non-
6 Federal share of such costs may be in cash or in kind,
7 fairly valued, and the Commissioner may waive such non-
8 Federal share requirement in order to carry out the pur-
9 poses of this Act.

10 “(b)(1) No grant may be made under this part for
11 any fiscal year unless an application therefor has been
12 submitted to and approved by the Commissioner. The
13 Commissioner may not approve an application unless the
14 application—

15 “(A) is made at such time, in such manner, and
16 contains such information as the Commissioner may
17 require;

18 “(B) contains assurances that the rehabilitation
19 services provided under this part to American Indi-
20 ans who are individuals with disabilities residing on
21 a reservation in a State shall be, to the maximum
22 extent feasible, comparable to rehabilitation services
23 provided under this title to other individuals with
24 disabilities residing in the State and that, where ap-

1 appropriate, may include services traditionally used by
2 Indian tribes; and

3 “(C) contains assurances that the application
4 was developed in consultation with the designated
5 State unit of the State.

6 “(2) The provisions of sections 5, 6, 7, and 102(a)
7 of the Indian Self-Determination and Education Assist-
8 ance Act shall be applicable to any application submitted
9 under this part. For purposes of this paragraph, any ref-
10 erence in any such provision to the Secretary of Education
11 or to the Secretary of the Interior shall be considered to
12 be a reference to the Commissioner.

13 “(3) Any application approved under this part shall
14 be effective for not more than 60 months, except as deter-
15 mined otherwise by the Commissioner pursuant to pre-
16 scribed regulations. The State shall continue to provide
17 vocational rehabilitation services under its State plan to
18 American Indians residing on a reservation whenever such
19 State includes any such American Indians in its State pop-
20 ulation under section 110(a)(1).

21 “(4) In making grants under this part, the Secretary
22 shall give priority consideration to applications for the
23 continuation of programs which have been funded under
24 this part.

1 “(ii) the Social Security Administra-
2 tion, from its Summary Earnings and
3 Records and Master Beneficiary Records.

4 “(2) LABOR MARKET INFORMATION.—The Sec-
5 retary of Labor shall provide the Commissioner with
6 labor market information that facilitates evaluation
7 by the Commissioner of the program carried out
8 under part B, and allows the Commissioner to com-
9 pare the progress of individuals with disabilities who
10 are assisted under the program in securing, retain-
11 ing, regaining, and advancing in employment with
12 the progress made by individuals who are assisted
13 under title III of the Workforce Investment Partner-
14 ship Act of 1998.

15 “(b) TREATMENT OF INFORMATION.—For purposes
16 of the exchange described in subsection (a)(1), the data
17 described in subsection (a)(1)(B)(ii) shall not be consid-
18 ered return information (as defined in section 6103(b)(2)
19 of the Internal Revenue Code of 1986) and, as appro-
20 priate, the confidentiality of all client information shall be
21 maintained by the Rehabilitation Services Administration
22 and the Social Security Administration.”.

23 **SEC. 5. RESEARCH AND TRAINING.**

24 Title II of the Rehabilitation Act of 1973 (29 U.S.C.
25 760 et seq.) is amended to read as follows:

1 “TITLE II—RESEARCH AND TRAINING

2 “DECLARATION OF PURPOSE

3 “SEC. 200. The purpose of this title is to—

4 “(1) provide for research, demonstration
5 projects, training, and related activities to maximize
6 the full inclusion and integration into society, em-
7 ployment, independent living, family support, and
8 economic and social self-sufficiency of individuals
9 with disabilities of all ages, with particular emphasis
10 on improving the effectiveness of services authorized
11 under this Act;

12 “(2) provide for a comprehensive and coordi-
13 nated approach to the support and conduct of such
14 research, demonstration projects, training, and relat-
15 ed activities and to ensure that the approach is in
16 accordance with the 5-year plan developed under
17 section 202(h);

18 “(3) promote the transfer of rehabilitation tech-
19 nology to individuals with disabilities through re-
20 search and demonstration projects relating to—

21 “(A) the procurement process for the pur-
22 chase of rehabilitation technology;

23 “(B) the utilization of rehabilitation tech-
24 nology on a national basis;

1 “(C) specific adaptations or customizations
2 of products to enable individuals with disabili-
3 ties to live more independently; and

4 “(D) the development or transfer of assist-
5 ive technology;

6 “(4) ensure the widespread distribution, in usa-
7 ble formats, of practical scientific and technological
8 information—

9 “(A) generated by research, demonstration
10 projects, training, and related activities; and

11 “(B) regarding state-of-the-art practices,
12 improvements in the services authorized under
13 this Act, rehabilitation technology, and new
14 knowledge regarding disabilities,

15 to rehabilitation professionals, individuals with dis-
16 abilities, and other interested parties, including the
17 general public;

18 “(5) identify effective strategies that enhance
19 the opportunities of individuals with disabilities to
20 engage in employment, including employment involv-
21 ing telecommuting and self-employment; and

22 “(6) increase opportunities for researchers who
23 are members of traditionally underserved popu-
24 lations, including researchers who are members of

1 minority groups and researchers who are individuals
2 with disabilities.

3 “AUTHORIZATION OF APPROPRIATIONS

4 “SEC. 201. (a) There are authorized to be appro-
5 priated—

6 “(1) for the purpose of providing for the ex-
7 penses of the National Institute on Disability and
8 Rehabilitation Research under section 202, which
9 shall include the expenses of the Rehabilitation Re-
10 search Advisory Council under section 205, and shall
11 not include the expenses of such Institute to carry
12 out section 204, such sums as may be necessary for
13 each of fiscal years 1998 through 2004; and

14 “(2) to carry out section 204, such sums as
15 may be necessary for each of fiscal years 1998
16 through 2004.

17 “(b) Funds appropriated under this title shall remain
18 available until expended.

19 “NATIONAL INSTITUTE ON DISABILITY AND
20 REHABILITATION RESEARCH

21 “SEC. 202. (a)(1) There is established within the De-
22 partment of Education a National Institute on Disability
23 and Rehabilitation Research (hereinafter in this title re-
24 ferred to as the ‘Institute’), which shall be headed by a

1 Director (hereinafter in this title referred to as the ‘Direc-
2 tor’), in order to—

3 “(A) promote, coordinate, and provide for—

4 “(i) research;

5 “(ii) demonstration projects and training;

6 and

7 “(iii) related activities,

8 with respect to individuals with disabilities;

9 “(B) more effectively carry out activities
10 through the programs under section 204 and activi-
11 ties under this section;

12 “(C) widely disseminate information from the
13 activities described in subparagraphs (A) and (B);
14 and

15 “(D) provide leadership in advancing the qual-
16 ity of life of individuals with disabilities.

17 “(2) In the performance of the functions of the office,
18 the Director shall be directly responsible to the Secretary
19 or to the same Under Secretary or Assistant Secretary of
20 the Department of Education to whom the Commissioner
21 is responsible under section 3(a).

22 “(b) The Director, through the Institute, shall be re-
23 sponsible for—

24 “(1) administering the programs described in
25 section 204 and activities under this section;

1 “(2) widely disseminating findings, conclusions,
2 and recommendations, resulting from research, dem-
3 onstration projects, training, and related activities
4 (referred to in this title as ‘covered activities’) fund-
5 ed by the Institute, to—

6 “(A) other Federal, State, tribal, and local
7 public agencies;

8 “(B) private organizations engaged in re-
9 search relating to rehabilitation or providing re-
10 habilitation services;

11 “(C) rehabilitation practitioners; and

12 “(D) individuals with disabilities and the
13 individuals’ representatives;

14 “(3) coordinating, through the Interagency
15 Committee established by section 203 of this Act, all
16 Federal programs and policies relating to research in
17 rehabilitation;

18 “(4) widely disseminating educational materials
19 and research results, concerning ways to maximize
20 the full inclusion and integration into society, em-
21 ployment, independent living, family support, and
22 economic and social self-sufficiency of individuals
23 with disabilities, to—

24 “(A) public and private entities, includ-
25 ing—

1 “(i) elementary and secondary schools
2 (as defined in section 14101 of the Ele-
3 mentary and Secondary Education Act of
4 1965; and

5 “(ii) institutions of higher education;

6 “(B) rehabilitation practitioners;

7 “(C) individuals with disabilities (especially
8 such individuals who are members of minority
9 groups or of populations that are unserved or
10 underserved by programs under this Act); and

11 “(D) the individuals’ representatives for
12 the individuals described in subparagraph (C);

13 “(5)(A) conducting an education program to in-
14 form the public about ways of providing for the re-
15 habilitation of individuals with disabilities, including
16 information relating to—

17 “(i) family care;

18 “(ii) self-care; and

19 “(iii) assistive technology devices and as-
20 sistive technology services; and

21 “(B) as part of the program, disseminating en-
22 gineering information about assistive technology de-
23 vices;

24 “(6) conducting conferences, seminars, and
25 workshops (including in-service training programs

1 and programs for individuals with disabilities) con-
2 cerning advances in rehabilitation research and reha-
3 bilitation technology (including advances concerning
4 the selection and use of assistive technology devices
5 and assistive technology services), pertinent to the
6 full inclusion and integration into society, employ-
7 ment, independent living, family support, and eco-
8 nomic and social self-sufficiency of individuals with
9 disabilities;

10 “(7) taking whatever action is necessary to keep
11 the Congress fully and currently informed with re-
12 spect to the implementation and conduct of pro-
13 grams and activities carried out under this title, in-
14 cluding dissemination activities;

15 “(8) producing, in conjunction with the Depart-
16 ment of Labor, the National Center for Health Sta-
17 tistics, the Bureau of the Census, the Health Care
18 Financing Administration, the Social Security Ad-
19 ministration, the Bureau of Indian Affairs, the In-
20 dian Health Service, and other Federal departments
21 and agencies, as may be appropriate, statistical re-
22 ports and studies on the employment, health, in-
23 come, and other demographic characteristics of indi-
24 viduals with disabilities, including information on in-
25 dividuals with disabilities who live in rural or inner-

1 city settings, with particular attention given to un-
2 derserved populations, and widely disseminating
3 such reports and studies to rehabilitation profes-
4 sionals, individuals with disabilities, the individuals'
5 representatives, and others to assist in the planning,
6 assessment, and evaluation of vocational and other
7 rehabilitation services for individuals with disabili-
8 ties;

9 “(9) conducting research on consumer satisfac-
10 tion with vocational rehabilitation services for the
11 purpose of identifying effective rehabilitation pro-
12 grams and policies that promote the independence of
13 individuals with disabilities and achievement of long-
14 term vocational goals;

15 “(10) conducting research to examine the rela-
16 tionship between the provision of specific services
17 and successful, sustained employment outcomes, in-
18 cluding employment outcomes involving self-employ-
19 ment; and

20 “(11) coordinating activities with the Attorney
21 General regarding the provision of information,
22 training, or technical assistance regarding the Amer-
23 icans with Disabilities Act of 1990 (42 U.S.C.
24 12101 et seq.) to ensure consistency with the plan

1 for technical assistance required under section 506
2 of such Act (42 U.S.C. 12206).

3 “(c)(1) The Director, acting through the Institute or
4 1 or more entities funded by the Institute, shall provide
5 for the development and dissemination of models to ad-
6 dress consumer-driven information needs related to assist-
7 ive technology devices and assistive technology services.

8 “(2) The development and dissemination of models
9 may include—

10 “(A) convening groups of individuals with dis-
11 abilities, family members and advocates of such indi-
12 viduals, commercial producers of assistive tech-
13 nology, and entities funded by the Institute to de-
14 velop, assess, and disseminate knowledge about in-
15 formation needs related to assistive technology;

16 “(B) identifying the types of information re-
17 garding assistive technology devices and assistive
18 technology services that individuals with disabilities
19 find especially useful;

20 “(C) evaluating current models, and developing
21 new models, for transmitting the information de-
22 scribed in subparagraph (B) to consumers and to
23 commercial producers of assistive technology; and

24 “(D) disseminating through 1 or more entities
25 funded by the Institute, the models described in sub-

1 paragraph (C) and findings regarding the informa-
2 tion described in subparagraph (B) to consumers
3 and commercial producers of assistive technology.

4 “(d)(1) The Director of the Institute shall be ap-
5 pointed by the Secretary. The Director shall be an individ-
6 ual with substantial experience in rehabilitation and in re-
7 search administration. The Director shall be compensated
8 at the rate payable for level V of the Executive Schedule
9 under section 5316 of title 5, United States Code. The
10 Director shall not delegate any of his functions to any offi-
11 cer who is not directly responsible to the Director.

12 “(2) There shall be a Deputy Director of the Institute
13 (referred to in this section as the ‘Deputy Director’) who
14 shall be appointed by the Secretary. The Deputy Director
15 shall be an individual with substantial experience in reha-
16 bilitation and in research administration. The Deputy Di-
17 rector shall be compensated at the rate of pay for level
18 4 of the Senior Executive Service Schedule under section
19 5382 of title 5, United States Code, and shall act for the
20 Director during the absence of the Director or the inability
21 of the Director to perform the essential functions of the
22 job, exercising such powers as the Director may prescribe.
23 In the case of any vacancy in the office of the Director,
24 the Deputy Director shall serve as Director until a Direc-
25 tor is appointed under paragraph (1). The position created

1 by this paragraph shall be a Senior Executive Service posi-
2 tion, as defined in section 3132 of title 5, United States
3 Code.

4 “(3) The Director, subject to the approval of the
5 President, may appoint, for terms not to exceed three
6 years, without regard to the provisions of title 5, United
7 States Code, governing appointment in the competitive
8 service, and may compensate, without regard to the provi-
9 sions of chapter 51 and subchapter III of chapter 53 of
10 such title relating to classification and General Schedule
11 pay rates, such technical and professional employees of the
12 Institute as the Director determines to be necessary to ac-
13 complish the functions of the Institute and also appoint
14 and compensate without regard to such provisions, in a
15 number not to exceed one-fifth of the number of full-time,
16 regular technical and professional employees of the Insti-
17 tute.

18 “(4) The Director may obtain the services of consult-
19 ants, without regard to the provisions of title 5, United
20 States Code, governing appointments in the competitive
21 service.

22 “(e) The Director, pursuant to regulations which the
23 Secretary shall prescribe, may establish and maintain fel-
24 lowships with such stipends and allowances, including
25 travel and subsistence expenses provided for under title

1 5, United States Code, as the Director considers necessary
2 to procure the assistance of highly qualified research fel-
3 lows, including individuals with disabilities, from the
4 United States and foreign countries.

5 “(f)(1) The Director shall, pursuant to regulations
6 that the Secretary shall prescribe, provide for scientific
7 peer review of all applications for financial assistance for
8 research, training, and demonstration projects over which
9 the Director has authority. The Director shall provide for
10 the review by utilizing, to the maximum extent possible,
11 appropriate peer review panels established within the In-
12 stitute. The panels shall be standing panels if the grant
13 period involved or the duration of the program involved
14 is not more than 3 years. The panels shall be composed
15 of individuals who are not Federal employees, who are sci-
16 entists or other experts in the rehabilitation field (includ-
17 ing the independent living field), including knowledgeable
18 individuals with disabilities, and the individuals’ rep-
19 resentatives, and who are competent to review applications
20 for the financial assistance.

21 “(2) The Federal Advisory Committee Act (5 U.S.C.
22 App.) shall not apply to the panels.

23 “(3) The Director shall solicit nominations for such
24 panels from the public and shall publish the names of the
25 individuals selected. Individuals comprising each panel

1 shall be selected from a pool of qualified individuals to
2 facilitate knowledgeable, cost-effective review.

3 “(4) In providing for such scientific peer review, the
4 Secretary shall provide for training, as necessary and ap-
5 propriate, to facilitate the effective participation of those
6 individuals selected to participate in such review.

7 “(g) Not less than 90 percent of the funds appro-
8 priated under this title for any fiscal year shall be ex-
9 pended by the Director to carry out activities under this
10 title through grants, contracts, or cooperative agreements.
11 Up to 10 percent of the funds appropriated under this
12 title for any fiscal year may be expended directly for the
13 purpose of carrying out the functions of the Director
14 under this section.

15 “(h)(1) The Director shall—

16 “(A) by October 1, 1998 and every fifth Octo-
17 ber 1 thereafter, prepare and publish in the Federal
18 Register for public comment a draft of a 5-year plan
19 that outlines priorities for rehabilitation research,
20 demonstration projects, training, and related activi-
21 ties and explains the basis for such priorities;

22 “(B) by June 1, 1999, and every fifth June 1
23 thereafter, after considering public comments, sub-
24 mit the plan in final form to the appropriate com-
25 mittees of Congress;

1 “(C) at appropriate intervals, prepare and sub-
2 mit revisions in the plan to the appropriate commit-
3 tees of Congress; and

4 “(D) annually prepare and submit progress re-
5 ports on the plan to the appropriate committees of
6 Congress.

7 “(2) Such plan shall—

8 “(A) identify any covered activity that should
9 be conducted under this section and section 204 re-
10 specting the full inclusion and integration into soci-
11 ety of individuals with disabilities, especially in the
12 area of employment;

13 “(B) determine the funding priorities for cov-
14 ered activities to be conducted under this section
15 and section 204;

16 “(C) specify appropriate goals and timetables
17 for covered activities to be conducted under this sec-
18 tion and section 204;

19 “(D) be developed by the Director—

20 “(i) after consultation with the Rehabilita-
21 tion Research Advisory Council established
22 under section 205;

23 “(ii) in coordination with the Commis-
24 sioner;

1 “(iii) after consultation with the National
2 Council on Disability established under title IV,
3 the Secretary of Education, officials responsible
4 for the administration of the Developmental
5 Disabilities Assistance and Bill of Rights Act
6 (42 U.S.C. 6000 et seq.), and the Interagency
7 Committee on Disability Research established
8 under section 203; and

9 “(iv) after full consideration of the input of
10 individuals with disabilities and the individuals’
11 representatives, organizations representing indi-
12 viduals with disabilities, providers of services
13 furnished under this Act, researchers in the re-
14 habilitation field, and any other persons or enti-
15 ties the Director considers to be appropriate;

16 “(E) specify plans for widespread dissemination
17 of the results of covered activities, in accessible for-
18 mats, to rehabilitation practitioners, individuals with
19 disabilities, and the individuals’ representatives; and

20 “(F) specify plans for widespread dissemination
21 of the results of covered activities that concern indi-
22 viduals with disabilities who are members of minor-
23 ity groups or of populations that are unserved or un-
24 derserved by programs carried out under this Act.

1 “(i) In order to promote cooperation among Federal
2 departments and agencies conducting research programs,
3 the Director shall consult with the administrators of such
4 programs, and with the Interagency Committee estab-
5 lished by section 203, regarding the design of research
6 projects conducted by such entities and the results and
7 applications of such research.

8 “(j)(1) The Director shall take appropriate actions
9 to provide for a comprehensive and coordinated research
10 program under this title. In providing such a program,
11 the Director may undertake joint activities with other
12 Federal entities engaged in research and with appropriate
13 private entities. Any Federal entity proposing to establish
14 any research project related to the purposes of this Act
15 shall consult, through the Interagency Committee estab-
16 lished by section 203, with the Director as Chairperson
17 of such Committee and provide the Director with sufficient
18 prior opportunity to comment on such project.

19 “(2) Any person responsible for administering any
20 program of the National Institutes of Health, the Depart-
21 ment of Veterans Affairs, the National Science Founda-
22 tion, the National Aeronautics and Space Administration,
23 the Office of Special Education and Rehabilitative Serv-
24 ices, or of any other Federal entity, shall, through the
25 Interagency Committee established by section 203, consult

1 and cooperate with the Director in carrying out such pro-
2 gram if the program is related to the purposes of this title.

3 “(k) The Director shall make grants to institutions
4 of higher education for the training of rehabilitation re-
5 searchers, including individuals with disabilities, with par-
6 ticular attention to research areas that support the imple-
7 mentation and objectives of this Act and that improve the
8 effectiveness of services authorized under this Act.

9 “INTERAGENCY COMMITTEE

10 “SEC. 203. (a)(1) In order to promote coordination
11 and cooperation among Federal departments and agencies
12 conducting rehabilitation research programs, there is es-
13 tablished within the Federal Government an Interagency
14 Committee on Disability Research (hereinafter in this sec-
15 tion referred to as the ‘Committee’), chaired by the Direc-
16 tor and comprised of such members as the President may
17 designate, including the following (or their designees): the
18 Director, the Commissioner of the Rehabilitation Services
19 Administration, the Assistant Secretary for Special Edu-
20 cation and Rehabilitative Services, the Secretary of Edu-
21 cation, the Secretary of Veterans Affairs, the Director of
22 the National Institutes of Health, the Director of the Na-
23 tional Institute of Mental Health, the Administrator of the
24 National Aeronautics and Space Administration, the Sec-
25 retary of Transportation, the Assistant Secretary of the

1 Interior for Indian Affairs, the Director of the Indian
2 Health Service, and the Director of the National Science
3 Foundation.

4 “(2) The Committee shall meet not less than four
5 times each year.

6 “(b) After receiving input from individuals with dis-
7 abilities and the individuals’ representatives, the Commit-
8 tee shall identify, assess, and seek to coordinate all Fed-
9 eral programs, activities, and projects, and plans for such
10 programs, activities, and projects with respect to the con-
11 duct of research related to rehabilitation of individuals
12 with disabilities.

13 “(c) The Committee shall annually submit to the
14 President and to the appropriate committees of the Con-
15 gress a report making such recommendations as the Com-
16 mittee deems appropriate with respect to coordination of
17 policy and development of objectives and priorities for all
18 Federal programs relating to the conduct of research re-
19 lated to rehabilitation of individuals with disabilities.

20 “RESEARCH AND OTHER COVERED ACTIVITIES

21 “SEC. 204. (a)(1) To the extent consistent with prior-
22 ities established in the 5-year plan described in section
23 202(h), the Director may make grants to and contracts
24 with States and public or private agencies and organiza-
25 tions, including institutions of higher education, Indian

1 tribes, and tribal organizations, to pay part of the cost
2 of projects for the purpose of planning and conducting re-
3 search, demonstration projects, training, and related ac-
4 tivities, the purposes of which are to develop methods, pro-
5 cedures, and rehabilitation technology, that maximize the
6 full inclusion and integration into society, employment,
7 independent living, family support, and economic and so-
8 cial self-sufficiency of individuals with disabilities, espe-
9 cially individuals with the most significant disabilities, and
10 improve the effectiveness of services authorized under this
11 Act.

12 “(2)(A) In carrying out this section, the Director
13 shall emphasize projects that support the implementation
14 of titles I, III, V, VI, and VII, including projects address-
15 ing the needs described in the State plans submitted under
16 section 101 or 704 by State agencies.

17 “(B) Such projects, as described in the State plans
18 submitted by State agencies, may include—

19 “(i) medical and other scientific, technical,
20 methodological, and other investigations into the na-
21 ture of disability, methods of analyzing it, and re-
22 storative techniques, including basic research where
23 related to rehabilitation techniques or services;

24 “(ii) studies and analysis of industrial, voca-
25 tional, social, recreational, psychiatric, psychological,

1 economic, and other factors affecting rehabilitation
2 of individuals with disabilities;

3 “(iii) studies and analysis of special problems of
4 individuals who are homebound and individuals who
5 are institutionalized;

6 “(iv) studies, analyses, and demonstrations of
7 architectural and engineering design adapted to
8 meet the special needs of individuals with disabili-
9 ties;

10 “(v) studies, analyses, and other activities relat-
11 ed to supported employment;

12 “(vi) related activities which hold promise of in-
13 creasing knowledge and improving methods in the
14 rehabilitation of individuals with disabilities and in-
15 dividuals with the most significant disabilities, par-
16 ticularly individuals with disabilities, and individuals
17 with the most significant disabilities, who are mem-
18 bers of populations that are unserved or underserved
19 by programs under this Act; and

20 “(vii) studies, analyses, and other activities re-
21 lated to job accommodations, including the use of re-
22 habilitation engineering and assistive technology.

23 “(b)(1) In addition to carrying out projects under
24 subsection (a), the Director may make grants under this
25 subsection (referred to in this subsection as ‘research

1 grants’) to pay part or all of the cost of the research or
2 other specialized covered activities described in paragraphs
3 (2) through (18). A research grant made under any of
4 paragraphs (2) through (18) may only be used in a man-
5 ner consistent with priorities established in the 5-year plan
6 described in section 202(h).

7 “(2)(A) Research grants may be used for the estab-
8 lishment and support of Rehabilitation Research and
9 Training Centers, for the purpose of providing an inte-
10 grated program of research, which Centers shall—

11 “(i) be operated in collaboration with institu-
12 tions of higher education or providers of rehabilita-
13 tion services or other appropriate services; and

14 “(ii) serve as centers of national excellence and
15 national or regional resources for providers and indi-
16 viduals with disabilities and the individuals’ rep-
17 resentatives.

18 “(B) The Centers shall conduct research and training
19 activities by—

20 “(i) conducting coordinated and advanced pro-
21 grams of research in rehabilitation targeted toward
22 the production of new knowledge that will improve
23 rehabilitation methodology and service delivery sys-
24 tems, alleviate or stabilize disabling conditions, and
25 promote maximum social and economic independence

1 of individuals with disabilities, especially promoting
2 the ability of the individuals to prepare for, secure,
3 retain, regain, or advance in employment;

4 “(ii) providing training (including graduate,
5 pre-service, and in-service training) to assist individ-
6 uals to more effectively provide rehabilitation serv-
7 ices;

8 “(iii) providing training (including graduate,
9 pre-service, and in-service training) for rehabilitation
10 research personnel and other rehabilitation person-
11 nel; and

12 “(iv) serving as an informational and technical
13 assistance resource to providers, individuals with dis-
14 abilities, and the individuals’ representatives,
15 through conferences, workshops, public education
16 programs, in-service training programs, and similar
17 activities.

18 “(C) The research to be carried out at each such Cen-
19 ter may include—

20 “(i) basic or applied medical rehabilitation re-
21 search;

22 “(ii) research regarding the psychological and
23 social aspects of rehabilitation, including disability
24 policy;

1 “(iii) research related to vocational rehabilita-
2 tion;

3 “(iv) continuation of research that promotes the
4 emotional, social, educational, and functional growth
5 of children who are individuals with disabilities;

6 “(v) continuation of research to develop and
7 evaluate interventions, policies, and services that
8 support families of those children and adults who
9 are individuals with disabilities; and

10 “(vi) continuation of research that will improve
11 services and policies that foster the productivity,
12 independence, and social integration of individuals
13 with disabilities, and enable individuals with disabili-
14 ties, including individuals with mental retardation
15 and other developmental disabilities, to live in their
16 communities.

17 “(D) Training of students preparing to be rehabilita-
18 tion personnel shall be an important priority for such a
19 Center.

20 “(E) The Director shall make grants under this para-
21 graph to establish and support both comprehensive centers
22 dealing with multiple disabilities and centers primarily fo-
23 cused on particular disabilities.

24 “(F) Grants made under this paragraph may be used
25 to provide funds for services rendered by such a Center

1 to individuals with disabilities in connection with the re-
2 search and training activities.

3 “(G) Grants made under this paragraph may be used
4 to provide faculty support for teaching—

5 “(i) rehabilitation-related courses of study for
6 credit; and

7 “(ii) other courses offered by the Centers, ei-
8 ther directly or through another entity.

9 “(H) The research and training activities conducted
10 by such a Center shall be conducted in a manner that is
11 accessible to and usable by individuals with disabilities.

12 “(I) The Director shall encourage the Centers to de-
13 velop practical applications for the findings of the research
14 of the Centers.

15 “(J) In awarding grants under this paragraph, the
16 Director shall take into consideration the location of any
17 proposed Center and the appropriate geographic and re-
18 gional allocation of such Centers.

19 “(K) To be eligible to receive a grant under this para-
20 graph, each such institution or provider described in sub-
21 paragraph (A) shall—

22 “(i) be of sufficient size, scope, and quality to
23 effectively carry out the activities in an efficient
24 manner consistent with appropriate State and Fed-
25 eral law; and

1 “(ii) demonstrate the ability to carry out the
2 training activities either directly or through another
3 entity that can provide such training.

4 “(L) The Director shall make grants under this para-
5 graph for periods of 5 years, except that the Director may
6 make a grant for a period of less than 5 years if—

7 “(i) the grant is made to a new recipient; or

8 “(ii) the grant supports new or innovative re-
9 search.

10 “(M) Grants made under this paragraph shall be
11 made on a competitive basis. To be eligible to receive a
12 grant under this paragraph, a prospective grant recipient
13 shall submit an application to the Director at such time,
14 in such manner, and containing such information as the
15 Director may require.

16 “(N) In conducting scientific peer review under sec-
17 tion 202(f) of an application for the renewal of a grant
18 made under this paragraph, the peer review panel shall
19 take into account the past performance of the applicant
20 in carrying out the grant and input from individuals with
21 disabilities and the individuals’ representatives.

22 “(O) An institution or provider that receives a grant
23 under this paragraph to establish such a Center may not
24 collect more than 15 percent of the amount of the grant
25 received by the Center in indirect cost charges.

1 “(3)(A) Research grants may be used for the estab-
2 lishment and support of Rehabilitation Engineering Re-
3 search Centers, operated by or in collaboration with insti-
4 tutions of higher education or nonprofit organizations, to
5 conduct research or demonstration activities, and training
6 activities, regarding rehabilitation technology, including
7 rehabilitation engineering, assistive technology devices,
8 and assistive technology services, for the purposes of en-
9 hancing opportunities for better meeting the needs of, and
10 addressing the barriers confronted by, individuals with
11 disabilities in all aspects of their lives.

12 “(B) In order to carry out the purposes set forth in
13 subparagraph (A), such a Center shall carry out the re-
14 search or demonstration activities by—

15 “(i) developing and disseminating innovative
16 methods of applying advanced technology, scientific
17 achievement, and psychological and social knowledge
18 to—

19 “(I) solve rehabilitation problems and re-
20 move environmental barriers through planning
21 and conducting research, including cooperative
22 research with public or private agencies and or-
23 ganizations, designed to produce new scientific
24 knowledge, and new or improved methods,
25 equipment, and devices; and

1 “(II) study new or emerging technologies,
2 products, or environments, and the effectiveness
3 and benefits of such technologies, products, or
4 environments;

5 “(ii) demonstrating and disseminating—

6 “(I) innovative models for the delivery, to
7 rural and urban areas, of cost-effective rehabili-
8 tation technology services that promote utiliza-
9 tion of assistive technology devices; and

10 “(II) other scientific research to assist in
11 meeting the employment and independent living
12 needs of individuals with significant disabilities;
13 or

14 “(iii) conducting research or demonstration ac-
15 tivities that facilitate service delivery systems change
16 by demonstrating, evaluating, documenting, and dis-
17 seminating—

18 “(I) consumer responsive and individual
19 and family-centered innovative models for the
20 delivery to both rural and urban areas, of inno-
21 vative cost-effective rehabilitation technology
22 services that promote utilization of rehabilita-
23 tion technology; and

24 “(II) other scientific research to assist in
25 meeting the employment and independent living

1 needs of, and addressing the barriers con-
2 fronted by, individuals with disabilities, includ-
3 ing individuals with significant disabilities.

4 “(C) To the extent consistent with the nature and
5 type of research or demonstration activities described in
6 subparagraph (B), each Center established or supported
7 through a grant made available under this paragraph
8 shall—

9 “(i) cooperate with programs established under
10 the Technology-Related Assistance for Individuals
11 With Disabilities Act of 1988 (29 U.S.C. 2201 et
12 seq.) and other regional and local programs to pro-
13 vide information to individuals with disabilities and
14 the individuals’ representatives to—

15 “(I) increase awareness and understanding
16 of how rehabilitation technology can address
17 their needs; and

18 “(II) increase awareness and understand-
19 ing of the range of options, programs, services,
20 and resources available, including financing op-
21 tions for the technology and services covered by
22 the area of focus of the Center;

23 “(ii) provide training opportunities to individ-
24 uals, including individuals with disabilities, to be-
25 come researchers of rehabilitation technology and

1 practitioners of rehabilitation technology in conjunc-
2 tion with institutions of higher education and non-
3 profit organizations; and

4 “(iii) respond, through research or demonstra-
5 tion activities, to the needs of individuals with all
6 types of disabilities who may benefit from the appli-
7 cation of technology within the area of focus of the
8 Center.

9 “(D)(i) In establishing Centers to conduct the re-
10 search or demonstration activities described in subpara-
11 graph (B)(iii), the Director may establish one Center in
12 each of the following areas of focus:

13 “(I) Early childhood services, including early
14 intervention and family support.

15 “(II) Education at the elementary and second-
16 ary levels, including transition from school to post-
17 school activities.

18 “(III) Employment, including supported em-
19 ployment, and reasonable accommodations and the
20 reduction of environmental barriers as required by
21 the Americans with Disabilities Act of 1990 (42
22 U.S.C. 12101 et seq.) and title V.

23 “(IV) Independent living, including transition
24 from institutional to community living, maintenance

1 of community living on leaving the work force, self-
2 help skills, and activities of daily living.

3 “(ii) Each Center conducting the research or dem-
4 onstration activities described in subparagraph (B)(iii)
5 shall have an advisory committee, of which the majority
6 of members are individuals with disabilities who are users
7 of rehabilitation technology, and the individuals’ rep-
8 resentatives.

9 “(E) Grants made under this paragraph shall be
10 made on a competitive basis and shall be for a period of
11 5 years, except that the Director may make a grant for
12 a period of less than 5 years if—

13 “(i) the grant is made to a new recipient; or

14 “(ii) the grant supports new or innovative re-
15 search.

16 “(F) To be eligible to receive a grant under this para-
17 graph, a prospective grant recipient shall submit an appli-
18 cation to the Director at such time, in such manner, and
19 containing such information as the Director may require.

20 “(G) Each Center established or supported through
21 a grant made available under this paragraph shall—

22 “(i) cooperate with State agencies and other
23 local, State, regional, and national programs and or-
24 ganizations developing or delivering rehabilitation
25 technology, including State programs funded under

1 the Technology-Related Assistance for Individuals
2 With Disabilities Act of 1988 (29 U.S.C. 2201 et
3 seq.); and

4 “(ii) prepare and submit to the Director as part
5 of an application for continuation of a grant, or as
6 a final report, a report that documents the outcomes
7 of the program of the Center in terms of both short-
8 and long-term impact on the lives of individuals with
9 disabilities, and such other information as may be
10 requested by the Director.

11 “(4)(A) Research grants may be used to conduct a
12 program for spinal cord injury research, including con-
13 ducting such a program by making grants to public or
14 private agencies and organizations to pay part or all of
15 the costs of special projects and demonstration projects
16 for spinal cord injuries, that will—

17 “(i) ensure widespread dissemination of re-
18 search findings among all Spinal Cord Injury Cen-
19 ters, to rehabilitation practitioners, individuals with
20 spinal cord injury, the individuals’ representatives,
21 and organizations receiving financial assistance
22 under this paragraph;

23 “(ii) provide encouragement and support for
24 initiatives and new approaches by individual and in-
25 stitutional investigators; and

1 “(iii) establish and maintain close working rela-
2 tionships with other governmental and voluntary in-
3 stitutions and organizations engaged in similar ef-
4 forts in order to unify and coordinate scientific ef-
5 forts, encourage joint planning, and promote the
6 interchange of data and reports among spinal cord
7 injury investigations.

8 “(B) Any agency or organization carrying out a
9 project or demonstration project assisted by a grant under
10 this paragraph that provides services to individuals with
11 spinal cord injuries shall—

12 “(i) establish, on an appropriate regional basis,
13 a multidisciplinary system of providing vocational
14 and other rehabilitation services, specifically de-
15 signed to meet the special needs of individuals with
16 spinal cord injuries, including acute care as well as
17 periodic inpatient or outpatient followup and serv-
18 ices;

19 “(ii) demonstrate and evaluate the benefits to
20 individuals with spinal cord injuries served in, and
21 the degree of cost effectiveness of, such a regional
22 system;

23 “(iii) demonstrate and evaluate existing, new,
24 and improved methods and rehabilitation technology

1 essential to the care, management, and rehabilitation
2 of individuals with spinal cord injuries; and

3 “(iv) demonstrate and evaluate methods of com-
4 munity outreach for individuals with spinal cord in-
5 juries and community education in connection with
6 the problems of such individuals in areas such as
7 housing, transportation, recreation, employment, and
8 community activities.

9 “(C) In awarding grants under this paragraph, the
10 Director shall take into account the location of any pro-
11 posed Spinal Cord Injury Center and the appropriate geo-
12 graphic and regional allocation of such Centers.

13 “(5) Research grants may be used to conduct a pro-
14 gram for end-stage renal disease research, to include sup-
15 port of projects and demonstrations for providing special
16 services (including transplantation and dialysis), artificial
17 kidneys, and supplies necessary for the rehabilitation of
18 individuals with such disease and which will—

19 “(A) insure dissemination of research findings;

20 “(B) provide encouragement and support for
21 initiatives and new approaches by individuals and in-
22 stitutional investigators; and

23 “(C) establish and maintain close working rela-
24 tionships with other governmental and voluntary in-

1 stitutions and organizations engaged in similar ef-
2 forts,
3 in order to unify and coordinate scientific efforts, encour-
4 age joint planning, and promote the interchange of data
5 and reports among investigators in the field of end-stage
6 renal disease. No person shall be selected to participate
7 in such program who is eligible for services for such dis-
8 ease under any other provision of law.

9 “(6) Research grants may be used to conduct a pro-
10 gram for international rehabilitation research, demonstra-
11 tion, and training for the purpose of developing new
12 knowledge and methods in the rehabilitation of individuals
13 with disabilities in the United States, cooperating with and
14 assisting in developing and sharing information found use-
15 ful in other nations in the rehabilitation of individuals with
16 disabilities, and initiating a program to exchange experts
17 and technical assistance in the field of rehabilitation of
18 individuals with disabilities with other nations as a means
19 of increasing the levels of skill of rehabilitation personnel.

20 “(7) Research grants may be used to conduct a re-
21 search program concerning the use of existing tele-
22 communications systems (including telephone, television,
23 satellite, radio, and other similar systems) which have the
24 potential for substantially improving service delivery meth-

1 ods, and the development of appropriate programing to
2 meet the particular needs of individuals with disabilities.

3 “(8) Research grants may be used to conduct a pro-
4 gram of joint projects with the National Institutes of
5 Health, the National Institute of Mental Health, the
6 Health Services Administration, the Administration on
7 Aging, the National Science Foundation, the Veterans’
8 Administration, the Department of Health and Human
9 Services, the National Aeronautics and Space Administra-
10 tion, other Federal agencies, and private industry in areas
11 of joint interest involving rehabilitation.

12 “(9) Research grants may be used to conduct a pro-
13 gram of research related to the rehabilitation of children,
14 or older individuals, who are individuals with disabilities,
15 including older American Indians who are individuals with
16 disabilities. Such research program may include projects
17 designed to assist the adjustment of, or maintain as resi-
18 dents in the community, older workers who are individuals
19 with disabilities on leaving the work force.

20 “(10) Research grants may be used to conduct a re-
21 search program to develop and demonstrate innovative
22 methods to attract and retain professionals to serve in
23 rural areas in the rehabilitation of individuals with disabil-
24 ities, including individuals with significant disabilities.

1 “(11) Research grants may be used to conduct a
2 model research and demonstration project designed to as-
3 sess the feasibility of establishing a center for producing
4 and distributing to individuals who are deaf or hard of
5 hearing captioned video cassettes providing a broad range
6 of educational, cultural, scientific, and vocational pro-
7 graming.

8 “(12) Research grants may be used to conduct a
9 model research and demonstration program to develop in-
10 novative methods of providing services for preschool age
11 children who are individuals with disabilities, including
12 the—

13 “(A) early intervention, assessment, parent
14 counseling, infant stimulation, early identification,
15 diagnosis, and evaluation of children who are indi-
16 viduals with significant disabilities up to the age of
17 five, with a special emphasis on children who are in-
18 dividuals with significant disabilities up to the age of
19 three;

20 “(B) such physical therapy, language develop-
21 ment, pediatric, nursing, psychological, and psy-
22 chiatric services as are necessary for such children;
23 and

1 “(C) appropriate services for the parents of
2 such children, including psychological and psy-
3 chiatric services, parent counseling, and training.

4 “(13) Research grants may be used to conduct a
5 model research and training program under which model
6 training centers shall be established to develop and use
7 more advanced and effective methods of evaluating and
8 addressing the employment needs of individuals with dis-
9 abilities, including programs which—

10 “(A) provide training and continuing education
11 for personnel involved with the employment of indi-
12 viduals with disabilities;

13 “(B) develop model procedures for testing and
14 evaluating the employment needs of individuals with
15 disabilities;

16 “(C) develop model training programs to teach
17 individuals with disabilities skills which will lead to
18 appropriate employment;

19 “(D) develop new approaches for job placement
20 of individuals with disabilities, including new follow-
21 up procedures relating to such placement;

22 “(E) provide information services regarding
23 education, training, employment, and job placement
24 for individuals with disabilities; and

1 “(F) develop new approaches and provide infor-
2 mation regarding job accommodations, including the
3 use of rehabilitation engineering and assistive tech-
4 nology.

5 “(14) Research grants may be used to conduct a re-
6 habilitation research program under which financial as-
7 sistance is provided in order to—

8 “(A) test new concepts and innovative ideas;

9 “(B) demonstrate research results of high po-
10 tential benefits;

11 “(C) purchase prototype aids and devices for
12 evaluation;

13 “(D) develop unique rehabilitation training cur-
14 ricula; and

15 “(E) be responsive to special initiatives of the
16 Director.

17 No single grant under this paragraph may exceed \$50,000
18 in any fiscal year and all payments made under this para-
19 graph in any fiscal year may not exceed 5 percent of the
20 amount available for this section to the National Institute
21 on Disability and Rehabilitation Research in any fiscal
22 year. Regulations and administrative procedures with re-
23 spect to financial assistance under this paragraph shall,
24 to the maximum extent possible, be expedited.

1 “(15) Research grants may be used to conduct stud-
2 ies of the rehabilitation needs of American Indian popu-
3 lations and of effective mechanisms for the delivery of re-
4 habilitation services to Indians residing on and off reserva-
5 tions.

6 “(16) Research grants may be used to conduct a
7 demonstration program under which one or more projects
8 national in scope shall be established to develop proce-
9 dures to provide incentives for the development, manufac-
10 turing, and marketing of orphan technological devices, in-
11 cluding technology transfer concerning such devices, de-
12 signed to enable individuals with disabilities to achieve
13 independence and access to gainful employment.

14 “(17)(A) Research grants may be used to conduct a
15 research program related to quality assurance in the area
16 of rehabilitation technology.

17 “(B) Activities carried out under the research pro-
18 gram may include—

19 “(i) the development of methodologies to evalu-
20 ate rehabilitation technology products and services
21 and the dissemination of the methodologies to con-
22 sumers and other interested parties;

23 “(ii) identification of models for service provider
24 training and evaluation and certification of the effec-
25 tiveness of the models;

1 “(iii) identification and dissemination of out-
2 come measurement models for the assessment of re-
3 habilitation technology products and services; and

4 “(iv) development and testing of research-based
5 tools to enhance consumer decisionmaking about re-
6 habilitation technology products and services.

7 “(C) The Director shall develop the quality assurance
8 research program after consultation with representatives
9 of all types of organizations interested in rehabilitation
10 technology quality assurance.

11 “(18) Research grants may be used to provide for re-
12 search and demonstration projects and related activities
13 that explore the use and effectiveness of specific alter-
14 native or complementary medical practices for individuals
15 with disabilities. Such projects and activities may include
16 projects and activities designed to—

17 “(A) determine the use of specific alternative or
18 complementary medical practices among individuals
19 with disabilities and the perceived effectiveness of
20 the practices;

21 “(B) determine the specific information sources,
22 decisionmaking methods, and methods of payment
23 used by individuals with disabilities who access alter-
24 native or complementary medical services;

1 “(C) develop criteria to screen and assess the
2 validity of research studies of such practices for indi-
3 viduals with disabilities; and

4 “(D) determine the effectiveness of specific al-
5 ternative or complementary medical practices that
6 show promise for promoting increased functioning,
7 prevention of secondary disabilities, or other positive
8 outcomes for individuals with certain types of dis-
9 abilities, by conducting controlled research studies.

10 “(c)(1) In carrying out evaluations of covered activi-
11 ties under this section, the Director is authorized to make
12 arrangements for site visits to obtain information on the
13 accomplishments of the projects.

14 “(2) The Director shall not make a grant under this
15 section which exceeds \$499,999 unless the peer review of
16 the grant application has included a site visit.

17 “REHABILITATION RESEARCH ADVISORY COUNCIL

18 “SEC. 205. (a) ESTABLISHMENT.—Subject to the
19 availability of appropriations, the Secretary shall establish
20 in the Department of Education a Rehabilitation Research
21 Advisory Council (referred to in this section as the ‘Coun-
22 cil’) composed of 12 members appointed by the Secretary.

23 “(b) DUTIES.—The Council shall advise the Director
24 with respect to research priorities and the development
25 and revision of the 5-year plan required by section 202(h).

1 “(c) QUALIFICATIONS.—Members of the Council
2 shall be generally representative of the community of reha-
3 bilitation professionals, the community of rehabilitation
4 researchers, the community of individuals with disabilities,
5 and the individuals’ representatives. At least one-half of
6 the members shall be individuals with disabilities or the
7 individuals’ representatives.

8 “(d) TERMS OF APPOINTMENT.—

9 “(1) LENGTH OF TERM.—Each member of the
10 Council shall serve for a term of up to 3 years, de-
11 termined by the Secretary, except that—

12 “(A) a member appointed to fill a vacancy
13 occurring prior to the expiration of the term for
14 which a predecessor was appointed, shall be ap-
15 pointed for the remainder of such term; and

16 “(B) the terms of service of the members
17 initially appointed shall be (as specified by the
18 Secretary) for such fewer number of years as
19 will provide for the expiration of terms on a
20 staggered basis.

21 “(2) NUMBER OF TERMS.—No member of the
22 Council may serve more than two consecutive full
23 terms. Members may serve after the expiration of
24 their terms until their successors have taken office.

1 “(e) VACANCIES.—Any vacancy occurring in the
2 membership of the Council shall be filled in the same man-
3 ner as the original appointment for the position being va-
4 cated. The vacancy shall not affect the power of the re-
5 maining members to execute the duties of the Council.

6 “(f) PAYMENT AND EXPENSES.—

7 “(1) PAYMENT.—Each member of the Council
8 who is not an officer or full-time employee of the
9 Federal Government shall receive a payment of \$150
10 for each day (including travel time) during which the
11 member is engaged in the performance of duties for
12 the Council. All members of the Council who are of-
13 ficers or full-time employees of the United States
14 shall serve without compensation in addition to com-
15 pensation received for their services as officers or
16 employees of the United States.

17 “(2) TRAVEL EXPENSES.—Each member of the
18 Council may receive travel expenses, including per
19 diem in lieu of subsistence, as authorized by section
20 5703 of title 5, United States Code, for employees
21 serving intermittently in the Government service, for
22 each day the member is engaged in the performance
23 of duties away from the home or regular place of
24 business of the member.

1 “(g) **DETAIL OF FEDERAL EMPLOYEES.**—On the re-
2 quest of the Council, the Secretary may detail, with or
3 without reimbursement, any of the personnel of the De-
4 partment of Education to the Council to assist the Council
5 in carrying out its duties. Any detail shall not interrupt
6 or otherwise affect the civil service status or privileges of
7 the Federal employee.

8 “(h) **TECHNICAL ASSISTANCE.**—On the request of
9 the Council, the Secretary shall provide such technical as-
10 sistance to the Council as the Council determines to be
11 necessary to carry out its duties.

12 “(i) **TERMINATION.**—Section 14 of the Federal Advi-
13 sory Committee Act (5 U.S.C. App.) shall not apply with
14 respect to the Council.”.

15 **SEC. 6. PROFESSIONAL DEVELOPMENT AND SPECIAL**
16 **PROJECTS AND DEMONSTRATIONS.**

17 Title III of the Rehabilitation Act of 1973 (29 U.S.C.
18 770 et seq.) is amended to read as follows:

1 **“TITLE III—PROFESSIONAL DE-**
2 **VELOPMENT AND SPECIAL**
3 **PROJECTS AND DEMONSTRA-**
4 **TIONS**

5 **“SEC. 301. DECLARATION OF PURPOSE AND COMPETITIVE**
6 **BASIS OF GRANTS AND CONTRACTS.**

7 “(a) PURPOSE.—It is the purpose of this title to au-
8 thorize grants and contracts to—

9 “(1)(A) provide academic training to ensure
10 that skilled personnel are available to provide reha-
11 bilitation services to individuals with disabilities
12 through vocational, medical, social, and psychological
13 rehabilitation programs (including supported em-
14 ployment programs), through independent living
15 services programs, and through client assistance pro-
16 grams; and

17 “(B) provide training to maintain and upgrade
18 basic skills and knowledge of personnel employed to
19 provide state-of-the-art service delivery and rehabili-
20 tation technology services;

21 “(2) conduct special projects and demonstra-
22 tions that expand and improve the provision of reha-
23 bilitation and other services authorized under this
24 Act, or that otherwise further the purposes of this
25 Act, including related research and evaluation;

1 “(3) provide vocational rehabilitation services to
2 individuals with disabilities who are migrant or sea-
3 sonal farmworkers;

4 “(4) initiate recreational programs to provide
5 recreational activities and related experiences for in-
6 dividuals with disabilities to aid such individuals in
7 employment, mobility, socialization, independence,
8 and community integration; and

9 “(5) provide training and information to indi-
10 viduals with disabilities and the individuals’ rep-
11 resentatives, and other appropriate parties to de-
12 velop the skills necessary for individuals with disabil-
13 ities to gain access to the rehabilitation system and
14 workforce investment system and to become active
15 decisionmakers in the rehabilitation process.

16 “(b) COMPETITIVE BASIS OF GRANTS AND CON-
17 TRACTS.—The Secretary shall ensure that all grants and
18 contracts are awarded under this title on a competitive
19 basis.

20 **“SEC. 302. TRAINING.**

21 “(a) GRANTS AND CONTRACTS FOR PERSONNEL
22 TRAINING.—

23 “(1) AUTHORITY.—The Commissioner shall
24 make grants to, and enter into contracts with,
25 States and public or nonprofit agencies and organi-

1 zations (including institutions of higher education)
2 to pay part of the cost of projects to provide train-
3 ing, traineeships, and related activities, including the
4 provision of technical assistance, that are designed
5 to assist in increasing the numbers of, and upgrad-
6 ing the skills of, qualified personnel (especially reha-
7 bilitation counselors) who are trained in providing
8 vocational, medical, social, and psychological reha-
9 bilitation services, who are trained to assist individ-
10 uals with communication and related disorders, who
11 are trained to provide other services provided under
12 this Act, to individuals with disabilities, and who
13 may include—

14 “(A) personnel specifically trained in pro-
15 viding employment assistance to individuals
16 with disabilities through job development and
17 job placement services;

18 “(B) personnel specifically trained to iden-
19 tify, assess, and meet the individual rehabilita-
20 tion needs of individuals with disabilities, in-
21 cluding needs for rehabilitation technology;

22 “(C) personnel specifically trained to de-
23 liver services to individuals who may benefit
24 from receiving independent living services;

1 “(D) personnel specifically trained to de-
2 liver services in the client assistance programs;

3 “(E) personnel specifically trained to de-
4 liver services, through supported employment
5 programs, to individuals with a most significant
6 disability;

7 “(F) personnel providing vocational reha-
8 bilitation services specifically trained in the use
9 of braille, the importance of braille literacy, and
10 in methods of teaching braille; and

11 “(G) personnel trained in performing other
12 functions necessary to the provision of voca-
13 tional, medical, social, and psychological reha-
14 bilitation services, and other services provided
15 under this Act.

16 “(2) AUTHORITY TO PROVIDE SCHOLAR-
17 SHIPS.—Grants and contracts under paragraph (1)
18 may be expended for scholarships and may include
19 necessary stipends and allowances.

20 “(3) RELATED FEDERAL STATUTES.—In carry-
21 ing out this subsection, the Commissioner may make
22 grants to and enter into contracts with States and
23 public or nonprofit agencies and organizations, in-
24 cluding institutions of higher education, to furnish

1 training regarding related Federal statutes (other
2 than this Act).

3 “(4) TRAINING FOR STATEWIDE WORKFORCE
4 SYSTEMS PERSONNEL.—The Commissioner may
5 make grants to and enter into contracts under this
6 subsection with States and public or nonprofit agen-
7 cies and organizations, including institutions of high-
8 er education, to furnish training to personnel provid-
9 ing services to individuals with disabilities under the
10 Workforce Investment Partnership Act of 1998.
11 Under this paragraph, personnel may be trained—

12 “(A) in evaluative skills to determine
13 whether an individual with a disability may be
14 served by the State vocational rehabilitation
15 program or another component of the statewide
16 workforce investment system; or

17 “(B) to assist individuals with disabilities
18 seeking assistance through one-stop customer
19 service centers established under section 315 of
20 the Workforce Investment Partnership Act of
21 1998.

22 “(5) JOINT FUNDING.—Training and other ac-
23 tivities provided under paragraph (4) for personnel
24 may be jointly funded with the Department of

1 Labor, using funds made available under title III of
2 the Workforce Investment Partnership Act of 1998.

3 “(b) GRANTS AND CONTRACTS FOR ACADEMIC DE-
4 GREES AND ACADEMIC CERTIFICATE GRANTING TRAIN-
5 ING PROJECTS.—

6 “(1) AUTHORITY.—

7 “(A) IN GENERAL.—The Commissioner
8 may make grants to, and enter into contracts
9 with, States and public or nonprofit agencies
10 and organizations (including institutions of
11 higher education) to pay part of the costs of
12 academic training projects to provide training
13 that leads to an academic degree or academic
14 certificate. In making such grants or entering
15 into such contracts, the Commissioner shall tar-
16 get funds to areas determined under subsection
17 (e) to have shortages of qualified personnel.

18 “(B) TYPES OF PROJECTS.—Academic
19 training projects described in this subsection
20 may include—

21 “(i) projects to train personnel in the
22 areas of vocational rehabilitation counsel-
23 ing, rehabilitation technology, rehabilita-
24 tion medicine, rehabilitation nursing, reha-
25 bilitation social work, rehabilitation psychi-

1 atry, rehabilitation psychology, rehabilita-
2 tion dentistry, physical therapy, occupa-
3 tional therapy, speech pathology and audi-
4 ology, physical education, therapeutic
5 recreation, community rehabilitation pro-
6 grams, or prosthetics and orthotics;

7 “(ii) projects to train personnel to
8 provide—

9 “(I) services to individuals with
10 specific disabilities or individuals with
11 disabilities who have specific impedi-
12 ments to rehabilitation, including indi-
13 viduals who are members of popu-
14 lations that are unserved or under-
15 served by programs under this Act;

16 “(II) job development and job
17 placement services to individuals with
18 disabilities;

19 “(III) supported employment
20 services, including services of employ-
21 ment specialists for individuals with
22 disabilities;

23 “(IV) specialized services for in-
24 dividuals with significant disabilities;
25 or

1 “(V) recreation for individuals
2 with disabilities;

3 “(iii) projects to train personnel in
4 other fields contributing to the rehabilita-
5 tion of individuals with disabilities; and

6 “(iv) projects to train personnel in the
7 use, applications, and benefits of rehabili-
8 tation technology.

9 “(2) APPLICATION.—No grant shall be awarded
10 or contract entered into under this subsection unless
11 the applicant has submitted to the Commissioner an
12 application at such time, in such form, in accordance
13 with such procedures, and including such informa-
14 tion as the Secretary may require, including—

15 “(A) a description of how the designated
16 State unit or units will participate in the
17 project to be funded under the grant or con-
18 tract, including, as appropriate, participation on
19 advisory committees, as practicum sites, in cur-
20 riculum development, and in other ways so as
21 to build closer relationships between the appli-
22 cant and the designated State unit and to en-
23 courage students to pursue careers in public vo-
24 cational rehabilitation programs;

1 “(B) the identification of potential employ-
2 ers that would meet the requirements of para-
3 graph (4)(A)(i); and

4 “(C) an assurance that data on the em-
5 ployment of graduates or trainees who partici-
6 pate in the project is accurate.

7 “(3) LIMITATION.—

8 “(A) IN GENERAL.—Except as provided in
9 subparagraph (B), no grant or contract under
10 this subsection may be used to provide any one
11 course of study to an individual for a period of
12 more than 4 years.

13 “(B) EXCEPTION.—If a grant or contract
14 recipient under this subsection determines that
15 an individual has a disability which seriously af-
16 fects the completion of training under this sub-
17 section, the grant or contract recipient may ex-
18 tend the period referred to in subparagraph
19 (A).

20 “(4) REQUIRED AGREEMENTS.—

21 “(A) IN GENERAL.—A recipient of a grant
22 or contract under this subsection shall provide
23 assurances to the Commissioner that each indi-
24 vidual who receives a scholarship, for the first
25 academic year after the date of enactment of

1 the Rehabilitation Act Amendments of 1998,
2 utilizing funds provided under such grant or
3 contract shall enter into an agreement with the
4 recipient under which the individual shall—

5 “(i) maintain employment—

6 “(I) with an employer that is a
7 State rehabilitation or other agency or
8 organization (including a professional
9 corporation or practice group) that
10 provides services to individuals with
11 disabilities under this Act, or with an
12 institution of higher education or
13 other organization that conducts reha-
14 bilitation education, training, or re-
15 search under this Act;

16 “(II) on a full- or part-time
17 basis; and

18 “(III) for a period of not less
19 than the full-time equivalent of 2
20 years for each year for which assist-
21 ance under this subsection was re-
22 ceived by the individual, within a pe-
23 riod, beginning after the recipient
24 completes the training for which the
25 scholarship was awarded, of not more

1 than the sum of the number of years
2 in the period described in this sub-
3 clause and 2 additional years;

4 “(ii) directly provide or administer
5 services, conduct research, or furnish
6 training, funded under this Act; and

7 “(iii) repay all or part of the amount
8 of any scholarship received under the grant
9 or contract, plus interest, if the individual
10 does not fulfill the requirements of clauses
11 (i) and (ii), except that the Commissioner
12 may by regulation provide for repayment
13 exceptions and deferrals.

14 “(B) ENFORCEMENT.—The Commissioner
15 shall be responsible for the enforcement of each
16 agreement entered into under subparagraph (A)
17 upon the completion of the training involved
18 with respect to such agreement.

19 “(c) GRANTS TO HISTORICALLY BLACK COLLEGES
20 AND UNIVERSITIES.—The Commissioner, in carrying out
21 this section, shall make grants to Historically Black Col-
22 leges and Universities and other institutions of higher edu-
23 cation whose minority student enrollment is at least 50
24 percent of the total enrollment of the institution.

1 “(d) APPLICATION.—A grant may not be awarded to
2 a State or other organization under this section unless the
3 State or organization has submitted an application to the
4 Commissioner at such time, in such form, in accordance
5 with such procedures, and containing such information as
6 the Commissioner may require, including a detailed de-
7 scription of strategies that will be utilized to recruit and
8 train individuals so as to reflect the diverse populations
9 of the United States as part of the effort to increase the
10 number of individuals with disabilities, and individuals
11 who are from linguistically and culturally diverse back-
12 grounds, who are available to provide rehabilitation serv-
13 ices.

14 “(e) EVALUATION AND COLLECTION OF DATA.—The
15 Commissioner shall evaluate the impact of the training
16 programs conducted under this section, and collect infor-
17 mation on the training needs of, and data on shortages
18 of qualified personnel necessary to provide services to indi-
19 viduals with disabilities.

20 “(f) GRANTS FOR THE TRAINING OF INTER-
21 PRETERS.—

22 “(1) AUTHORITY.—

23 “(A) IN GENERAL.—For the purpose of
24 training a sufficient number of qualified inter-
25 preters to meet the communications needs of in-

1 individuals who are deaf or hard of hearing, and
2 individuals who are deaf-blind, the Commis-
3 sioner, acting through a Federal office respon-
4 sible for deafness and communicative disorders,
5 may award grants to public or private nonprofit
6 agencies or organizations to pay part of the
7 costs—

8 “(i) for the establishment of inter-
9 preter training programs; or

10 “(ii) to enable such agencies or orga-
11 nizations to provide financial assistance for
12 ongoing interpreter training programs.

13 “(B) GEOGRAPHIC AREAS.—The Commis-
14 sioner shall award grants under this subsection
15 for programs in geographic areas throughout
16 the United States that the Commissioner con-
17 siders appropriate to best carry out the objec-
18 tives of this section.

19 “(C) PRIORITY.—In awarding grants
20 under this subsection, the Commissioner shall
21 give priority to public or private nonprofit agen-
22 cies or organizations with existing programs
23 that have a demonstrated capacity for providing
24 interpreter training services.

1 “(D) FUNDING.—The Commissioner may
2 award grants under this subsection through the
3 use of—

4 “(i) amounts appropriated to carry
5 out this section; or

6 “(ii) pursuant to an agreement with
7 the Director of the Office of the Special
8 Education Program (established under sec-
9 tion 603 of the Individuals with Disabil-
10 ities Education Act (as amended by section
11 101 of the Individuals with Disabilities
12 Education Act Amendments of 1997 (Pub-
13 lic Law 105-17))), amounts appropriated
14 under section 686 of the Individuals with
15 Disabilities Education Act.

16 “(2) APPLICATION.—A grant may not be
17 awarded to an agency or organization under para-
18 graph (1) unless the agency or organization has sub-
19 mitted an application to the Commissioner at such
20 time, in such form, in accordance with such proce-
21 dures, and containing such information as the Com-
22 missioner may require, including—

23 “(A) a description of the manner in which
24 an interpreter training program will be devel-
25 oped and operated during the 5-year period fol-

1 lowing the date on which a grant is received by
2 the applicant under this subsection;

3 “(B) a demonstration of the applicant’s ca-
4 pacity or potential for providing training for in-
5 terpreters for individuals who are deaf or hard
6 of hearing, and individuals who are deaf-blind;

7 “(C) assurances that any interpreter
8 trained or retrained under a program funded
9 under the grant will meet such minimum stand-
10 ards of competency as the Commissioner may
11 establish for purposes of this subsection; and

12 “(D) such other information as the Commis-
13 sioner may require.

14 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to carry out this section
16 such sums as may be necessary for each of the fiscal years
17 1998 through 2004.

18 “(h) PROVISION OF INFORMATION.—The Commis-
19 sioner, subject to the provisions of section 306, may re-
20 quire that recipients of grants or contracts under this sec-
21 tion provide information, including data, with regard to
22 the impact of activities funded under this section.

23 **“SEC. 303. SPECIAL DEMONSTRATION PROGRAM.**

24 “(a) AUTHORITY.—The Commissioner, subject to the
25 provisions of section 306, may award grants or contracts

1 to eligible entities to pay all or part of the cost of pro-
2 grams that expand and improve the provision of rehabili-
3 tation and other services authorized under this Act or that
4 further the purposes of the Act, including related research
5 and evaluation activities.

6 “(b) ELIGIBLE ENTITIES AND TERMS AND CONDI-
7 TIONS.—

8 “(1) ELIGIBLE ENTITIES.—To be eligible to re-
9 ceive a grant or contract under subsection (a), an
10 entity shall be a State vocational rehabilitation agen-
11 cy, community rehabilitation program, Indian tribe
12 or tribal organization, or other public or nonprofit
13 agency or organization, or as the Commissioner de-
14 termines appropriate, a for-profit organization. The
15 Commissioner may limit competitions to 1 or more
16 types of organizations described in this paragraph.

17 “(2) TERMS AND CONDITIONS.—Awards under
18 this section shall contain such terms and conditions
19 as the Commissioner may require.

20 “(c) APPLICATION.—An eligible entity that desires to
21 receive an award under this section shall submit an appli-
22 cation to the Secretary at such time, in such form, and
23 containing such information and assurances as the Com-
24 missioner may require, including, if the Commissioner de-

1 termines appropriate, a description of how the proposed
2 project or demonstration program—

3 “(1) is based on current research findings,
4 which may include research conducted by the Na-
5 tional Institute on Disability and Rehabilitation Re-
6 search, the National Institutes of Health, and other
7 public or private organizations; and

8 “(2) is of national significance.

9 “(d) TYPES OF PROJECTS.—The programs that may
10 be funded under this section include—

11 “(1) special projects and demonstrations of
12 service delivery;

13 “(2) model demonstration projects;

14 “(3) technical assistance projects;

15 “(4) systems change projects;

16 “(5) special studies and evaluations; and

17 “(6) dissemination and utilization activities.

18 “(e) PRIORITY FOR COMPETITIONS.—

19 “(1) IN GENERAL.—In announcing competitions
20 for grants and contracts under this section, the
21 Commissioner shall give priority consideration to—

22 “(A) projects to provide training, informa-
23 tion, and technical assistance that will enable
24 individuals with disabilities and the individuals’
25 representatives, to participate more effectively

1 in meeting the vocational, independent living,
2 and rehabilitation needs of the individuals with
3 disabilities;

4 “(B) special projects and demonstration
5 programs of service delivery for adults who are
6 either low-functioning and deaf or low-function-
7 ing and hard of hearing;

8 “(C) innovative methods of promoting con-
9 sumer choice in the rehabilitation process;

10 “(D) supported employment, including
11 community-based supported employment pro-
12 grams to meet the needs of individuals with the
13 most significant disabilities or to provide tech-
14 nical assistance to States and community orga-
15 nizations to improve and expand the provision
16 of supported employment services; and

17 “(E) model transitional planning services
18 for youths with disabilities;

19 “(2) ELIGIBILITY AND COORDINATION.—

20 “(A) ELIGIBILITY.—Eligible applicants for
21 grants and contracts under this section for
22 projects described in paragraph (1)(A) in-
23 clude—

24 “(i) Parent Training and Information
25 Centers funded under section 682 of the

1 Individuals with Disabilities Education Act
2 (as amended by section 101 of the Individ-
3 uals with Disabilities Education Act
4 Amendments of 1997 (Public Law 105-
5 17));

6 “(ii) organizations that meet the defi-
7 nition of a parent organization in section
8 682 of such Act; and

9 “(iii) private nonprofit organizations
10 assisting parent training and information
11 centers.

12 “(B) COORDINATION.—Recipients of
13 grants and contracts under this section for
14 projects described in paragraph (1)(A) shall, to
15 the extent practicable, coordinate training and
16 information activities with Centers for Inde-
17 pendent Living.

18 “(3) ADDITIONAL COMPETITIONS.—In announc-
19 ing competitions for grants and contracts under this
20 section, the Commissioner may require that appli-
21 cants address 1 or more of the following:

22 “(A) Age ranges.

23 “(B) Types of disabilities.

24 “(C) Types of services.

25 “(D) Models of service delivery.

1 “(E) Stage of the rehabilitation process.

2 “(F) The needs of—

3 “(i) underserved populations;

4 “(ii) unserved and underserved areas;

5 “(iii) individuals with significant dis-
6 abilities;

7 “(iv) low-incidence disability popu-
8 lations; and

9 “(v) individuals residing in federally
10 designated empowerment zones and enter-
11 prise communities.

12 “(G) Expansion of employment opportuni-
13 ties for individuals with disabilities.

14 “(H) Systems change projects to promote
15 meaningful access of individual with disabilities
16 to employment related services under the Work-
17 force Investment Partnership Act of 1998 and
18 under other Federal laws.

19 “(I) Innovative methods of promoting the
20 achievement of high-quality employment out-
21 comes.

22 “(J) The demonstration of the effective-
23 ness of early intervention activities in improving
24 employment outcomes.

1 “(K) Alternative methods of providing af-
2 fordable transportation services to individuals
3 with disabilities who are employed, seeking em-
4 ployment, or receiving vocational rehabilitation
5 services from public or private organizations
6 and who reside in geographic areas in which
7 public transportation or paratransit service is
8 not available.

9 “(f) USE OF FUNDS FOR CONTINUATION AWARDS.—
10 The Commissioner may use funds made available to carry
11 out this section for continuation awards for projects that
12 were funded under sections 12 and 311 (as such sections
13 were in effect on the day prior to the date of the enact-
14 ment of the Rehabilitation Act Amendments of 1998).

15 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this section
17 such sums as may be necessary for each of the fiscal years
18 1998 through 2004.

19 **“SEC. 304. MIGRANT AND SEASONAL FARMWORKERS.**

20 “(a) GRANTS.—

21 “(1) AUTHORITY.—The Commissioner, subject
22 to the provisions of section 306, may make grants
23 to eligible entities to pay up to 90 percent of the
24 cost of projects or demonstration programs for the
25 provision of vocational rehabilitation services to indi-

1 individuals with disabilities who are migrant or seasonal
2 farmworkers, as determined in accordance with rules
3 prescribed by the Secretary of Labor, and to the
4 family members who are residing with such individ-
5 uals (whether or not such family members are indi-
6 viduals with disabilities).

7 “(2) ELIGIBLE ENTITIES.—To be eligible to re-
8 ceive a grant under paragraph (1), an entity shall
9 be—

10 “(A) a State designated agency;

11 “(B) a nonprofit agency working in col-
12 laboration with a State agency described in sub-
13 paragraph (A); or

14 “(C) a local agency working in collabora-
15 tion with a State agency described in subpara-
16 graph (A).

17 “(3) MAINTENANCE AND TRANSPORTATION.—

18 “(A) IN GENERAL.—Amounts provided
19 under a grant under this section may be used
20 to provide for the maintenance of and transpor-
21 tation for individuals and family members de-
22 scribed in paragraph (1) as necessary for the
23 rehabilitation of such individuals.

24 “(B) REQUIREMENT.—Maintenance pay-
25 ments under this paragraph shall be provided in

1 a manner consistent with any maintenance pay-
2 ments provided to other individuals with disabili-
3 ties in the State under this Act.

4 “(4) ASSURANCE OF COOPERATION.—To be eli-
5 gible to receive a grant under this section an entity
6 shall provide assurances (satisfactory to the Com-
7 missioner) that in the provision of services under the
8 grant there will be appropriate cooperation between
9 the grantee and other public or nonprofit agencies
10 and organizations having special skills and experi-
11 ence in the provision of services to migrant or sea-
12 sonal farmworkers or their families.

13 “(5) COORDINATION WITH OTHER PRO-
14 GRAMS.—The Commissioner shall administer this
15 section in coordination with other programs serving
16 migrant and seasonal farmworkers, including pro-
17 grams under title I of the Elementary and Second-
18 ary Education Act of 1965 (20 U.S.C. 6301 et seq.),
19 section 330 of the Public Health Service Act (42
20 U.S.C. 254b), the Migrant and Seasonal Agricul-
21 tural Worker Protection Act (29 U.S.C. 1801 et
22 seq.), and the Workforce Investment Partnership
23 Act of 1998.

24 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated such sums as may be

1 necessary to carry out this section, for each of the fiscal
2 years 1998 through 2004.

3 **“SEC. 305. RECREATIONAL PROGRAMS.**

4 “(a) GRANTS.—

5 “(1) AUTHORITY.—

6 “(A) IN GENERAL.—The Commissioner,
7 subject to the provisions of section 306, shall
8 make grants to States, public agencies, and
9 nonprofit private organizations to pay the Fed-
10 eral share of the cost of the establishment and
11 operation of recreation programs to provide in-
12 dividuals with disabilities with recreational ac-
13 tivities and related experiences to aid in the em-
14 ployment, mobility, socialization, independence,
15 and community integration of such individuals.

16 “(B) RECREATION PROGRAMS.—The recre-
17 ation programs that may be funded using as-
18 sistance provided under a grant under this sec-
19 tion may include vocational skills development,
20 leisure education, leisure networking, leisure re-
21 source development, physical education and
22 sports, scouting and camping, 4-H activities,
23 music, dancing, handicrafts, art, and home-
24 making. When possible and appropriate, such
25 programs and activities should be provided in

1 settings with peers who are not individuals with
2 disabilities.

3 “(C) DESIGN OF PROGRAM.—Programs
4 and activities carried out under this section
5 shall be designed to demonstrate ways in which
6 such programs assist in maximizing the inde-
7 pendence and integration of individuals with
8 disabilities.

9 “(2) MAXIMUM TERM OF GRANT.—A grant
10 under this section shall be made for a period of not
11 more than 3 years.

12 “(3) AVAILABILITY OF NON GRANT RE-
13 SOURCES.—

14 “(A) IN GENERAL.—A grant may not be
15 made to an applicant under this section unless
16 the applicant provides assurances that, with re-
17 spect to costs of the recreation program to be
18 carried out under the grant, the applicant, to
19 the maximum extent practicable, will make
20 available non-Federal resources (in cash or in-
21 kind) to pay the non-Federal share of such
22 costs.

23 “(B) FEDERAL SHARE.—The Federal
24 share of the costs of the recreation programs
25 carried out under this section shall be—

1 “(i) with respect to the first year in
2 which assistance is provided under a grant
3 under this section, 100 percent;

4 “(ii) with respect to the second year
5 in which assistance is provided under a
6 grant under this section, 75 percent; and

7 “(iii) with respect to the third year in
8 which assistance is provided under a grant
9 under this section, 50 percent.

10 “(4) APPLICATION.—To be eligible to receive a
11 grant under this section, a State, agency, or organi-
12 zation shall submit an application to the Commis-
13 sioner at such time, in such manner, and containing
14 such information as the Commissioner may require,
15 including a description of—

16 “(A) the manner in which the findings and
17 results of the project to be funded under the
18 grant, particularly information that facilitates
19 the replication of the results of such projects,
20 will be made generally available; and

21 “(B) the manner in which the service pro-
22 gram funded under the grant will be continued
23 after Federal assistance ends.

24 “(5) LEVEL OF SERVICES.—Recreation pro-
25 grams funded under this section shall maintain, at

1 a minimum, the same level of services over a 3-year
2 project period.

3 “(6) REPORTS BY GRANTEES.—

4 “(A) REQUIREMENT.—The Commissioner
5 shall require that each recipient of a grant
6 under this section annually prepare and submit
7 to the Commissioner a report concerning the re-
8 sults of the activities funded under the grant.

9 “(B) LIMITATION.—The Commissioner
10 may not make financial assistance available to
11 a grant recipient for a subsequent year until
12 the Commissioner has received and evaluated
13 the annual report of the recipient under sub-
14 paragraph (A) for the current year.

15 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this section,
17 such sums as may be necessary for each of the fiscal years
18 1998 through 2004.

19 **“SEC. 306. MEASURING OF PROJECT OUTCOMES AND PER-**
20 **FORMANCE.**

21 “The Commissioner may require that recipients of
22 grants under this title submit information, including data,
23 as determined by the Commissioner to be necessary to
24 measure project outcomes and performance, including any

1 data needed to comply with the Government Performance
2 and Results Act.”.

3 **SEC. 7. NATIONAL COUNCIL ON DISABILITY.**

4 Title IV of the Rehabilitation Act of 1973 (29 U.S.C.
5 780 et seq.) is amended to read as follows:

6 “TITLE IV—NATIONAL COUNCIL ON DISABILITY

7 “ESTABLISHMENT OF NATIONAL COUNCIL ON DISABILITY

8 “SEC. 400. (a)(1)(A) There is established within the
9 Federal Government a National Council on Disability
10 (hereinafter in this title referred to as the ‘National Coun-
11 cil’), which shall be composed of fifteen members ap-
12 pointed by the President, by and with the advice and con-
13 sent of the Senate.

14 “(B) The President shall select members of the Na-
15 tional Council after soliciting recommendations from rep-
16 resentatives of—

17 “(i) organizations representing a broad range of
18 individuals with disabilities; and

19 “(ii) organizations interested in individuals with
20 disabilities.

21 “(C) The members of the National Council shall be
22 individuals with disabilities, parents or guardians of indi-
23 viduals with disabilities, or other individuals who have sub-
24 stantial knowledge or experience relating to disability pol-
25 icy or programs. The members of the National Council

1 shall be appointed so as to be representative of individuals
2 with disabilities, national organizations concerned with in-
3 dividuals with disabilities, providers and administrators of
4 services to individuals with disabilities, individuals en-
5 gaged in conducting medical or scientific research relating
6 to individuals with disabilities, business concerns, and
7 labor organizations. A majority of the members of the Na-
8 tional Council shall be individuals with disabilities. The
9 members of the National Council shall be broadly rep-
10 resentative of minority and other individuals and groups.

11 “(2) The purpose of the National Council is to pro-
12 mote policies, programs, practices, and procedures that—

13 “(A) guarantee equal opportunity for all indi-
14 viduals with disabilities, regardless of the nature or
15 severity of the disability; and

16 “(B) empower individuals with disabilities to
17 achieve economic self-sufficiency, independent living,
18 and inclusion and integration into all aspects of soci-
19 ety.

20 “(b)(1) Each member of the National Council shall
21 serve for a term of 3 years, except that the terms of serv-
22 ice of the members initially appointed after the date of
23 enactment of the Rehabilitation, Comprehensive Services,
24 and Developmental Disabilities Amendments of 1978 shall
25 be (as specified by the President) for such fewer number

1 of years as will provide for the expiration of terms on a
2 staggered basis.

3 “(2)(A) No member of the National Council may
4 serve more than two consecutive full terms beginning on
5 the date of commencement of the first full term on the
6 Council. Members may serve after the expiration of their
7 terms until their successors have taken office.

8 “(B) As used in this paragraph, the term ‘full term’
9 means a term of 3 years.

10 “(3) Any member appointed to fill a vacancy occur-
11 ring before the expiration of the term for which such mem-
12 ber’s predecessor was appointed shall be appointed only
13 for the remainder of such term.

14 “(c) The President shall designate the Chairperson
15 from among the members appointed to the National Coun-
16 cil. The National Council shall meet at the call of the
17 Chairperson, but not less often than four times each year.

18 “(d) Eight members of the National Council shall
19 constitute a quorum and any vacancy in the National
20 Council shall not affect its power to function.

21 “DUTIES OF NATIONAL COUNCIL

22 “SEC. 401. (a) The National Council shall—

23 “(1) provide advice to the Director with respect
24 to the policies and conduct of the National Institute
25 on Disability and Rehabilitation Research, including
26 ways to improve research concerning individuals

1 with disabilities and the methods of collecting and
2 disseminating findings of such research;

3 “(2) provide advice to the Commissioner with
4 respect to the policies of and conduct of the Reha-
5 bilitation Services Administration;

6 “(3) advise the President, the Congress, the
7 Commissioner, the appropriate Assistant Secretary
8 of the Department of Education, and the Director of
9 the National Institute on Disability and Rehabilita-
10 tion Research on the development of the programs
11 to be carried out under this Act;

12 “(4) provide advice regarding priorities for the
13 activities of the Interagency Disability Coordinating
14 Council and review the recommendations of such
15 Council for legislative and administrative changes to
16 ensure that such recommendations are consistent
17 with the purposes of the Council to promote the full
18 integration, independence, and productivity of indi-
19 viduals with disabilities;

20 “(5) review and evaluate on a continuing
21 basis—

22 “(A) policies, programs, practices, and pro-
23 cedures concerning individuals with disabilities
24 conducted or assisted by Federal departments
25 and agencies, including programs established or

1 assisted under this Act or under the Develop-
2 mental Disabilities Assistance and Bill of
3 Rights Act; and

4 “(B) all statutes and regulations pertain-
5 ing to Federal programs which assist such indi-
6 viduals with disabilities;

7 in order to assess the effectiveness of such policies,
8 programs, practices, procedures, statutes, and regu-
9 lations in meeting the needs of individuals with dis-
10 abilities;

11 “(6) assess the extent to which such policies,
12 programs, practices, and procedures facilitate or im-
13 pede the promotion of the policies set forth in sub-
14 paragraphs (A) and (B) of section 400(a)(2);

15 “(7) gather information about the implementa-
16 tion, effectiveness, and impact of the Americans with
17 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

18 “(8) make recommendations to the President,
19 the Congress, the Secretary, the Director of the Na-
20 tional Institute on Disability and Rehabilitation Re-
21 search, and other officials of Federal agencies or
22 other Federal entities, respecting ways to better pro-
23 mote the policies set forth in section 400(a)(2);

24 “(9) provide to the Congress on a continuing
25 basis advice, recommendations, legislative proposals,

1 and any additional information which the National
2 Council or the Congress deems appropriate; and

3 “(10) review and evaluate on a continuing basis
4 new and emerging disability policy issues affecting
5 individuals with disabilities at the international,
6 Federal, State, and local levels, and in the private
7 sector, including the need for and coordination of
8 adult services, access to personal assistance services,
9 school reform efforts and the impact of such efforts
10 on individuals with disabilities, access to health care,
11 and policies that operate as disincentives for the in-
12 dividuals to seek and retain employment.

13 “(b)(1) Not later than July 26, 1998, and annually
14 thereafter, the National Council shall prepare and submit
15 to the President and the appropriate committees of the
16 Congress a report entitled ‘National Disability Policy: A
17 Progress Report’.

18 “(2) The report shall assess the status of the Nation
19 in achieving the policies set forth in section 400(a)(2),
20 with particular focus on the new and emerging issues im-
21 pacting on the lives of individuals with disabilities. The
22 report shall present, as appropriate, available data on
23 health, housing, employment, insurance, transportation,
24 recreation, training, prevention, early intervention, and

1 education. The report shall include recommendations for
2 policy change.

3 “(3) In determining the issues to focus on and the
4 findings, conclusions, and recommendations to include in
5 the report, the National Council shall seek input from the
6 public, particularly individuals with disabilities, represent-
7 atives of organizations representing a broad range of indi-
8 viduals with disabilities, and organizations and agencies
9 interested in individuals with disabilities.

10 “COMPENSATION OF NATIONAL COUNCIL MEMBERS

11 “SEC. 402. (a) Members of the National Council shall
12 be entitled to receive compensation at a rate equal to the
13 rate of pay for level 4 of the Senior Executive Service
14 Schedule under section 5382 of title 5, United States
15 Code, including travel time, for each day they are engaged
16 in the performance of their duties as members of the Na-
17 tional Council.

18 “(b) Members of the National Council who are full-
19 time officers or employees of the United States shall re-
20 ceive no additional pay on account of their service on the
21 National Council except for compensation for travel ex-
22 penses as provided under subsection (c) of this section.

23 “(c) While away from their homes or regular places
24 of business in the performance of services for the National
25 Council, members of the National Council shall be allowed
26 travel expenses, including per diem in lieu of subsistence,

1 in the same manner as persons employed intermittently
2 in the Government service are allowed expenses under sec-
3 tion 5703 of title 5, United States Code.

4 “STAFF OF NATIONAL COUNCIL

5 “SEC. 403. (a)(1) The Chairperson of the National
6 Council may appoint and remove, without regard to the
7 provisions of title 5, United States Code, governing ap-
8 pointments, the provisions of chapter 75 of such title (re-
9 lating to adverse actions), the provisions of chapter 77 of
10 such title (relating to appeals), or the provisions of chapter
11 51 and subchapter III of chapter 53 of such title (relating
12 to classification and General Schedule pay rates), an Exec-
13 utive Director to assist the National Council to carry out
14 its duties. The Executive Director shall be appointed from
15 among individuals who are experienced in the planning or
16 operation of programs for individuals with disabilities.

17 “(2) The Executive Director is authorized to hire
18 technical and professional employees to assist the National
19 Council to carry out its duties.

20 “(b)(1) The National Council may procure temporary
21 and intermittent services to the same extent as is author-
22 ized by section 3109(b) of title 5, United States Code (but
23 at rates for individuals not to exceed the daily equivalent
24 of the rate of pay for level 4 of the Senior Executive Serv-
25 ice Schedule under section 5382 of title 5, United States
26 Code).

1 “(2) The National Council may—

2 “(A) accept voluntary and uncompensated serv-
3 ices, notwithstanding the provisions of section 1342
4 of title 31, United States Code;

5 “(B) in the name of the Council, solicit, accept,
6 employ, and dispose of, in furtherance of this Act,
7 any money or property, real or personal, or mixed,
8 tangible or nontangible, received by gift, devise, be-
9 quest, or otherwise; and

10 “(C) enter into contracts and cooperative agree-
11 ments with Federal and State agencies, private
12 firms, institutions, and individuals for the conduct of
13 research and surveys, preparation of reports and
14 other activities necessary to the discharge of the
15 Council’s duties and responsibilities.

16 “(3) Not more than 10 per centum of the total
17 amounts available to the National Council in each fiscal
18 year may be used for official representation and reception.

19 “(c) The Administrator of General Services shall pro-
20 vide to the National Council on a reimbursable basis such
21 administrative support services as the Council may re-
22 quest.

23 “(d)(1) It shall be the duty of the Secretary of the
24 Treasury to invest such portion of the amounts made
25 available under subsection (a)(2)(B) as is not, in the Sec-

1 retary's judgment, required to meet current withdrawals.
2 Such investments may be made only in interest-bearing
3 obligations of the United States or in obligations guaran-
4 teed as to both principal and interest by the United States.

5 “(2) The amounts described in paragraph (1), and
6 the interest on, and the proceeds from the sale or redemp-
7 tion of, the obligations described in paragraph (1) shall
8 be available to the National Council to carry out this title.

9 “ADMINISTRATIVE POWERS OF NATIONAL COUNCIL

10 “SEC. 404. (a) The National Council may prescribe
11 such bylaws and rules as may be necessary to carry out
12 its duties under this title.

13 “(b) The National Council may hold such hearings,
14 sit and act at such times and places, take such testimony,
15 and receive such evidence as it deems advisable.

16 “(c) The National Council may appoint advisory com-
17 mittees to assist the National Council in carrying out its
18 duties. The members thereof shall serve without com-
19 pensation.

20 “(d) The National Council may use the United States
21 mails in the same manner and upon the same conditions
22 as other departments and agencies of the United States.

23 “(e) The National Council may use, with the consent
24 of the agencies represented on the Interagency Disability
25 Coordinating Council, and as authorized in title V, such
26 services, personnel, information, and facilities as may be

1 needed to carry out its duties under this title, with or with-
2 out reimbursement to such agencies.

3 “AUTHORIZATION OF APPROPRIATIONS

4 “SEC. 405. There are authorized to be appropriated
5 to carry out this title such sums as may be necessary for
6 each of the fiscal years 1998 through 2004.”.

7 **SEC. 8. RIGHTS AND ADVOCACY.**

8 (a) CONFORMING AMENDMENTS TO RIGHTS AND AD-
9 VOCACY PROVISIONS.—

10 (1) EMPLOYMENT.—Section 501 (29 U.S.C.
11 791) is amended—

12 (A) in the third sentence of subsection (a),
13 by striking “President’s Committees on Em-
14 ployment of the Handicapped” and inserting
15 “President’s Committees on Employment of
16 People With Disabilities”; and

17 (B) in subsection (e), by striking “individ-
18 ualized written rehabilitation program” and in-
19 serting “individualized rehabilitation employ-
20 ment plan”.

21 (2) ACCESS BOARD.—Section 502 (29 U.S.C.
22 792) is amended—

23 (A) in subsection (b)—

24 (i) in paragraph (9), by striking “;
25 and” and inserting a semicolon;

1 (ii) in paragraph (10), by striking the
2 period and inserting “; and”; and

3 (iii) by adding at the end the follow-
4 ing:

5 “(11) carry out the responsibilities specified for
6 the Access Board in section 508”;

7 (B) in subsection (d)(2)(A), by inserting
8 before the semicolon the following: “and section
9 508(d)(2)(C)”;

10 (C) in subsection (g)(2), by striking “Com-
11 mittee on Education and Labor” and inserting
12 “Committee on Education and the Workforce”;
13 and

14 (D) in subsection (i), by striking “fiscal
15 years 1993 through 1997” and inserting “fiscal
16 years 1998 through 2004”.

17 (3) FEDERAL GRANTS AND CONTRACTS.—Sec-
18 tion 504(a) (29 U.S.C.) is amended in the first sen-
19 tence by striking “section 7(8)” and inserting “sec-
20 tion 7(20)”.

21 (4) SECRETARIAL RESPONSIBILITIES.—Section
22 506(a) (29 U.S.C. 794b(a)) is amended—

23 (A) by striking the second sentence and in-
24 serting the following: “Any concurrence of the
25 Access Board under paragraph (2) shall reflect

1 its consideration of cost studies carried out by
2 States.”; and

3 (B) in the second sentence of subsection
4 (c), by striking “provided under this para-
5 graph” and inserting “provided under this sub-
6 section”.

7 (b) ELECTRONIC AND INFORMATION TECHNOLOGY
8 REGULATIONS.—Section 508 (29 U.S.C. 794d) is amend-
9 ed to read as follows:

10 **“SEC. 508. ELECTRONIC AND INFORMATION TECHNOLOGY**
11 **REGULATIONS.**

12 “(a) DEFINITION.—In this section, the term ‘elec-
13 tronic and information technology’ includes—

14 “(1) any equipment, software, interface system,
15 operating system, or interconnected system or sub-
16 system of equipment, whether or not accessed re-
17 motely, that is used in the acquisition, storage, ma-
18 nipulation, management, movement, control, display,
19 switching, interchange, transmission, or reception of
20 data or information; and

21 “(2) any related service (including a support
22 service) and any related resource.

23 “(b) PROMULGATION OF RULES AND REGULA-
24 TIONS.—

1 “(1) PROCUREMENT, MAINTENANCE, AND USE
2 OF ELECTRONIC AND INFORMATION TECHNOLOGY.—
3 Consistent with paragraph (2), each Federal agency
4 shall procure, maintain, and use electronic and infor-
5 mation technology that allows, regardless of the type
6 of medium of the technology, individuals with dis-
7 abilities to produce information and data, and have
8 access to information and data, comparable to the
9 information and data, and access, respectively, of in-
10 dividuals who are not individuals with disabilities.

11 “(2) REGULATIONS.—

12 “(A) IN GENERAL.—Not later than 1 year
13 after the date of enactment of the Rehabilita-
14 tion Act Amendments of 1998, the Access
15 Board, after consultation with the Secretary of
16 Education, the Administrator of the General
17 Services Administration, and the head of any
18 other Federal agency that the Access Board
19 may determine to be appropriate, and after con-
20 sultation with the electronic and information
21 technology industry and appropriate public or
22 nonprofit agencies or organizations, shall issue
23 regulations, including criteria for procurement
24 of accessible electronic and information tech-
25 nology, to implement this section.

1 “(B) CRITERIA.—The Access Board shall
2 consult with the Director of the National Insti-
3 tute on Disability and Rehabilitation Research
4 and the heads of other Federal agencies that
5 conduct applicable research, regarding relevant
6 research findings to assist the Access Board in
7 developing and updating the criteria for pro-
8 curement of accessible technology required
9 under subparagraph (A).

10 “(C) REVIEWS AND AMENDMENTS.—The
11 Access Board shall review and amend the regu-
12 lations periodically to reflect technological ad-
13 vances or changes in electronic and information
14 technology.

15 “(c) TECHNICAL ASSISTANCE.—The Access Board
16 shall provide technical assistance to individuals and Fed-
17 eral agencies concerning the rights and responsibilities
18 provided under this section. The Administrator of the
19 General Services Administration shall provide technical
20 assistance to Federal agencies concerning the rights and
21 responsibilities provided under this section, in coordination
22 with the activities of the Access Board.

23 “(d) COMPLIANCE.—

24 “(1) IN GENERAL.—Not later than 1 year after
25 the date of enactment of the Rehabilitation Act

1 Amendments of 1998, the Access Board shall estab-
2 lish, by regulation issued under subsection (b), pro-
3 cedures for ensuring the compliance of Federal
4 agencies with this section (including the regulation).

5 “(2) PROCEDURES.—At a minimum the regula-
6 tion shall establish procedures by which—

7 “(A) the head of each Federal agency shall
8 assess the compliance of the agency with this
9 section and report periodically to the Access
10 Board and the Director of the Office of Man-
11 agement and Budget on such compliance;

12 “(B) any aggrieved person may file a com-
13 plaint with the Access Board regarding non-
14 compliance by a Federal agency with this sec-
15 tion; and

16 “(C) the Access Board may, after provid-
17 ing notice and an opportunity for a hearing,
18 issue an order requiring compliance with this
19 section, which shall be final and binding on the
20 affected Federal agency.

21 “(3) OFFICE OF MANAGEMENT AND BUDGET
22 OVERSIGHT.—

23 “(A) OVERSIGHT AND COORDINATION.—

24 The Director of the Office of Management and
25 Budget shall oversee and coordinate the pro-

1 curement, financial management, information,
2 and regulatory policies of the executive branch
3 of the Federal Government relating to elec-
4 tronic and information technology.

5 “(B) ISSUANCE OF POLICIES.—In issuing
6 circulars, bulletins, directives, memoranda, and
7 other policies affecting the procurement, main-
8 tenance, and use of electronic and information
9 technology, by Federal agencies, as appropriate,
10 the Director of the Office of Management and
11 Budget shall require compliance with this sec-
12 tion, including the regulations and criteria de-
13 scribed in subsection (b).

14 “(e) RELATIONSHIP TO OTHER LAWS.—This section
15 shall not be construed to limit a remedy, right, or proce-
16 dure available under any other provision of Federal law
17 (including title V and the Americans with Disabilities Act
18 of 1990), or State or local law (including State common
19 law) that provides greater or equal protection for the
20 rights of individuals with disabilities.”.

21 (c) PROTECTION AND ADVOCACY OF INDIVIDUAL
22 RIGHTS.—Section 509 (29 U.S.C. 794e) is amended to
23 read as follows:

1 **“SEC. 509. PROTECTION AND ADVOCACY OF INDIVIDUAL**
2 **RIGHTS.**

3 “(a) PURPOSE.—The purpose of this section is to
4 support a system in each State to protect the legal and
5 human rights of individuals with disabilities who—

6 “(1) need services that are beyond the scope of
7 services authorized to be provided by the client as-
8 sistance program under section 112; and

9 “(2) are ineligible for protection and advocacy
10 programs under part C of the Developmental Dis-
11 abilities Assistance and Bill of Rights Act (42
12 U.S.C. 6041 et seq.) because the individuals do not
13 have a developmental disability, as defined in section
14 102 of such Act (42 U.S.C. 6002) and the Protec-
15 tion and Advocacy for Mentally Ill Individuals Act of
16 1986 (42 U.S.C. 10801 et seq.) because the individ-
17 uals are not individuals with mental illness, as de-
18 fined in section 102 of such Act (42 U.S.C. 10802).

19 “(b) APPROPRIATIONS LESS THAN \$5,500,000.—For
20 any fiscal year in which the amount appropriated to carry
21 out this section is less than \$5,500,000, the Commissioner
22 may make grants from such amount to eligible systems
23 within States to plan for, develop outreach strategies for,
24 and carry out protection and advocacy programs author-
25 ized under this section for individuals with disabilities who

1 meet the requirements of paragraphs (1) and (2) of sub-
2 section (a).

3 “(c) APPROPRIATIONS OF \$5,500,000 OR MORE.—

4 “(1) RESERVATIONS.—

5 “(A) TECHNICAL ASSISTANCE.—For any
6 fiscal year in which the amount appropriated to
7 carry out this section equals or exceeds
8 \$5,500,000, the Commissioner shall set aside
9 not less than 1.8 percent and not more than 2.2
10 percent of the amount to provide training and
11 technical assistance to the systems established
12 under this section.

13 “(B) GRANT FOR THE ELIGIBLE SYSTEM
14 SERVING THE AMERICAN INDIAN CONSOR-
15 TIUM.—For any fiscal year in which the
16 amount appropriated to carry out this section
17 equals or exceeds \$10,500,000, the Commis-
18 sioner shall reserve a portion, and use the por-
19 tion to make a grant for the eligible system
20 serving the American Indian consortium. The
21 Commission shall make the grant in an amount
22 of not less than \$50,000 for the fiscal year.

23 “(2) ALLOTMENTS.—For any such fiscal year,
24 after the reservations required by paragraph (1)
25 have been made, the Commissioner shall make allot-

1 ments from the remainder of such amount in accord-
2 ance with paragraph (3) to eligible systems within
3 States to enable such systems to carry out protec-
4 tion and advocacy programs authorized under this
5 section for such individuals.

6 “(3) SYSTEMS WITHIN STATES.—

7 “(A) POPULATION BASIS.—Except as pro-
8 vided in subparagraph (B), from such remain-
9 der for each such fiscal year, the Commissioner
10 shall make an allotment to the eligible system
11 within a State of an amount bearing the same
12 ratio to such remainder as the population of the
13 State bears to the population of all States.

14 “(B) MINIMUMS.—Subject to the availabil-
15 ity of appropriations to carry out this section,
16 and except as provided in paragraph (4), the al-
17 lotment to any system under subparagraph (A)
18 shall be not less than \$100,000 or one-third of
19 one percent of the remainder for the fiscal year
20 for which the allotment is made, whichever is
21 greater, and the allotment to any system under
22 this section for any fiscal year that is less than
23 \$100,000 or one-third of one percent of such
24 remainder shall be increased to the greater of
25 the two amounts.

1 “(4) SYSTEMS WITHIN OTHER JURISDIC-
2 TIONS.—

3 “(A) IN GENERAL.—For the purposes of
4 paragraph (3)(B), Guam, American Samoa, the
5 United States Virgin Islands, and the Common-
6 wealth of the Northern Mariana Islands shall
7 not be considered to be States.

8 “(B) ALLOTMENT.—The eligible system
9 within a jurisdiction described in subparagraph
10 (A) shall be allotted under paragraph (3)(A)
11 not less than \$50,000 for the fiscal year for
12 which the allotment is made.

13 “(5) ADJUSTMENT FOR INFLATION.—For any
14 fiscal year, beginning in fiscal year 1999, in which
15 the total amount appropriated to carry out this sec-
16 tion exceeds the total amount appropriated to carry
17 out this section for the preceding fiscal year, the
18 Commissioner shall increase each of the minimum
19 grants or allotments under paragraphs (1)(B),
20 (3)(B), and (4)(B) by a percentage that shall not ex-
21 ceed the percentage increase in the total amount ap-
22 propriated to carry out this section between the pre-
23 ceding fiscal year and the fiscal year involved.

24 “(d) PROPORTIONAL REDUCTION.—To provide mini-
25 mum allotments to systems within States (as increased

1 under subsection (c)(5)) under subsection (c)(3)(B), or to
2 provide minimum allotments to systems within States (as
3 increased under subsection (c)(5)) under subsection
4 (c)(4)(B), the Commissioner shall proportionately reduce
5 the allotments of the remaining systems within States
6 under subsection (c)(3), with such adjustments as may be
7 necessary to prevent the allotment of any such remaining
8 system within a State from being reduced to less than the
9 minimum allotment for a system within a State (as in-
10 creased under subsection (c)(5)) under subsection
11 (c)(3)(B), or the minimum allotment for a State (as in-
12 creased under subsection (c)(5)) under subsection
13 (c)(4)(B), as appropriate.

14 “(e) REALLOTMENT.—Whenever the Commissioner
15 determines that any amount of an allotment to a system
16 within a State for any fiscal year described in subsection
17 (c)(1) will not be expended by such system in carrying out
18 the provisions of this section, the Commissioner shall
19 make such amount available for carrying out the provi-
20 sions of this section to one or more of the systems that
21 the Commissioner determines will be able to use additional
22 amounts during such year for carrying out such provi-
23 sions. Any amount made available to a system for any fis-
24 cal year pursuant to the preceding sentence shall, for the
25 purposes of this section, be regarded as an increase in the

1 allotment of the system (as determined under the preced-
2 ing provisions of this section) for such year.

3 “(f) APPLICATION.—In order to receive assistance
4 under this section, an eligible system shall submit an ap-
5 plication to the Commissioner, at such time, in such form
6 and manner, and containing such information and assur-
7 ances as the Commissioner determines necessary to meet
8 the requirements of this section, including assurances that
9 the eligible system will—

10 “(1) have in effect a system to protect and ad-
11 vocate the rights of individuals with disabilities;

12 “(2) have the same general authorities, includ-
13 ing access to records and program income, as are set
14 forth in part C of the Developmental Disabilities As-
15 sistance and Bill of Rights Act (42 U.S.C. 6041 et
16 seq.);

17 “(3) have the authority to pursue legal, admin-
18 istrative, and other appropriate remedies or ap-
19 proaches to ensure the protection of, and advocacy
20 for, the rights of such individuals within the State
21 or the American Indian consortium who are individ-
22 uals described in subsection (a);

23 “(4) provide information on and make referrals
24 to programs and services addressing the needs of in-

1 individuals with disabilities in the State or the Amer-
2 ican Indian consortium;

3 “(5) develop a statement of objectives and pri-
4 orities on an annual basis, and provide to the public,
5 including individuals with disabilities and, as appro-
6 priate, the individuals’ representatives, an oppor-
7 tunity to comment on the objectives and priorities
8 established by, and activities of, the system includ-
9 ing—

10 “(A) the objectives and priorities for the
11 activities of the system for each year and the
12 rationale for the establishment of such objec-
13 tives and priorities; and

14 “(B) the coordination of programs pro-
15 vided through the system under this section
16 with the advocacy programs of the client assist-
17 ance program under section 112, the State
18 long-term care ombudsman program established
19 under the Older Americans Act of 1965 (42
20 U.S.C. 3001 et seq.), the Developmental Dis-
21 abilities Assistance and Bill of Rights Act (42
22 U.S.C. 6000 et seq.), and the Protection and
23 Advocacy for Mentally Ill Individuals Act of
24 1986 (42 U.S.C. 10801 et seq.);

1 “(6) establish a grievance procedure for clients
2 or prospective clients of the system to ensure that
3 individuals with disabilities are afforded equal oppor-
4 tunity to access the services of the system;

5 “(7) provide assurances to the Commissioner
6 that funds made available under this section will be
7 used to supplement and not supplant the non-Fed-
8 eral funds that would otherwise be made available
9 for the purpose for which Federal funds are pro-
10 vided; and

11 “(8) not use allotments or grants provided
12 under this section in a manner inconsistent with sec-
13 tion 5 of the Assisted Suicide Funding Restriction
14 Act of 1997.

15 “(g) CARRYOVER AND DIRECT PAYMENT.—

16 “(1) DIRECT PAYMENT.—Notwithstanding any
17 other provision of law, the Commissioner shall pay
18 directly to any system that complies with the provi-
19 sions of this section, the amount of the allotment of
20 the State or the grant for the eligible system that
21 serves the American Indian consortium involved
22 under this section, unless the State or American In-
23 dian consortium provides otherwise.

24 “(2) CARRYOVER.—Any amount paid to an eli-
25 gible system that serves a State or American Indian

1 consortium for a fiscal year that remains unobli-
2 gated at the end of such year shall remain available
3 to such system that serves the State or American
4 Indian consortium for obligation during the next fis-
5 cal year for the purposes for which such amount was
6 paid.

7 “(h) LIMITATION ON DISCLOSURE REQUIRE-
8 MENTS.—For purposes of any audit, report, or evaluation
9 of the performance of the program established under this
10 section, the Commissioner shall not require such a pro-
11 gram to disclose the identity of, or any other personally
12 identifiable information related to, any individual request-
13 ing assistance under such program.

14 “(i) ADMINISTRATIVE COST.—In any State in which
15 an eligible system is located within a State agency, a State
16 may use a portion of any allotment under subsection (c)
17 for the cost of the administration of the system required
18 by this section. Such portion may not exceed 5 percent
19 of the allotment.

20 “(j) DELEGATION.—The Commissioner may delegate
21 the administration of this program to the Commissioner
22 of the Administration on Developmental Disabilities with-
23 in the Department of Health and Human Services.

24 “(k) REPORT.—The Commissioner shall annually
25 prepare and submit to the Committee on Education and

1 the Workforce of the House of Representatives and the
2 Committee on Labor and Human Resources of the Senate
3 a report describing the types of services and activities
4 being undertaken by programs funded under this section,
5 the total number of individuals served under this section,
6 the types of disabilities represented by such individuals,
7 and the types of issues being addressed on behalf of such
8 individuals.

9 “(l) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this section
11 such sums as may be necessary for each of the fiscal years
12 1998 through 2004.

13 “(m) DEFINITIONS.—As used in this section:

14 “(1) ELIGIBLE SYSTEM.—The term ‘eligible
15 system’ means a protection and advocacy system
16 that is established under part C of the Develop-
17 mental Disabilities Assistance and Bill of Rights Act
18 (42 U.S.C. 6041 et seq.) and that meets the require-
19 ments of subsection (f).

20 “(2) AMERICAN INDIAN CONSORTIUM.—The
21 term ‘American Indian consortium’ means a consor-
22 tium established as described in section 142 of the
23 Developmental Disabilities Assistance and Bill of
24 Rights Act (42 U.S.C. 6042).”.

1 **SEC. 9. EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS**
2 **WITH DISABILITIES.**

3 Title VI of the Rehabilitation Act of 1973 (29 U.S.C.
4 795 et seq.) is amended to read as follows:

5 **“TITLE VI—EMPLOYMENT OP-**
6 **PORTUNITIES FOR INDIVID-**
7 **UALS WITH DISABILITIES**

8 **“SEC. 601. SHORT TITLE.**

9 “This title may be cited as the ‘Employment Oppor-
10 tunities for Individuals With Disabilities Act’.

11 **“PART A—PROJECTS IN TELECOMMUTING AND**
12 **SELF-EMPLOYMENT FOR INDIVIDUALS WITH**
13 **DISABILITIES**

14 **“SEC. 611. FINDINGS, POLICIES, AND PURPOSES.**

15 “(a) FINDINGS.—Congress makes the following find-
16 ings:

17 “(1) It is in the best interest of the United
18 States to identify and promote increased employ-
19 ment opportunities for individuals with disabilities.

20 “(2) Telecommuting is one of the most rapidly
21 expanding forms of employment. In 1990 there were
22 4,000,000 telecommuters and that number has risen
23 to 11,100,000 in 1997.

24 “(3) It is in the best interest of the United
25 States to ensure that individuals with disabilities
26 have access to telecommuting employment opportu-

1 nities. It has been estimated that 10 percent of indi-
2 viduals with disabilities, who are unemployed, could
3 benefit from telecommuting opportunities.

4 “(4) It is in the interest of employers to recog-
5 nize that individuals with disabilities are excellent
6 candidates for telecommuting employment opportu-
7 nities.

8 “(5) Individuals with disabilities, especially
9 those living in rural areas, often do not have access
10 to accessible transportation, and in such cases tele-
11 commuting presents an excellent opportunity for the
12 employment of such individuals.

13 “(6) It is in the best interests of economic de-
14 velopment agencies, venture capitalists, and financial
15 institutions for the Federal Government to dem-
16 onstrate that individuals with disabilities, who wish
17 to become or who are self-employed, can meet the
18 criteria for assistance, investment of capital, and
19 business that other entrepreneurs meet.

20 “(b) POLICIES.—It is the policy of the United States
21 to—

22 “(1) promote opportunities for individuals with
23 disabilities to—

24 “(A) secure, retain, regain, or advance in
25 employment involving telecommuting;

1 “(B) gain access to employment opportuni-
2 ties; and

3 “(C) demonstrate their abilities, capabili-
4 ties, interests, and preferences regarding em-
5 ployment in positions that are increasingly
6 being offered to individuals in the workplace;
7 and

8 “(2) promote opportunities for individuals with
9 disabilities to engage in self-employment enterprises
10 that permit these individuals to achieve significant
11 levels of independence, participate in and contribute
12 to the life of their communities, and offer employ-
13 ment opportunities to others.

14 “(c) PURPOSES.—It is the purpose of this part to—

15 “(1) through the awarding of 1-time, time-lim-
16 ited grants, contracts, or cooperative agreements to
17 public and private entities—

18 “(A) provide funds, in accordance with sec-
19 tion 612, to enable individuals with disabilities
20 to identify and secure employment opportunities
21 involving telecommuting; and

22 “(B) encourage employers to become part-
23 ners in providing telecommuting placements for
24 individuals with disabilities through the involve-
25 ment of such employers in telecommuting

1 projects that continue and expand opportunities
 2 for the provision of telecommuting placements
 3 to individuals with disabilities beyond those op-
 4 portunities that are currently facilitated by the
 5 telecommuting projects; and

6 “(2) through the awarding of 1-time, time-lim-
 7 ited grants, contracts, cooperative agreements, or
 8 other appropriate mechanisms of providing assist-
 9 ance to public or private entities—

10 “(A) assist individuals with disabilities to
 11 engage in self-employment enterprises in ac-
 12 cordance with section 613; and

13 “(B) encourage entities to assist more indi-
 14 viduals with disabilities to engage in self-em-
 15 ployment enterprises.

16 **“SEC. 612. PROJECTS IN TELECOMMUTING FOR INDIVID-**
 17 **UALS WITH DISABILITIES.**

18 “(a) IN GENERAL.—The Commissioner shall, on a
 19 competitive basis, award 1-time, time-limited grants, con-
 20 tracts, or cooperative agreements to eligible entities for the
 21 establishment and operation of projects in telecommuting
 22 for individuals with disabilities.

23 “(b) ELIGIBLE ENTITIES.—To be eligible to receive
 24 a grant, contract, or cooperative agreement under sub-
 25 section (a) an entity shall—

1 “(1) be—

2 “(A) an entity carrying out a Project With
3 Industry described in part B;

4 “(B) a designated State agency;

5 “(C) a statewide workforce investment
6 partnership or local workforce investment part-
7 nership;

8 “(D) a public educational agency;

9 “(E) a training institution, which may in-
10 clude an institution of higher education;

11 “(F) a private organization, with priority
12 given to organizations of or for individuals with
13 disabilities;

14 “(G) a public or private employer;

15 “(H) any other entity that the Commis-
16 sioner determines to be appropriate; or

17 “(I) a combination or consortium of the
18 entities described in subparagraphs (A) through
19 (H);

20 “(2) have 3 or more years of experience in as-
21 sisting individuals with disabilities in securing, re-
22 taining, regaining, or advancing in employment;

23 “(3) demonstrate that such entity has the ca-
24 pacity to secure full- and part-time employment in-

1 volving telecommuting for individuals with disabil-
2 ities; and

3 “(4) submit an application that meets the re-
4 quirements of subsection (c).

5 “(c) APPLICATION REQUIREMENTS.—To be eligible
6 to receive a grant, contract, or cooperative agreement
7 under subsection (a), an entity shall submit to the Com-
8 missioner at such time, in such manner, and containing
9 such information concerning the telecommuting project to
10 be funded under the grant, contract, or agreement as the
11 Commissioner may require, including—

12 “(1) a description of how and the extent to
13 which the applicant meets the requirement of sub-
14 section (b)(2);

15 “(2) with respect to any partners who will par-
16 ticipate in the implementation of activities under the
17 telecommuting project, a description of—

18 “(A) the identity of such partners; and

19 “(B) the roles and responsibilities of each
20 partner in preparing the application, and if
21 funded, the roles and responsibility of each
22 partner during the telecommuting project;

23 “(3) a description of the geographic region that
24 will be the focus of activity under the telecommuting
25 project;

1 “(4) a projection for each year of a 3-year pe-
2 riod of the grant, contract, or agreement, of the
3 number of individuals with disabilities who will be
4 employed as the result of the assistance provided by
5 the telecommuting project;

6 “(5) with respect to any employers that have
7 indicated an interest in offering telecommuting em-
8 ployment opportunities to individuals with disabili-
9 ties, a description of—

10 “(A) the identity of such employers; and

11 “(B) the manner in which additional em-
12 ployers would be recruited under the tele-
13 commuting project;

14 “(6) a description of the manner in which indi-
15 viduals with disabilities will be identified and se-
16 lected to participate in the telecommuting project;

17 “(7) a description of the jobs that will be tar-
18 geted by the telecommuting project;

19 “(8) a description of the process by which indi-
20 viduals with disabilities will be matched with employ-
21 ers for telecommuting placements;

22 “(9) a description of the manner in which the
23 project will become self-sustaining in the third year
24 of the telecommuting project; and

1 “(10) a description of the nature and amount
2 of funding, including in-kind support, other than
3 funds received under this part, that will be available
4 to be used by the telecommuting project.

5 “(d) USE OF FUNDS.—Amounts received under a
6 grant, contract, or cooperative agreement under sub-
7 section (a) shall be used for—

8 “(1) the recruitment of individuals with disabili-
9 ties for telecommuting placements;

10 “(2) the conduct of marketing activities with re-
11 spect to employers;

12 “(3) the purchase of training services for an in-
13 dividual with a disability who is going to assume a
14 telecommuting placement;

15 “(4) the purchase of equipment, materials, tele-
16 phone lines, auxiliary aids, and services related to
17 telecommuting placements;

18 “(5) the provision of orientation services and
19 training to the supervisors of employers participat-
20 ing in the project and to co-workers of individuals
21 with disabilities who are selected for telecommuting
22 placements;

23 “(6) the provision of technical assistance to em-
24 ployers, including technical assistance regarding rea-
25 sonable accommodations with regard to individuals

1 with disabilities participating in telecommuting
2 placements; and

3 “(7) other uses determined appropriate by the
4 Commissioner.

5 “(e) PROJECT REQUIREMENTS.—Telecommuting
6 projects funded under this section shall—

7 “(1) establish criteria for safety with regard to
8 the telecommuting work space, which at a minimum
9 meet guidelines established by the Occupational
10 Safety and Health Administration for a work space
11 of comparable size and function;

12 “(2) on an annual basis, enter into agreements
13 with the Commissioner that contain goals concerning
14 the number of individuals with disabilities that the
15 project will place in telecommuting positions;

16 “(3) establish procedures for ensuring that pro-
17 spective employers and individuals with disabilities,
18 who are to assume telecommuting placements, have
19 a clear understanding of how the individual’s work
20 performance will be monitored and evaluated by the
21 employer;

22 “(4) identify and make available support serv-
23 ices for individuals with disabilities in telecommuting
24 placements;

1 “(5) develop procedures that allow the tele-
2 commuting project, the employer, and the individual
3 with a disability to reach agreement on their respec-
4 tive responsibilities with regard to establishing and
5 maintaining the telecommuting placement;

6 “(6) for each year of a telecommuting project,
7 submit an annual report to the Commissioner con-
8 cerning—

9 “(A) the number of individuals with dis-
10 abilities placed in telecommuting positions and
11 whether the goal described in the agreement en-
12 tered into paragraph (2) was met;

13 “(B) the number of individuals with dis-
14 abilities employed as salaried employees and
15 their annual salaries;

16 “(C) the number of individuals with dis-
17 abilities employed as independent contractors
18 and their annual incomes;

19 “(D) the number of individuals with dis-
20 abilities that received benefits from their em-
21 ployers;

22 “(E) the number of individuals with dis-
23 abilities in telecommuting placements still work-
24 ing after—

25 “(i) 6 months; and

1 “(ii) 12 months; and

2 “(F) any reports filed with the Occupa-
3 tional Safety and Health Administration.

4 “(f) LIMITATIONS.—

5 “(1) PERIOD OF AWARD.—A grant, contract, or
6 cooperative agreement under subsection (a) shall be
7 for a 3-year period.

8 “(2) AMOUNT.—The amount of a grant, con-
9 tract, or cooperative agreement under subsection (a)
10 shall not be less than \$250,000 nor more than
11 \$1,000,000.

12 **“SEC. 613. PROJECTS IN SELF-EMPLOYMENT FOR INDIVID-**
13 **UALS WITH DISABILITIES.**

14 “(a) IN GENERAL.—The Commissioner shall, on a
15 competitive basis, award 1-time, time-limited grants, con-
16 tracts, or cooperative agreements to eligible entities for the
17 establishment and operation of projects in self-employ-
18 ment for individuals with disabilities.

19 “(b) ELIGIBLE ENTITIES.—To be eligible to receive
20 a grant, contract, or cooperative agreement under sub-
21 section (a) an entity shall—

22 “(1) be—

23 “(A) a financial institution;

24 “(B) an economic development agency;

25 “(C) a venture capitalist;

1 “(D) an entity carrying out a Project With
2 Industry described in part B;

3 “(E) a designated State agency, or other
4 public entity;

5 “(F) a private organization, including em-
6 ployers and organizations related to individuals
7 with disabilities;

8 “(G) any other entity that the Commis-
9 sioner determines to be appropriate; or

10 “(H) a combination or consortium of the
11 entities described in subparagraphs (A) through
12 (G);

13 “(2) demonstrate that such entity has the ca-
14 pacity to assist clients, including clients with disabil-
15 ities, to successfully engage in self-employment en-
16 terprises; and

17 “(3) submit an application that meets the re-
18 quirements of subsection (c).

19 “(c) APPLICATION REQUIREMENTS.—To be eligible
20 to receive a grant, contract, or cooperative agreement
21 under subsection (a), an entity shall submit to the Com-
22 missioner at such time, in such manner, and containing
23 such information concerning the self-employment project
24 to be funded under the grant, contract, or agreement as
25 the Commissioner may require, including—

1 “(1) a description of how and the extent to
2 which the applicant has assisted individuals, includ-
3 ing individuals with disabilities, if appropriate, to
4 successfully engage in self-employment enterprises;

5 “(2) with respect to any partners who will par-
6 ticipate in the implementation of activities under the
7 self-employment project, a description of—

8 “(A) the identity of such partners; and

9 “(B) the roles and responsibilities of each
10 partner in preparing the application, and if
11 funded, the roles and responsibility of each
12 partner during the self-employment project;

13 “(3) a description of the geographic region that
14 will be the focus of activity in the self-employment
15 project;

16 “(4) a projection for each year of a 3-year pe-
17 riod of the grant, contract, or agreement, of the
18 number of clients who will be assisted to engage in
19 self-employment enterprises through the self-employ-
20 ment project;

21 “(5) a description of the manner in which po-
22 tential clients will be identified and selected to be as-
23 sisted by the self-employment project;

24 “(6) a description of the manner in which self-
25 employment enterprises (or market niches) will be

1 identified for the geographic areas to be targeted in
2 the self-employment project;

3 “(7) a description of the process by which pro-
4 spective clients will be matched with self-employment
5 opportunities;

6 “(8) a description of the manner in which the
7 project will become self-sustaining in the third year
8 of the self-employment project; and

9 “(9) a description of the nature and amount of
10 funding, including in-kind support, other than funds
11 received under this part, that will be available to be
12 used during the self-employment project.

13 “(d) USE OF FUNDS.—Amounts received under a
14 grant, contract, or cooperative agreement under sub-
15 section (a) shall be used—

16 “(1) for the preparation of marketing analyses
17 to identify self-employment opportunities;

18 “(2) for the conduct of marketing activities
19 with respect to financial institutions or venture cap-
20 italists concerning the benefits of investing in indi-
21 viduals with disabilities who are engaged in self-em-
22 ployment enterprises;

23 “(3) for the conduct of marketing activities
24 with respect to potential clients who engage in or
25 might engage in self-employment enterprises;

1 “(4) for the provision of training for clients to
2 be assisted through the project who seek to engage
3 or are engaging in self-employment enterprises;

4 “(5) to cover the costs of business expenses spe-
5 cifically related to an individual’s disability;

6 “(6) to provide assistance for clients in develop-
7 ing business plans for capital investment;

8 “(7) to provide assistance for clients in securing
9 capital to engage in a self-employment enterprise;

10 “(8) to provide technical assistance to clients
11 engaged in self-employment enterprises who seek
12 such assistance in order to sustain or expand their
13 enterprises; and

14 “(9) for other uses as determined appropriate
15 by the Commissioner.

16 “(e) PROJECT REQUIREMENTS.—Self-employment
17 projects funded under this section shall—

18 “(1) establish criteria for and apply such cri-
19 teria in selecting clients to be assisted through the
20 project;

21 “(2) on an annual basis, enter into agreements
22 with the Commissioner that contain goals concerning
23 the number of individuals with disabilities that the
24 project will assist in starting and sustaining self-em-
25 ployment enterprises;

1 “(3) establish and apply criteria to determine
2 whether an enterprise is a viable option in which to
3 invest project funds;

4 “(4) establish and apply criteria to determine
5 when and if the project would provide assistance in
6 sustaining an ongoing enterprise engaged in by a cli-
7 ent or potential client;

8 “(5) establish and apply criteria to determine
9 when and if the project would provide assistance in
10 expanding an ongoing enterprise engaged in by a cli-
11 ent or potential client;

12 “(6) establish and apply procedures to ensure
13 that a potential client has a clear understanding of
14 the scope and limits of assistance from the project
15 that will be applicable in such client’s case;

16 “(7) develop procedures, which include a writ-
17 ten agreement, that provides for the documentation
18 of the respective responsibilities of the self-employ-
19 ment project and any client with regard to the cre-
20 ation, maintenance, or expansion of the client’s self-
21 employment enterprise; and

22 “(8) with respect to the project, submit a report
23 to the Commissioner—

24 “(A) for each project year, concerning the
25 number of clients assisted by the project who

1 are engaging in self-employment enterprises
2 and whether the goal described in the agree-
3 ment entered into under paragraph (2) was
4 met; and

5 “(B) the number of clients assisted by the
6 project who are still engaged in such an enter-
7 prise on the date that is—

8 “(i) 6 months after the date on which
9 assistance provided by the project was ter-
10 minated; and

11 “(ii) 12 months after the date of
12 which assistance provided by the project
13 was terminated.

14 “(f) DURATION OF AWARDS.—A grant, contract, or
15 cooperative agreement under subsection (a) shall be for
16 a 3-year period.

17 “(g) DEFINITION.—For the purpose of this section,
18 the term ‘client’ means 1 or more individuals with disabil-
19 ities who engage in or seek to engage in a self-employment
20 enterprise.

21 **“SEC. 614. DISCRETIONARY AUTHORITY FOR DUAL-PUR-**
22 **POSE APPLICATIONS.**

23 “(a) IN GENERAL.—The Commissioner may establish
24 procedures to permit applicants for grants, contracts, or
25 cooperative agreements under this part to submit applica-

1 tions that serve dual purposes, so long as such applications
2 meet the requirements of sections 612 and section 613.

3 “(b) AMOUNT OF ASSISTANCE.—In a case described
4 in subsection (a), the minimum amount of a grant, con-
5 tract, or cooperative agreement awarded under a dual-pur-
6 pose application may, at the discretion of the Commis-
7 sioner, exceed the limitations described in section
8 612(f)(2).

9 **“SEC. 615. AUTHORIZATION OF APPROPRIATIONS.**

10 “There is authorized to be appropriated to carry out
11 this part, \$10,000,000 for fiscal year 1998, and such sums
12 as may be necessary for each of the fiscal years 1999
13 through 2004.

14 “PART B—PROJECTS WITH INDUSTRY

15 “PROJECTS WITH INDUSTRY

16 “SEC. 621. (a)(1) The purpose of this part is to cre-
17 ate and expand job and career opportunities for individ-
18 uals with disabilities in the competitive labor market by
19 engaging the talent and leadership of private industry as
20 partners in the rehabilitation process, to identify competi-
21 tive job and career opportunities and the skills needed to
22 perform such jobs, to create practical job and career readi-
23 ness and training programs, and to provide job placements
24 and career advancement.

1 “(2) The Commissioner, in consultation with the Sec-
2 retary of Labor and with designated State units, may
3 award grants to individual employers, community rehabili-
4 tation program providers, labor unions, trade associations,
5 Indian tribes, tribal organizations, designated State units,
6 and other entities to establish jointly financed Projects
7 With Industry to create and expand job and career oppor-
8 tunities for individuals with disabilities, which projects
9 shall—

10 “(A) provide for the establishment of business
11 advisory councils, which shall—

12 “(i) be comprised of—

13 “(I) representatives of private indus-
14 try, business concerns, and organized
15 labor;

16 “(II) individuals with disabilities and
17 representatives of individuals with disabili-
18 ties; and

19 “(III) a representative of the appro-
20 priate designated State unit;

21 “(ii) identify job and career availability
22 within the community, consistent with the cur-
23 rent and projected local employment opportuni-
24 ties identified by the local workforce investment
25 partnership for the community under section

1 308(e)(6) of the Workforce Investment Partner-
2 ship Act of 1998;

3 “(iii) identify the skills necessary to per-
4 form the jobs and careers identified; and

5 “(iv) prescribe training programs designed
6 to develop appropriate job and career skills, or
7 job placement programs designed to identify
8 and develop job placement and career advance-
9 ment opportunities, for individuals with disabili-
10 ties in fields related to the job and career avail-
11 ability identified under clause (ii);;

12 “(B) provide job development, job placement,
13 and career advancement services;

14 “(C) to the extent appropriate, provide for—

15 “(i) training in realistic work settings in
16 order to prepare individuals with disabilities for
17 employment and career advancement in the
18 competitive market; and

19 “(ii) the modification of any facilities or
20 equipment of the employer involved that are
21 used primarily by individuals with disabilities,
22 except that a project shall not be required to
23 provide for such modification if the modification
24 is required as a reasonable accommodation

1 under the Americans with Disabilities Act of
2 1990 (42 U.S.C. 12101 et seq.); and

3 “(D) provide individuals with disabilities with
4 such support services as may be required in order to
5 maintain the employment and career advancement
6 for which the individuals have received training
7 under this part.

8 “(3)(A) An individual shall be eligible for services de-
9 scribed in paragraph (2) if the individual is determined
10 to be an individual described in section 102(a)(1), and if
11 the determination is made in a manner consistent with
12 section 102(a).

13 “(B) Such a determination may be made by the recip-
14 ient of a grant under this part, to the extent the deter-
15 mination is appropriate and available and consistent with
16 the requirements of section 102(a).

17 “(4) The Commissioner shall enter into an agreement
18 with the grant recipient regarding the establishment of the
19 project. Any agreement shall be jointly developed by the
20 Commissioner, the grant recipient, and, to the extent prac-
21 ticable, the appropriate designated State unit and the indi-
22 viduals with disabilities (or the individuals’ representa-
23 tives) involved. Such agreements shall specify the terms
24 of training and employment under the project, provide for
25 the payment by the Commissioner of part of the costs of

1 the project (in accordance with subsection (e)), and con-
2 tain the items required under subsection (b) and such
3 other provisions as the parties to the agreement consider
4 to be appropriate.

5 “(5) Any agreement shall include a description of a
6 plan to annually conduct a review and evaluation of the
7 operation of the project in accordance with standards de-
8 veloped by the Commissioner under subsection (d), and,
9 in conducting the review and evaluation, to collect data
10 and information of the type described in subparagraphs
11 (A) through (C) of section 101(a)(10), as determined to
12 be appropriate by the Commissioner.

13 “(6) The Commissioner may include, as part of
14 agreements with grant recipients, authority for such grant
15 recipients to provide technical assistance to—

16 “(A) assist employers in hiring individuals with
17 disabilities; or

18 “(B) improve or develop relationships be-
19 tween—

20 “(i) grant recipients or prospective grant
21 recipients; and

22 “(ii) employers or organized labor; or

23 “(C) assist employers in understanding and
24 meeting the requirements of the Americans with
25 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)

1 as the Act relates to employment of individuals with
2 disabilities.

3 “(b) No payment shall be made by the Commissioner
4 under any agreement with a grant recipient entered into
5 under subsection (a) unless such agreement—

6 “(1) provides an assurance that individuals with
7 disabilities placed under such agreement shall re-
8 ceive at least the applicable minimum wage;

9 “(2) provides an assurance that any individual
10 with a disability placed under this part shall be af-
11 farded terms and benefits of employment equal to
12 terms and benefits that are afforded to the similarly
13 situated nondisabled co-workers of the individual,
14 and that such individuals with disabilities shall not
15 be segregated from their co-workers; and

16 “(3) provides an assurance that an annual eval-
17 uation report containing information specified under
18 subsection (a)(5) shall be submitted as determined
19 to be appropriate by the Commissioner.

20 “(c) Payments under this section with respect to any
21 project may not exceed 80 per centum of the costs of the
22 project.

23 “(d)(1) The Commissioner shall develop standards
24 for the evaluation described in subsection (a)(5) and shall

1 review and revise the evaluation standards as necessary,
2 subject to paragraphs (2) and (3).

3 “(2) In revising the standards for evaluation to be
4 used by the grant recipients, the Commissioner shall ob-
5 tain and consider recommendations for such standards
6 from State vocational rehabilitation agencies, current and
7 former grant recipients, professional organizations rep-
8 resenting business and industry, organizations represent-
9 ing individuals with disabilities, individuals served by
10 grant recipients, organizations representing community
11 rehabilitation program providers, and labor organizations.

12 “(3) No standards may be established under this sub-
13 section unless the standards are approved by the National
14 Council on Disability. The Council shall be afforded ade-
15 quate time to review and approve the standards.

16 “(e)(1)(A) A grant may be awarded under this sec-
17 tion for a period of up to 5 years and such grant may
18 be renewed.

19 “(B) Grants under this section shall be awarded on
20 a competitive basis. To be eligible to receive such a grant,
21 a prospective grant recipient shall submit an application
22 to the Commissioner at such time, in such manner, and
23 containing such information as the Commissioner may re-
24 quire.

1 “(2) The Commissioner shall to the extent practicable
2 ensure an equitable distribution of payments made under
3 this section among the States. To the extent funds are
4 available, the Commissioner shall award grants under this
5 section to new projects that will serve individuals with dis-
6 abilities in States, portions of States, Indian tribes, or
7 tribal organizations, that are currently unserved or under-
8 served by projects.

9 “(f)(1) The Commissioner shall, as necessary, develop
10 and publish in the Federal Register in final form indica-
11 tors of what constitutes minimum compliance consistent
12 with the evaluation standards under subsection (d)(1).

13 “(2) Each grant recipient shall report to the Commis-
14 sioner at the end of each project year the extent to which
15 the grant recipient is in compliance with the evaluation
16 standards.

17 “(3)(A) The Commissioner shall annually conduct on-
18 site compliance reviews of at least 15 percent of grant re-
19 cipients. The Commissioner shall select grant recipients
20 for review on a random basis.

21 “(B) The Commissioner shall use the indicators in
22 determining compliance with the evaluation standards.

23 “(C) The Commissioner shall ensure that at least one
24 member of a team conducting such a review shall be an
25 individual who—

1 “(i) is not an employee of the Federal Govern-
2 ment; and

3 “(ii) has experience or expertise in conducting
4 projects.

5 “(D) The Commissioner shall ensure that—

6 “(i) a representative of the appropriate des-
7 ignated State unit shall participate in the review;
8 and

9 “(ii) no person shall participate in the review of
10 a grant recipient if—

11 “(I) the grant recipient provides any direct
12 financial benefit to the reviewer; or

13 “(II) participation in the review would give
14 the appearance of a conflict of interest.

15 “(4) In making a determination concerning any sub-
16 sequent grant under this section, the Commissioner shall
17 consider the past performance of the applicant, if applica-
18 ble. The Commissioner shall use compliance indicators de-
19 veloped under this subsection that are consistent with pro-
20 gram evaluation standards developed under subsection (d)
21 to assess minimum project performance for purposes of
22 making continuation awards in the third, fourth, and fifth
23 years.

24 “(5) Each fiscal year the Commissioner shall include
25 in the annual report to Congress required by section 13

1 an analysis of the extent to which grant recipients have
2 complied with the evaluation standards. The Commis-
3 sioner may identify individual grant recipients in the anal-
4 ysis. In addition, the Commissioner shall report the results
5 of on-site compliance reviews, identifying individual grant
6 recipients.

7 “(g) The Commissioner may provide, directly or by
8 way of grant, contract, or cooperative agreement, technical
9 assistance to—

10 “(1) entities conducting projects for the pur-
11 pose of assisting such entities in—

12 “(A) the improvement of or the develop-
13 ment of relationships with private industry or
14 labor; or

15 “(B) the improvement of relationships with
16 State vocational rehabilitation agencies; and

17 “(2) entities planning the development of new
18 projects.

19 “(h) As used in this section:

20 “(1) The term ‘agreement’ means an agreement
21 described in subsection (a)(4).

22 “(2) The term ‘project’ means a Project With
23 Industry established under subsection (a)(2).

24 “(3) The term ‘grant recipient’ means a recipi-
25 ent of a grant under subsection (a)(2).

1 “AUTHORIZATION OF APPROPRIATIONS

2 “SEC. 622. There are authorized to be appropriated
3 to carry out the provisions of this part, such sums as may
4 be necessary for each of fiscal years 1998 through 2004.

5 “PART C—SUPPORTED EMPLOYMENT SERVICES FOR IN-
6 DIVIDUALS WITH THE MOST SIGNIFICANT DISABIL-
7 ITIES

8 “**SEC. 631. PURPOSE.**

9 “It is the purpose of this part to authorize allotments,
10 in addition to grants for vocational rehabilitation services
11 under title I, to assist States in developing collaborative
12 programs with appropriate entities to provide supported
13 employment services for individuals with the most signifi-
14 cant disabilities to enable such individuals to achieve the
15 employment outcome of supported employment.

16 “**SEC. 632. ALLOTMENTS.**

17 “(a) IN GENERAL.—

18 “(1) STATES.—The Secretary shall allot the
19 sums appropriated for each fiscal year to carry out
20 this part among the States on the basis of relative
21 population of each State, except that—

22 “(A) no State shall receive less than
23 \$250,000, or one-third of one percent of the
24 sums appropriated for the fiscal year for which
25 the allotment is made, whichever is greater; and

1 “(B) if the sums appropriated to carry out
2 this part for the fiscal year exceed by
3 \$1,000,000 or more the sums appropriated to
4 carry out this part in fiscal year 1992, no State
5 shall receive less than \$300,000, or one-third of
6 one percent of the sums appropriated for the
7 fiscal year for which the allotment is made,
8 whichever is greater.

9 “(2) CERTAIN TERRITORIES.—

10 “(A) IN GENERAL.—For the purposes of
11 this subsection, Guam, American Samoa, the
12 United States Virgin Islands, and the Common-
13 wealth of the Northern Mariana Islands shall
14 not be considered to be States.

15 “(B) ALLOTMENT.—Each jurisdiction de-
16 scribed in subparagraph (A) shall be allotted
17 not less than one-eighth of one percent of the
18 amounts appropriated for the fiscal year for
19 which the allotment is made.

20 “(b) REALLOTMENT.—Whenever the Commissioner
21 determines that any amount of an allotment to a State
22 for any fiscal year will not be expended by such State for
23 carrying out the provisions of this part, the Commissioner
24 shall make such amount available for carrying out the pro-
25 visions of this part to one or more of the States that the

1 Commissioner determines will be able to use additional
2 amounts during such year for carrying out such provi-
3 sions. Any amount made available to a State for any fiscal
4 year pursuant to the preceding sentence shall, for the pur-
5 poses of this section, be regarded as an increase in the
6 allotment of the State (as determined under the preceding
7 provisions of this section) for such year.

8 **“SEC. 633. AVAILABILITY OF SERVICES.**

9 “Funds provided under this part may be used to pro-
10 vide supported employment services to individuals who are
11 eligible under this part. Funds provided under this part,
12 or title I, may not be used to provide extended services
13 to individuals who are eligible under this part or title I.

14 **“SEC. 634. ELIGIBILITY.**

15 “An individual shall be eligible under this part to re-
16 ceive supported employment services authorized under this
17 Act if—

18 “(1) the individual is eligible for vocational re-
19 habilitation services;

20 “(2) the individual is determined to be an indi-
21 vidual with a most significant disability; and

22 “(3) a comprehensive assessment of rehabilita-
23 tion needs of the individual described in section
24 7(2)(B), including an evaluation of rehabilitation,
25 career, and job needs, identifies supported employ-

1 ment as the appropriate employment outcome for
2 the individual.

3 **“SEC. 635. STATE PLAN.**

4 “(a) STATE PLAN SUPPLEMENTS.—To be eligible for
5 an allotment under this part, a State shall submit to the
6 Commissioner, as part of the State plan under section
7 101, a State plan supplement for providing supported em-
8 ployment services authorized under this Act to individuals
9 who are eligible under this Act to receive the services.
10 Each State shall make such annual revisions in the plan
11 supplement as may be necessary.

12 “(b) CONTENTS.—Each such plan supplement
13 shall—

14 “(1) designate each designated State agency as
15 the agency to administer the program assisted under
16 this part;

17 “(2) summarize the results of the comprehen-
18 sive, statewide assessment conducted under section
19 101(a)(15)(A)(i), with respect to the rehabilitation
20 needs of individuals with significant disabilities and
21 the need for supported employment services, includ-
22 ing needs related to coordination;

23 “(3) describe the quality, scope, and extent of
24 supported employment services authorized under this
25 Act to be provided to individuals who are eligible

1 under this Act to receive the services and specify the
2 goals and plans of the State with respect to the dis-
3 tribution of funds received under section 632;

4 “(4) demonstrate evidence of the efforts of the
5 designated State agency to identify and make ar-
6 rangements (including entering into cooperative
7 agreements) with other State agencies and other ap-
8 propriate entities to assist in the provision of sup-
9 ported employment services;

10 “(5) demonstrate evidence of the efforts of the
11 designated State agency to identify and make ar-
12 rangements (including entering into cooperative
13 agreements) with other public or nonprofit agencies
14 or organizations within the State, employers, natural
15 supports, and other entities with respect to the pro-
16 vision of extended services;

17 “(6) provide assurances that—

18 “(A) funds made available under this part
19 will only be used to provide supported employ-
20 ment services authorized under this Act to indi-
21 viduals who are eligible under this part to re-
22 ceive the services;

23 “(B) the comprehensive assessments of in-
24 dividuals with significant disabilities conducted
25 under section 102(b)(1) and funded under title

1 I will include consideration of supported em-
2 ployment as an appropriate employment out-
3 come;

4 “(C) an individualized rehabilitation em-
5 ployment plan, as required by section 102, will
6 be developed and updated using funds under
7 title I in order to—

8 “(i) specify the supported employment
9 services to be provided;

10 “(ii) specify the expected extended
11 services needed; and

12 “(iii) identify the source of extended
13 services, which may include natural sup-
14 ports, or to the extent that it is not pos-
15 sible to identify the source of extended
16 services at the time the individualized re-
17 habilitation employment plan is developed,
18 a statement describing the basis for con-
19 cluding that there is a reasonable expecta-
20 tion that such sources will become avail-
21 able;

22 “(D) the State will use funds provided
23 under this part only to supplement, and not
24 supplant, the funds provided under title I, in
25 providing supported employment services speci-

1 fied in the individualized rehabilitation employ-
2 ment plan;

3 “(E) services provided under an individual-
4 ized rehabilitation employment plan will be co-
5 ordinated with services provided under other in-
6 dividualized plans established under other Fed-
7 eral or State programs;

8 “(F) to the extent jobs skills training is
9 provided, the training will be provided on-site;
10 and

11 “(G) supported employment services will
12 include placement in an integrated setting for
13 the maximum number of hours possible based
14 on the unique strengths, resources, priorities,
15 concerns, abilities, capabilities, interests, and
16 informed choice of individuals with the most
17 significant disabilities;

18 “(7) provide assurances that the State agencies
19 designated under paragraph (1) will expend not
20 more than 5 percent of the allotment of the State
21 under this part for administrative costs of carrying
22 out this part; and

23 “(8) contain such other information and be sub-
24 mitted in such manner as the Commissioner may re-
25 quire.

1 **“SEC. 636. RESTRICTION.**

2 “Each State agency designated under section
3 635(b)(1) shall collect the information required by section
4 101(a)(10) separately for eligible individuals receiving
5 supported employment services under this part and for eli-
6 gible individuals receiving supported employment services
7 under title I.

8 **“SEC. 637. SAVINGS PROVISION.**

9 “(a) SUPPORTED EMPLOYMENT SERVICES.—Noth-
10 ing in this Act shall be construed to prohibit a State from
11 providing supported employment services in accordance
12 with the State plan submitted under section 101 by using
13 funds made available through a State allotment under sec-
14 tion 110.

15 “(b) POSTEMPLOYMENT SERVICES.—Nothing in this
16 part shall be construed to prohibit a State from providing
17 discrete postemployment services in accordance with the
18 State plan submitted under section 101 by using funds
19 made available through a State allotment under section
20 110 to an individual who is eligible under this part.

21 **“SEC. 638. AUTHORIZATION OF APPROPRIATIONS.**

22 “There are authorized to be appropriated to carry out
23 this part such sums as may be necessary for each of fiscal
24 years 1998 through 2004.”.

1 **SEC. 10. INDEPENDENT LIVING SERVICES AND CENTERS**
 2 **FOR INDEPENDENT LIVING.**

3 Title VII of the Rehabilitation Act of 1973 (29
 4 U.S.C. 796 et seq.) is amended to read as follows:

5 **“TITLE VII—INDEPENDENT LIV-**
 6 **ING SERVICES AND CENTERS**
 7 **FOR INDEPENDENT LIVING**

8 **“CHAPTER 1—INDIVIDUALS WITH**
 9 **SIGNIFICANT DISABILITIES**

10 **“PART A—GENERAL PROVISIONS**

11 **“SEC. 701. PURPOSE.**

12 “The purpose of this chapter is to promote a philoso-
 13 phy of independent living, including a philosophy of con-
 14 sumer control, peer support, self-help, self-determination,
 15 equal access, and individual and system advocacy, in order
 16 to maximize the leadership, empowerment, independence,
 17 and productivity of individuals with disabilities, and the
 18 integration and full inclusion of individuals with disabil-
 19 ities into the mainstream of American society, by—

20 “(1) providing financial assistance to States for
 21 providing, expanding, and improving the provision of
 22 independent living services;

23 “(2) providing financial assistance to develop
 24 and support statewide networks of centers for inde-
 25 pendent living; and

1 “(3) providing financial assistance to States for
2 improving working relationships among State inde-
3 pendent living rehabilitation service programs, cen-
4 ters for independent living, Statewide Independent
5 Living Councils established under section 705, State
6 vocational rehabilitation programs receiving assist-
7 ance under title I, State programs of supported em-
8 ployment services receiving assistance under part C
9 of title VI, client assistance programs receiving as-
10 sistance under section 112, programs funded under
11 other titles of this Act, programs funded under other
12 Federal law, and programs funded through non-Fed-
13 eral sources.

14 **“SEC. 702. DEFINITIONS.**

15 “As used in this chapter:

16 “(1) CENTER FOR INDEPENDENT LIVING.—The
17 term ‘center for independent living’ means a con-
18 sumer-controlled, community-based, cross-disability,
19 nonresidential private nonprofit agency that—

20 “(A) is designed and operated within a
21 local community by individuals with disabilities;
22 and

23 “(B) provides an array of independent liv-
24 ing services.

1 “(2) CONSUMER CONTROL.—The term ‘con-
2 sumer control’ means, with respect to a center for
3 independent living, that the center vests power and
4 authority in individuals with disabilities.

5 **“SEC. 703. ELIGIBILITY FOR RECEIPT OF SERVICES.**

6 “Services may be provided under this chapter to any
7 individual with a significant disability, as defined in sec-
8 tion 7(21)(B).

9 **“SEC. 704. STATE PLAN.**

10 “(a) IN GENERAL.—

11 “(1) REQUIREMENT.—To be eligible to receive
12 financial assistance under this chapter, a State shall
13 submit to the Commissioner, and obtain approval of,
14 a State plan containing such provisions as the Com-
15 missioner may require, including, at a minimum, the
16 provisions required in this section.

17 “(2) JOINT DEVELOPMENT.—The plan under
18 paragraph (1) shall be jointly developed and signed
19 by—

20 “(A) the director of the designated State
21 unit; and

22 “(B) the chairperson of the Statewide
23 Independent Living Council, acting on behalf of
24 and at the direction of the Council.

1 “(3) PERIODIC REVIEW AND REVISION.—The
2 plan shall provide for the review and revision of the
3 plan, not less than once every 3 years, to ensure the
4 existence of appropriate planning, financial support
5 and coordination, and other assistance to appro-
6 priately address, on a statewide and comprehensive
7 basis, needs in the State for—

8 “(A) the provision of State independent
9 living services;

10 “(B) the development and support of a
11 statewide network of centers for independent
12 living; and

13 “(C) working relationships between—

14 “(i) programs providing independent
15 living services and independent living cen-
16 ters; and

17 “(ii) the vocational rehabilitation pro-
18 gram established under title I, and other
19 programs providing services for individuals
20 with disabilities.

21 “(4) DATE OF SUBMISSION.—The State shall
22 submit the plan to the Commissioner 90 days before
23 the completion date of the preceding plan. If a State
24 fails to submit such a plan that complies with the
25 requirements of this section, the Commissioner may

1 withhold financial assistance under this chapter until
2 such time as the State submits such a plan.

3 “(b) STATEWIDE INDEPENDENT LIVING COUNCIL.—

4 The plan shall provide for the establishment of a State-
5 wide Independent Living Council in accordance with sec-
6 tion 705.

7 “(c) DESIGNATION OF STATE UNIT.—The plan shall
8 designate the designated State unit of such State as the
9 agency that, on behalf of the State, shall—

10 “(1) receive, account for, and disburse funds re-
11 ceived by the State under this chapter based on the
12 plan;

13 “(2) provide administrative support services for
14 a program under part B, and a program under part
15 C in a case in which the program is administered by
16 the State under section 723;

17 “(3) keep such records and afford such access
18 to such records as the Commissioner finds to be nec-
19 essary with respect to the programs; and

20 “(4) submit such additional information or pro-
21 vide such assurances as the Commissioner may re-
22 quire with respect to the programs.

23 “(d) OBJECTIVES.—The plan shall—

1 “(1) specify the objectives to be achieved under
2 the plan and establish timelines for the achievement
3 of the objectives; and

4 “(2) explain how such objectives are consistent
5 with and further the purpose of this chapter.

6 “(e) INDEPENDENT LIVING SERVICES.—The plan
7 shall provide that the State will provide independent living
8 services under this chapter to individuals with significant
9 disabilities, and will provide the services to such an indi-
10 vidual in accordance with an independent living plan mu-
11 tually agreed upon by an appropriate staff member of the
12 service provider and the individual, unless the individual
13 signs a waiver stating that such a plan is unnecessary.

14 “(f) SCOPE AND ARRANGEMENTS.—The plan shall
15 describe the extent and scope of independent living serv-
16 ices to be provided under this chapter to meet such objec-
17 tives. If the State makes arrangements, by grant or con-
18 tract, for providing such services, such arrangements shall
19 be described in the plan.

20 “(g) NETWORK.—The plan shall set forth a design
21 for the establishment of a statewide network of centers
22 for independent living that comply with the standards and
23 assurances set forth in section 725.

24 “(h) CENTERS.—In States in which State funding for
25 centers for independent living equals or exceeds the

1 amount of funds allotted to the State under part C, as
2 provided in section 723, the plan shall include policies,
3 practices, and procedures governing the awarding of
4 grants to centers for independent living and oversight of
5 such centers consistent with section 723.

6 “(i) COOPERATION, COORDINATION, AND WORKING
7 RELATIONSHIPS AMONG VARIOUS ENTITIES.—The plan
8 shall set forth the steps that will be taken to maximize
9 the cooperation, coordination, and working relationships
10 among—

11 “(1) the independent living rehabilitation serv-
12 ice program, the Statewide Independent Living
13 Council, and centers for independent living; and

14 “(2) the designated State unit, other State
15 agencies represented on such Council, other councils
16 that address the needs of specific disability popu-
17 lations and issues, and other public and private enti-
18 ties determined to be appropriate by the Council.

19 “(j) COORDINATION OF SERVICES.—The plan shall
20 describe how services funded under this chapter will be
21 coordinated with, and complement, other services, in order
22 to avoid unnecessary duplication with other Federal,
23 State, and local programs.

24 “(k) COORDINATION BETWEEN FEDERAL AND
25 STATE SOURCES.—The plan shall describe efforts to co-

1 ordinate Federal and State funding for centers for inde-
2 pendent living and independent living services.

3 “(l) OUTREACH.—With respect to services and cen-
4 ters funded under this chapter, the plan shall set forth
5 steps to be taken regarding outreach to populations that
6 are unserved or underserved by programs under this title,
7 including minority groups and urban and rural popu-
8 lations.

9 “(m) REQUIREMENTS.—The plan shall provide satis-
10 factory assurances that all recipients of financial assist-
11 ance under this chapter will—

12 “(1) notify all individuals seeking or receiving
13 services under this chapter about the availability of
14 the client assistance program under section 112, the
15 purposes of the services provided under such pro-
16 gram, and how to contact such program;

17 “(2) take affirmative action to employ and ad-
18 vance in employment qualified individuals with dis-
19 abilities on the same terms and conditions required
20 with respect to the employment of such individuals
21 under the provisions of section 503;

22 “(3) adopt such fiscal control and fund ac-
23 counting procedures as may be necessary to ensure
24 the proper disbursement of and accounting for funds
25 paid to the State under this chapter;

1 “(4)(A) maintain records that fully disclose—

2 “(i) the amount and disposition by such re-
3 cipient of the proceeds of such financial assist-
4 ance;

5 “(ii) the total cost of the project or under-
6 taking in connection with which such financial
7 assistance is given or used; and

8 “(iii) the amount of that portion of the
9 cost of the project or undertaking supplied by
10 other sources;

11 “(B) maintain such other records as the Com-
12 missioner determines to be appropriate to facilitate
13 an effective audit;

14 “(C) afford such access to records maintained
15 under subparagraphs (A) and (B) as the Commis-
16 sioner determines to be appropriate; and

17 “(D) submit such reports with respect to such
18 records as the Commissioner determines to be ap-
19 propriate;

20 “(5) provide access to the Commissioner and
21 the Comptroller General or any of their duly author-
22 ized representatives, for the purpose of conducting
23 audits and examinations, of any books, documents,
24 papers, and records of the recipients that are perti-

1 nent to the financial assistance received under this
2 chapter; and

3 “(6) provide for public hearings regarding the
4 contents of the plan during both the formulation and
5 review of the plan.

6 “(n) EVALUATION.—The plan shall establish a meth-
7 od for the periodic evaluation of the effectiveness of the
8 plan in meeting the objectives established in subsection
9 (d), including evaluation of satisfaction by individuals with
10 disabilities.

11 **“SEC. 705. STATEWIDE INDEPENDENT LIVING COUNCIL.**

12 “(a) ESTABLISHMENT.—To be eligible to receive fi-
13 nancial assistance under this chapter, each State shall es-
14 tablish a Statewide Independent Living Council (referred
15 to in this section as the ‘Council’). The Council shall not
16 be established as an entity within a State agency.

17 “(b) COMPOSITION AND APPOINTMENT.—

18 “(1) APPOINTMENT.—Members of the Council
19 shall be appointed by the Governor or the appro-
20 priate entity within the State responsible for making
21 appointments. The appointing authority shall select
22 members after soliciting recommendations from rep-
23 resentatives of organizations representing a broad
24 range of individuals with disabilities and organiza-
25 tions interested in individuals with disabilities.

1 “(2) COMPOSITION.—The Council shall in-
2 clude—

3 “(A) at least one director of a center for
4 independent living chosen by the directors of
5 centers for independent living within the State;

6 “(B) as ex officio, nonvoting members—

7 “(i) a representative from the des-
8 ignated State unit; and

9 “(ii) representatives from other State
10 agencies that provide services for individ-
11 uals with disabilities; and

12 “(C) in a State in which 1 or more
13 projects are carried out under section 121, at
14 least 1 representative of the directors of the
15 projects.

16 “(3) ADDITIONAL MEMBERS.—The Council may
17 include—

18 “(A) other representatives from centers for
19 independent living;

20 “(B) parents and guardians of individuals
21 with disabilities;

22 “(C) advocates of and for individuals with
23 disabilities;

24 “(D) representatives from private busi-
25 nesses;

1 “(E) representatives from organizations
2 that provide services for individuals with dis-
3 abilities; and

4 “(F) other appropriate individuals.

5 “(4) QUALIFICATIONS.—

6 “(A) IN GENERAL.—The Council shall be
7 composed of members—

8 “(i) who provide statewide representa-
9 tion;

10 “(ii) who represent a broad range of
11 individuals with disabilities from diverse
12 backgrounds;

13 “(iii) who are knowledgeable about
14 centers for independent living and inde-
15 pendent living services; and

16 “(iv) a majority of whom are persons
17 who are—

18 “(I) individuals with disabilities
19 described in section 7(20)(B); and

20 “(II) not employed by any State
21 agency or center for independent liv-
22 ing.

23 “(B) VOTING MEMBERS.—A majority of
24 the voting members of the Council shall be—

1 “(i) individuals with disabilities de-
2 scribed in section 7(20)(B); and

3 “(ii) not employed by any State agen-
4 cy or center for independent living.

5 “(5) CHAIRPERSON.—The Council shall select a
6 chairperson from among the voting membership of
7 the Council.

8 “(6) TERMS OF APPOINTMENT.—

9 “(A) LENGTH OF TERM.—Each member of
10 the Council shall serve for a term of 3 years,
11 except that—

12 “(i) a member appointed to fill a va-
13 cancy occurring prior to the expiration of
14 the term for which a predecessor was ap-
15 pointed, shall be appointed for the remain-
16 der of such term; and

17 “(ii) the terms of service of the mem-
18 bers initially appointed shall be (as speci-
19 fied by the appointing authority) for such
20 fewer number of years as will provide for
21 the expiration of terms on a staggered
22 basis.

23 “(B) NUMBER OF TERMS.—No member of
24 the Council may serve more than two consecu-
25 tive full terms.

1 “(7) VACANCIES.—

2 “(A) IN GENERAL.—Except as provided in
3 subparagraph (B), any vacancy occurring in the
4 membership of the Council shall be filled in the
5 same manner as the original appointment. The
6 vacancy shall not affect the power of the re-
7 maining members to execute the duties of the
8 Council.

9 “(B) DELEGATION.—The Governor (in-
10 cluding an entity described in paragraph (1))
11 may delegate the authority to fill such a va-
12 cancy to the remaining voting members of the
13 Council after making the original appointment.

14 “(c) DUTIES.—The Council shall—

15 “(1) jointly develop and sign (in conjunction
16 with the designated State unit) the State plan re-
17 quired in section 704;

18 “(2) monitor, review, and evaluate the imple-
19 mentation of the State plan;

20 “(3) coordinate activities with the State Reha-
21 bilitation Council established under section 105, if
22 the State has such a Council, or the commission de-
23 scribed in section 101(a)(21)(A), if the State has
24 such a commission, and councils that address the

1 needs of specific disability populations and issues
2 under other Federal law;

3 “(4) ensure that all regularly scheduled meet-
4 ings of the Statewide Independent Living Council
5 are open to the public and sufficient advance notice
6 is provided; and

7 “(5) submit to the Commissioner such periodic
8 reports as the Commissioner may reasonably re-
9 quest, and keep such records, and afford such access
10 to such records, as the Commissioner finds nec-
11 essary to verify such reports.

12 “(d) HEARINGS AND FORUMS.—The Council is au-
13 thorized to hold such hearings and forums as the Council
14 may determine to be necessary to carry out the duties of
15 the Council.

16 “(e) PLAN.—

17 “(1) IN GENERAL.—The Council shall prepare,
18 in conjunction with the designated State unit, a plan
19 for the provision of such resources, including such
20 staff and personnel, as may be necessary and suffi-
21 cient to carry out the functions of the Council under
22 this section, with funds made available under this
23 chapter, and under section 110 (consistent with sec-
24 tion 101(a)(18)), and from other public and private
25 sources. The resource plan shall, to the maximum

1 extent possible, rely on the use of resources in exist-
2 ence during the period of implementation of the
3 plan.

4 “(2) SUPERVISION AND EVALUATION.—Each
5 Council shall, consistent with State law, supervise
6 and evaluate such staff and other personnel as may
7 be necessary to carry out the functions of the Coun-
8 cil under this section.

9 “(3) CONFLICT OF INTEREST.—While assisting
10 the Council in carrying out its duties, staff and
11 other personnel shall not be assigned duties by the
12 designated State agency or any other agency or of-
13 fice of the State, that would create a conflict of in-
14 terest.

15 “(f) COMPENSATION AND EXPENSES.—The Council
16 may use such resources to reimburse members of the
17 Council for reasonable and necessary expenses of attend-
18 ing Council meetings and performing Council duties (in-
19 cluding child care and personal assistance services), and
20 to pay compensation to a member of the Council, if such
21 member is not employed or must forfeit wages from other
22 employment, for each day the member is engaged in per-
23 forming Council duties.

24 **“SEC. 706. RESPONSIBILITIES OF THE COMMISSIONER.**

25 “(a) APPROVAL OF STATE PLANS.—

1 “(1) IN GENERAL.—The Commissioner shall
2 approve any State plan submitted under section 704
3 that the Commissioner determines meets the re-
4 quirements of section 704, and shall disapprove any
5 such plan that does not meet such requirements, as
6 soon as practicable after receiving the plan. Prior to
7 such disapproval, the Commissioner shall notify the
8 State of the intention to disapprove the plan, and
9 shall afford such State reasonable notice and oppor-
10 tunity for a hearing.

11 “(2) PROCEDURES.—

12 “(A) IN GENERAL.—Except as provided in
13 subparagraph (B), the provisions of subsections
14 (c) and (d) of section 107 shall apply to any
15 State plan submitted to the Commissioner
16 under section 704.

17 “(B) APPLICATION.—For purposes of the
18 application described in subparagraph (A), all
19 references in such provisions—

20 “(i) to the Secretary shall be deemed
21 to be references to the Commissioner; and

22 “(ii) to section 101 shall be deemed to
23 be references to section 704.

24 “(b) INDICATORS.—Not later than October 1, 1993,
25 the Commissioner shall develop and publish in the Federal

1 Register indicators of minimum compliance consistent
2 with the standards set forth in section 725.

3 “(c) ON-SITE COMPLIANCE REVIEWS.—

4 “(1) REVIEWS.—The Commissioner shall annu-
5 ally conduct on-site compliance reviews of at least 15
6 percent of the centers for independent living that re-
7 ceive funds under section 722 and shall periodically
8 conduct such a review of each such center. The
9 Commissioner shall select such centers for review on
10 a random basis. The Commissioner shall annually
11 conduct onsite compliance reviews of at least one-
12 third of the designated State units that receive fund-
13 ing under section 723, and, to the extent necessary
14 to determine the compliance of such a State unit
15 with subsections (f) and (g) of section 723, centers
16 that receive funding under section 723 in such
17 State.

18 “(2) QUALIFICATIONS OF EMPLOYEES CON-
19 DUCTING REVIEWS.—The Commissioner shall—

20 “(A) to the maximum extent practicable,
21 carry out such a review by using employees of
22 the Department who are knowledgeable about
23 the provision of independent living services;

1 “(B) ensure that the employee of the De-
 2 partment with responsibility for supervising
 3 such a review shall have such knowledge; and

4 “(C) ensure that at least one member of a
 5 team conducting such a review shall be an indi-
 6 vidual who—

7 “(i) is not a government employee;
 8 and

9 “(ii) has experience in the operation
 10 of centers for independent living.

11 “(d) REPORTS.—The Commissioner shall include, in
 12 the annual report required under section 13, information
 13 on the extent to which centers for independent living re-
 14 ceiving funds under part C have complied with the stand-
 15 ards and assurances set forth in section 725. The Commis-
 16 sioner may identify individual centers for independent liv-
 17 ing in the analysis. The Commissioner shall report the re-
 18 sults of on-site compliance reviews, identifying individual
 19 centers for independent living and other recipients of as-
 20 sistance under this chapter.

21 **“PART B—INDEPENDENT LIVING SERVICES**

22 **“SEC. 711. ALLOTMENTS.**

23 “(a) IN GENERAL.—

24 “(1) STATES.—

1 “(A) POPULATION BASIS.—Except as pro-
2 vided in subparagraphs (B) and (C), from sums
3 appropriated for each fiscal year to carry out
4 this part, the Commissioner shall make an al-
5 lotment to each State whose State plan has
6 been approved under section 706 of an amount
7 bearing the same ratio to such sums as the pop-
8 ulation of the State bears to the population of
9 all States.

10 “(B) MAINTENANCE OF 1992 AMOUNTS.—
11 Subject to the availability of appropriations to
12 carry out this part, the amount of any allot-
13 ment made under subparagraph (A) to a State
14 for a fiscal year shall not be less than the
15 amount of an allotment made to the State for
16 fiscal year 1992 under part A of this title, as
17 in effect on the day before the date of enact-
18 ment of the Rehabilitation Act Amendments of
19 1992.

20 “(C) MINIMUMS.—Subject to the availabil-
21 ity of appropriations to carry out this part, and
22 except as provided in subparagraph (B), the al-
23 lotment to any State under subparagraph (A)
24 shall be not less than \$275,000 or one-third of
25 one percent of the sums made available for the

1 fiscal year for which the allotment is made,
2 whichever is greater, and the allotment of any
3 State under this section for any fiscal year that
4 is less than \$275,000 or one-third of one per-
5 cent of such sums shall be increased to the
6 greater of the two amounts.

7 “(2) CERTAIN TERRITORIES.—

8 “(A) IN GENERAL.—For the purposes of
9 paragraph (1)(C), Guam, American Samoa, the
10 United States Virgin Islands, and the Common-
11 wealth of the Northern Mariana Islands shall
12 not be considered to be States.

13 “(B) ALLOTMENT.—Each jurisdiction de-
14 scribed in subparagraph (A) shall be allotted
15 under paragraph (1)(A) not less than one-
16 eighth of one percent of the amounts made
17 available for purposes of this part for the fiscal
18 year for which the allotment is made.

19 “(3) ADJUSTMENT FOR INFLATION.—For any
20 fiscal year, beginning in fiscal year 1999, in which
21 the total amount appropriated to carry out this part
22 exceeds the total amount appropriated to carry out
23 this part for the preceding fiscal year, the Commis-
24 sioner shall increase the minimum allotment under
25 paragraph (1)(C) by a percentage that shall not ex-

1 ceed the percentage increase in the total amount ap-
2 propriated to carry out this part between the preced-
3 ing fiscal year and the fiscal year involved.

4 “(b) PROPORTIONAL REDUCTION.—To provide allot-
5 ments to States in accordance with subsection (a)(1)(B),
6 to provide minimum allotments to States (as increased
7 under subsection (a)(3)) under subsection (a)(1)(C), or to
8 provide minimum allotments to States under subsection
9 (a)(2)(B), the Commissioner shall proportionately reduce
10 the allotments of the remaining States under subsection
11 (a)(1)(A), with such adjustments as may be necessary to
12 prevent the allotment of any such remaining State from
13 being reduced to less than the amount required by sub-
14 section (a)(1)(B).

15 “(c) REALLOTMENT.—Whenever the Commissioner
16 determines that any amount of an allotment to a State
17 for any fiscal year will not be expended by such State in
18 carrying out the provisions of this part, the Commissioner
19 shall make such amount available for carrying out the pro-
20 visions of this part to one or more of the States that the
21 Commissioner determines will be able to use additional
22 amounts during such year for carrying out such provi-
23 sions. Any amount made available to a State for any fiscal
24 year pursuant to the preceding sentence shall, for the pur-
25 poses of this section, be regarded as an increase in the

1 allotment of the State (as determined under the preceding
2 provisions of this section) for such year.

3 **“SEC. 712. PAYMENTS TO STATES FROM ALLOTMENTS.**

4 “(a) PAYMENTS.—From the allotment of each State
5 for a fiscal year under section 711, the State shall be paid
6 the Federal share of the expenditures incurred during
7 such year under its State plan approved under section
8 706. Such payments may be made (after necessary adjust-
9 ments on account of previously made overpayments or un-
10 derpayments) in advance or by way of reimbursement, and
11 in such installments and on such conditions as the Com-
12 missioner may determine.

13 “(b) FEDERAL SHARE.—

14 “(1) IN GENERAL.—The Federal share with re-
15 spect to any State for any fiscal year shall be 90
16 percent of the expenditures incurred by the State
17 during such year under its State plan approved
18 under section 706.

19 “(2) NON-FEDERAL SHARE.—The non-Federal
20 share of the cost of any project that receives assist-
21 ance through an allotment under this part may be
22 provided in cash or in kind, fairly evaluated, includ-
23 ing plant, equipment, or services.

1 **“SEC. 713. AUTHORIZED USES OF FUNDS.**

2 “The State may use funds received under this part
3 to provide the resources described in section 705(e), relat-
4 ing to the Statewide Independent Living Council, and may
5 use funds received under this part—

6 “(1) to provide independent living services to
7 individuals with significant disabilities;

8 “(2) to demonstrate ways to expand and im-
9 prove independent living services;

10 “(3) to support the operation of centers for
11 independent living that are in compliance with the
12 standards and assurances set forth in subsections
13 (b) and (c) of section 725;

14 “(4) to support activities to increase the capac-
15 ities of public or nonprofit agencies and organiza-
16 tions and other entities to develop comprehensive ap-
17 proaches or systems for providing independent living
18 services;

19 “(5) to conduct studies and analyses, gather in-
20 formation, develop model policies and procedures,
21 and present information, approaches, strategies,
22 findings, conclusions, and recommendations to Fed-
23 eral, State, and local policymakers in order to en-
24 hance independent living services for individuals with
25 disabilities;

1 “(6) to train individuals with disabilities and in-
2 dividuals providing services to individuals with dis-
3 abilities and other persons regarding the independ-
4 ent living philosophy; and

5 “(7) to provide outreach to populations that are
6 unserved or underserved by programs under this
7 title, including minority groups and urban and rural
8 populations.

9 **“SEC. 714. AUTHORIZATION OF APPROPRIATIONS.**

10 “There are authorized to be appropriated to carry out
11 this part such sums as may be necessary for each of the
12 fiscal years 1998 through 2004.

13 **“PART C—CENTERS FOR INDEPENDENT LIVING**

14 **“SEC. 721. PROGRAM AUTHORIZATION.**

15 “(a) IN GENERAL.—From the funds appropriated for
16 fiscal year 1998 and for each subsequent fiscal year to
17 carry out this part, the Commissioner shall allot such
18 sums as may be necessary to States and other entities in
19 accordance with subsections (b) through (d).

20 “(b) TRAINING.—

21 “(1) GRANTS; CONTRACTS; OTHER ARRANGE-
22 MENTS.—For any fiscal year in which the funds ap-
23 propriated to carry out this part exceed the funds
24 appropriated to carry out this part for fiscal year
25 1993, the Commissioner shall first reserve from such

1 excess, to provide training and technical assistance
2 to eligible agencies, centers for independent living,
3 and Statewide Independent Living Councils for such
4 fiscal year, not less than 1.8 percent, and not more
5 than 2 percent, of the funds appropriated to carry
6 out this part for the fiscal year involved.

7 “(2) ALLOCATION.—From the funds reserved
8 under paragraph (1), the Commissioner shall make
9 grants to, and enter into contracts and other ar-
10 rangements with, entities who have experience in the
11 operation of centers for independent living to provide
12 such training and technical assistance with respect
13 to planning, developing, conducting, administering,
14 and evaluating centers for independent living.

15 “(3) FUNDING PRIORITIES.—The Commissioner
16 shall conduct a survey of Statewide Independent
17 Living Councils and centers for independent living
18 regarding training and technical assistance needs in
19 order to determine funding priorities for such
20 grants, contracts, and other arrangements.

21 “(4) REVIEW.—To be eligible to receive a grant
22 or enter into a contract or other arrangement under
23 this subsection, such an entity shall submit an appli-
24 cation to the Commissioner at such time, in such
25 manner, and containing a proposal to provide such

1 training and technical assistance, and containing
2 such additional information as the Commissioner
3 may require. The Commissioner shall provide for
4 peer review of grant applications by panels that in-
5 clude persons who are not government employees
6 and who have experience in the operation of centers
7 for independent living.

8 “(5) PROHIBITION ON COMBINED FUNDS.—No
9 funds reserved by the Commissioner under this sub-
10 section may be combined with funds appropriated
11 under any other Act or part of this Act if the pur-
12 pose of combining funds is to make a single discre-
13 tionary grant or a single discretionary payment, un-
14 less such funds appropriated under this chapter are
15 separately identified in such grant or payment and
16 are used for the purposes of this chapter.

17 “(c) IN GENERAL.—

18 “(1) STATES.—

19 “(A) POPULATION BASIS.—After the res-
20 ervation required by subsection (b) has been
21 made, and except as provided in subparagraphs
22 (B) and (C), from the remainder of the
23 amounts appropriated for each such fiscal year
24 to carry out this part, the Commissioner shall
25 make an allotment to each State whose State

1 plan has been approved under section 706 of an
2 amount bearing the same ratio to such remain-
3 der as the population of the State bears to the
4 population of all States.

5 “(B) MAINTENANCE OF 1992 AMOUNTS.—

6 Subject to the availability of appropriations to
7 carry out this part, the amount of any allot-
8 ment made under subparagraph (A) to a State
9 for a fiscal year shall not be less than the
10 amount of financial assistance received by cen-
11 ters for independent living in the State for fis-
12 cal year 1992 under part B of this title, as in
13 effect on the day before the date of enactment
14 of the Rehabilitation Act Amendments of 1992.

15 “(C) MINIMUMS.—Subject to the availabil-

16 ity of appropriations to carry out this part and
17 except as provided in subparagraph (B), for a
18 fiscal year in which the amounts appropriated
19 to carry out this part exceed the amounts ap-
20 propriated for fiscal year 1992 to carry out part
21 B of this title, as in effect on the day before the
22 date of enactment of the Rehabilitation Act
23 Amendments of 1992—

24 “(i) if such excess is not less than

25 \$8,000,000, the allotment to any State

1 under subparagraph (A) shall be not less
2 than \$450,000 or one-third of one percent
3 of the sums made available for the fiscal
4 year for which the allotment is made,
5 whichever is greater, and the allotment of
6 any State under this section for any fiscal
7 year that is less than \$450,000 or one-
8 third of one percent of such sums shall be
9 increased to the greater of the two
10 amounts;

11 “(ii) if such excess is not less than
12 \$4,000,000 and is less than \$8,000,000,
13 the allotment to any State under subpara-
14 graph (A) shall be not less than \$400,000
15 or one-third of one percent of the sums
16 made available for the fiscal year for which
17 the allotment is made, whichever is great-
18 er, and the allotment of any State under
19 this section for any fiscal year that is less
20 than \$400,000 or one-third of one percent
21 of such sums shall be increased to the
22 greater of the two amounts; and

23 “(iii) if such excess is less than
24 \$4,000,000, the allotment to any State
25 under subparagraph (A) shall approach, as

1 nearly as possible, the greater of the two
2 amounts described in clause (ii).

3 “(2) CERTAIN TERRITORIES.—

4 “(A) IN GENERAL.—For the purposes of
5 paragraph (1)(C), Guam, American Samoa, the
6 United States Virgin Islands, and the Common-
7 wealth of the Northern Mariana Islands shall
8 not be considered to be States.

9 “(B) ALLOTMENT.—Each jurisdiction de-
10 scribed in subparagraph (A) shall be allotted
11 under paragraph (1)(A) not less than one-
12 eighth of one percent of the remainder for the
13 fiscal year for which the allotment is made.

14 “(3) ADJUSTMENT FOR INFLATION.—For any
15 fiscal year, beginning in fiscal year 1999, in which
16 the total amount appropriated to carry out this part
17 exceeds the total amount appropriated to carry out
18 this part for the preceding fiscal year, the Commis-
19 sioner shall increase the minimum allotment under
20 paragraph (1)(C) by a percentage that shall not ex-
21 ceed the percentage increase in the total amount ap-
22 propriated to carry out this part between the preced-
23 ing fiscal year and the fiscal year involved.

24 “(4) PROPORTIONAL REDUCTION.—To provide
25 allotments to States in accordance with paragraph

1 (1)(B), to provide minimum allotments to States (as
2 increased under paragraph (3)) under paragraph
3 (1)(C), or to provide minimum allotments to States
4 under paragraph (2)(B), the Commissioner shall
5 proportionately reduce the allotments of the remain-
6 ing States under paragraph (1)(A), with such ad-
7 justments as may be necessary to prevent the allot-
8 ment of any such remaining State from being re-
9 duced to less than the amount required by para-
10 graph (1)(B).

11 “(d) REALLOTMENT.—Whenever the Commissioner
12 determines that any amount of an allotment to a State
13 for any fiscal year will not be expended by such State for
14 carrying out the provisions of this part, the Commissioner
15 shall make such amount available for carrying out the pro-
16 visions of this part to one or more of the States that the
17 Commissioner determines will be able to use additional
18 amounts during such year for carrying out such provi-
19 sions. Any amount made available to a State for any fiscal
20 year pursuant to the preceding sentence shall, for the pur-
21 poses of this section, be regarded as an increase in the
22 allotment of the State (as determined under the preceding
23 provisions of this section) for such year.

1 **“SEC. 722. GRANTS TO CENTERS FOR INDEPENDENT LIV-**
2 **ING IN STATES IN WHICH FEDERAL FUNDING**
3 **EXCEEDS STATE FUNDING.**

4 “(a) ESTABLISHMENT.—

5 “(1) IN GENERAL.—Unless the director of a
6 designated State unit awards grants under section
7 723 to eligible agencies in a State for a fiscal year,
8 the Commissioner shall award grants under this sec-
9 tion to such eligible agencies for such fiscal year
10 from the amount of funds allotted to the State
11 under subsection (c) or (d) of section 721 for such
12 year.

13 “(2) GRANTS.—The Commissioner shall award
14 such grants, from the amount of funds so allotted,
15 to such eligible agencies for the planning, conduct,
16 administration, and evaluation of centers for inde-
17 pendent living that comply with the standards and
18 assurances set forth in section 725.

19 “(b) ELIGIBLE AGENCIES.—In any State in which
20 the Commissioner has approved the State plan required
21 by section 704, the Commissioner may make a grant
22 under this section to any eligible agency that—

23 “(1) has the power and authority to carry out
24 the purpose of this part and perform the functions
25 set forth in section 725 within a community and to
26 receive and administer funds under this part, funds

1 and contributions from private or public sources that
2 may be used in support of a center for independent
3 living, and funds from other public and private pro-
4 grams;

5 “(2) is determined by the Commissioner to be
6 able to plan, conduct, administer, and evaluate a
7 center for independent living consistent with the
8 standards and assurances set forth in section 725;
9 and

10 “(3) submits an application to the Commis-
11 sioner at such time, in such manner, and containing
12 such information as the Commissioner may require.

13 “(c) EXISTING ELIGIBLE AGENCIES.—In the admin-
14 istration of the provisions of this section, the Commis-
15 sioner shall award grants to any eligible agency that has
16 been awarded a grant under this part by September 30,
17 1997 unless the Commissioner makes a finding that the
18 agency involved fails to meet program and fiscal standards
19 and assurances set forth in section 725.

20 “(d) NEW CENTERS FOR INDEPENDENT LIVING.—

21 “(1) IN GENERAL.—If there is no center for
22 independent living serving a region of the State or
23 a region is underserved, and the increase in the al-
24 lotment of the State is sufficient to support an addi-
25 tional center for independent living in the State, the

1 Commissioner may award a grant under this section
2 to the most qualified applicant proposing to serve
3 such region, consistent with the provisions in the
4 State plan setting forth the design of the State for
5 establishing a statewide network of centers for inde-
6 pendent living.

7 “(2) SELECTION.—In selecting from among ap-
8 plicants for a grant under this section for a new cen-
9 ter for independent living, the Commissioner—

10 “(A) shall consider comments regarding
11 the application, if any, by the Statewide Inde-
12 pendent Living Council in the State in which
13 the applicant is located;

14 “(B) shall consider the ability of each such
15 applicant to operate a center for independent
16 living based on—

17 “(i) evidence of the need for such a
18 center;

19 “(ii) any past performance of such ap-
20 plicant in providing services comparable to
21 independent living services;

22 “(iii) the plan for satisfying or dem-
23 onstrated success in satisfying the stand-
24 ards and the assurances set forth in sec-
25 tion 725;

1 “(iv) the quality of key personnel and
2 the involvement of individuals with signifi-
3 cant disabilities;

4 “(v) budgets and cost-effectiveness;

5 “(vi) an evaluation plan; and

6 “(vii) the ability of such applicant to
7 carry out the plans; and

8 “(C) shall give priority to applications
9 from applicants proposing to serve geographic
10 areas within each State that are currently
11 unserved or underserved by independent living
12 programs, consistent with the provisions of the
13 State plan submitted under section 704 regard-
14 ing establishment of a statewide network of
15 centers for independent living.

16 “(3) CURRENT CENTERS.—Notwithstanding
17 paragraphs (1) and (2), a center for independent liv-
18 ing that receives assistance under part B for a fiscal
19 year shall be eligible for a grant for the subsequent
20 fiscal year under this subsection.

21 “(e) ORDER OF PRIORITIES.—The Commissioner
22 shall be guided by the following order of priorities in allo-
23 cating funds among centers for independent living within
24 a State, to the extent funds are available:

1 “(1) The Commissioner shall support existing
2 centers for independent living, as described in sub-
3 section (c), that comply with the standards and as-
4 surances set forth in section 725, at the level of
5 funding for the previous year.

6 “(2) The Commissioner shall provide for a cost-
7 of-living increase for such existing centers for inde-
8 pendent living.

9 “(3) The Commissioner shall fund new centers
10 for independent living, as described in subsection
11 (d), that comply with the standards and assurances
12 set forth in section 725.

13 “(f) NONRESIDENTIAL AGENCIES.—A center that
14 provides or manages residential housing after October 1,
15 1994, shall not be considered to be an eligible agency
16 under this section.

17 “(g) REVIEW.—

18 “(1) IN GENERAL.—The Commissioner shall
19 periodically review each center receiving funds under
20 this section to determine whether such center is in
21 compliance with the standards and assurances set
22 forth in section 725. If the Commissioner determines
23 that any center receiving funds under this section is
24 not in compliance with the standards and assurances
25 set forth in section 725, the Commissioner shall im-

1 mediately notify such center that it is out of compli-
2 ance.

3 “(2) ENFORCEMENT.—The Commissioner shall
4 terminate all funds under this section to such center
5 90 days after the date of such notification unless the
6 center submits a plan to achieve compliance within
7 90 days of such notification and such plan is ap-
8 proved by the Commissioner.

9 **“SEC. 723. GRANTS TO CENTERS FOR INDEPENDENT LIV-**
10 **ING IN STATES IN WHICH STATE FUNDING**
11 **EQUALS OR EXCEEDS FEDERAL FUNDING.**

12 “(a) ESTABLISHMENT.—

13 “(1) IN GENERAL.—

14 “(A) INITIAL YEAR.—

15 “(i) DETERMINATION.—The director
16 of a designated State unit, as provided in
17 paragraph (2), or the Commissioner, as
18 provided in paragraph (3), shall award
19 grants under this section for an initial fis-
20 cal year if the Commissioner determines
21 that the amount of State funds that were
22 earmarked by a State for a preceding fiscal
23 year to support the general operation of
24 centers for independent living meeting the
25 requirements of this part equaled or ex-

1 ceded the amount of funds allotted to the
2 State under subsection (c) or (d) of section
3 721 for such year.

4 “(ii) GRANTS.—The director or the
5 Commissioner, as appropriate, shall award
6 such grants, from the amount of funds so
7 allotted for the initial fiscal year, to eligible
8 agencies in the State for the planning, con-
9 duct, administration, and evaluation of
10 centers for independent living that comply
11 with the standards and assurances set
12 forth in section 725.

13 “(iii) REGULATION.—The Commis-
14 sioner shall by regulation specify the pre-
15 ceding fiscal year with respect to which the
16 Commissioner will make the determina-
17 tions described in clause (i) and subpara-
18 graph (B), making such adjustments as
19 may be necessary to accommodate State
20 funding cycles such as 2-year funding cy-
21 cles or State fiscal years that do not coin-
22 cide with the Federal fiscal year.

23 “(B) SUBSEQUENT YEARS.—For each year
24 subsequent to the initial fiscal year described in
25 subparagraph (A), the director of the des-

1 ignated State unit shall continue to have the
2 authority to award such grants under this sec-
3 tion if the Commissioner determines that the
4 State continues to earmark the amount of State
5 funds described in subparagraph (A)(i). If the
6 State does not continue to earmark such an
7 amount for a fiscal year, the State shall be in-
8 eligible to make grants under this section after
9 a final year following such fiscal year, as de-
10 fined in accordance with regulations established
11 by the Commissioner, and for each subsequent
12 fiscal year.

13 “(2) GRANTS BY DESIGNATED STATE UNITS.—

14 In order for the designated State unit to be eligible
15 to award the grants described in paragraph (1) and
16 carry out this section for a fiscal year with respect
17 to a State, the designated State agency shall submit
18 an application to the Commissioner at such time,
19 and in such manner as the Commissioner may re-
20 quire, including information about the amount of
21 State funds described in paragraph (1) for the pre-
22 ceding fiscal year. If the Commissioner makes a de-
23 termination described in subparagraph (A)(i) or (B),
24 as appropriate, of paragraph (1), the Commissioner
25 shall approve the application and designate the di-

1 rector of the designated State unit to award the
2 grant and carry out this section.

3 “(3) GRANTS BY COMMISSIONER.—If the des-
4 ignated State agency of a State described in para-
5 graph (1) does not submit and obtain approval of an
6 application under paragraph (2), the Commissioner
7 shall award the grant described in paragraph (1) to
8 eligible agencies in the State in accordance with sec-
9 tion 722.

10 “(b) ELIGIBLE AGENCIES.—In any State in which
11 the Commissioner has approved the State plan required
12 by section 704, the director of the designated State unit
13 may award a grant under this section to any eligible agen-
14 cy that—

15 “(1) has the power and authority to carry out
16 the purpose of this part and perform the functions
17 set forth in section 725 within a community and to
18 receive and administer funds under this part, funds
19 and contributions from private or public sources that
20 may be used in support of a center for independent
21 living, and funds from other public and private pro-
22 grams;

23 “(2) is determined by the director to be able to
24 plan, conduct, administer, and evaluate a center for

1 independent living, consistent with the standards
2 and assurances set forth in section 725; and

3 “(3) submits an application to the director at
4 such time, in such manner, and containing such in-
5 formation as the head of the designated State unit
6 may require.

7 “(c) EXISTING ELIGIBLE AGENCIES.—In the admin-
8 istration of the provisions of this section, the director of
9 the designated State unit shall award grants under this
10 section to any eligible agency that has been awarded a
11 grant under this part by September 30, 1997, unless the
12 director makes a finding that the agency involved fails to
13 comply with the standards and assurances set forth in sec-
14 tion 725.

15 “(d) NEW CENTERS FOR INDEPENDENT LIVING.—

16 “(1) IN GENERAL.—If there is no center for
17 independent living serving a region of the State or
18 the region is unserved or underserved, and the in-
19 crease in the allotment of the State is sufficient to
20 support an additional center for independent living
21 in the State, the director of the designated State
22 unit may award a grant under this section from
23 among eligible agencies, consistent with the provi-
24 sions of the State plan under section 704 setting

1 forth the design of the State for establishing a state-
2 wide network of centers for independent living.

3 “(2) SELECTION.—In selecting from among eli-
4 gible agencies in awarding a grant under this part
5 for a new center for independent living—

6 “(A) the director of the designated State
7 unit and the chairperson of, or other individual
8 designated by, the Statewide Independent Liv-
9 ing Council acting on behalf of and at the direc-
10 tion of the Council, shall jointly appoint a peer
11 review committee that shall rank applications in
12 accordance with the standards and assurances
13 set forth in section 725 and criteria jointly es-
14 tablished by such director and such chairperson
15 or individual;

16 “(B) the peer review committee shall con-
17 sider the ability of each such applicant to oper-
18 ate a center for independent living, and shall
19 recommend an applicant to receive a grant
20 under this section, based on—

21 “(i) evidence of the need for a center
22 for independent living, consistent with the
23 State plan;

1 “(ii) any past performance of such ap-
2 plicant in providing services comparable to
3 independent living services;

4 “(iii) the plan for complying with, or
5 demonstrated success in complying with,
6 the standards and the assurances set forth
7 in section 725;

8 “(iv) the quality of key personnel of
9 the applicant and the involvement of indi-
10 viduals with significant disabilities by the
11 applicant;

12 “(v) the budgets and cost-effectiveness
13 of the applicant;

14 “(vi) the evaluation plan of the appli-
15 cant; and

16 “(vii) the ability of such applicant to
17 carry out the plans; and

18 “(C) the director of the designated State
19 unit shall award the grant on the basis of the
20 recommendations of the peer review committee
21 if the actions of the committee are consistent
22 with Federal and State law.

23 “(3) CURRENT CENTERS.—Notwithstanding
24 paragraphs (1) and (2), a center for independent liv-
25 ing that receives assistance under part B for a fiscal

1 year shall be eligible for a grant for the subsequent
2 fiscal year under this subsection.

3 “(e) ORDER OF PRIORITIES.—Unless the director of
4 the designated State unit and the chairperson of the Coun-
5 cil or other individual designated by the Council acting
6 on behalf of and at the direction of the Council jointly
7 agree on another order of priority, the director shall be
8 guided by the following order of priorities in allocating
9 funds among centers for independent living within a State,
10 to the extent funds are available:

11 “(1) The director of the designated State unit
12 shall support existing centers for independent living,
13 as described in subsection (c), that comply with the
14 standards and assurances set forth in section 725,
15 at the level of funding for the previous year.

16 “(2) The director of the designated State unit
17 shall provide for a cost-of-living increase for such ex-
18 isting centers for independent living.

19 “(3) The director of the designated State unit
20 shall fund new centers for independent living, as de-
21 scribed in subsection (d), that comply with the
22 standards and assurances set forth in section 725.

23 “(f) NONRESIDENTIAL AGENCIES.—A center that
24 provides or manages residential housing after October 1,

1 1994, shall not be considered to be an eligible agency
2 under this section.

3 “(g) REVIEW.—

4 “(1) IN GENERAL.—The director of the des-
5 igned State unit shall periodically review each cen-
6 ter receiving funds under this section to determine
7 whether such center is in compliance with the stand-
8 ards and assurances set forth in section 725. If the
9 director of the designated State unit determines that
10 any center receiving funds under this section is not
11 in compliance with the standards and assurances set
12 forth in section 725, the director of the designated
13 State unit shall immediately notify such center that
14 it is out of compliance.

15 “(2) ENFORCEMENT.—The director of the des-
16 igned State unit shall terminate all funds under
17 this section to such center 90 days after—

18 “(A) the date of such notification; or

19 “(B) in the case of a center that requests
20 an appeal under subsection (i), the date of any
21 final decision under subsection (i),

22 unless the center submits a plan to achieve compli-
23 ance within 90 days and such plan is approved by
24 the director, or if appealed, by the Commissioner.

1 “(h) ON-SITE COMPLIANCE REVIEW.—The director
2 of the designated State unit shall annually conduct onsite
3 compliance reviews of at least 15 percent of the centers
4 for independent living that receive funding under this sec-
5 tion in the State. Each team that conducts on-site compli-
6 ance review of centers for independent living shall include
7 at least one person who is not an employee of the des-
8 ignated State agency, who has experience in the operation
9 of centers for independent living, and who is jointly se-
10 lected by the director of the designated State unit and the
11 chairperson of or other individual designated by the Coun-
12 cil acting on behalf of and at the direction of the Council.
13 A copy of this review shall be provided to the Commis-
14 sioner.

15 “(i) ADVERSE ACTIONS.—If the director of the des-
16 ignated State unit proposes to take a significant adverse
17 action against a center for independent living, the center
18 may seek mediation and conciliation to be provided by an
19 individual or individuals who are free of conflicts of inter-
20 est identified by the chairperson of or other individual des-
21 ignated by the Council. If the issue is not resolved through
22 the mediation and conciliation, the center may appeal the
23 proposed adverse action to the Commissioner for a final
24 decision.

1 **“SEC. 724. CENTERS OPERATED BY STATE AGENCIES.**

2 “A State that receives assistance for fiscal year 1993
3 with respect to a center in accordance with subsection (a)
4 of this section (as in effect on the day before the date
5 of enactment of the Rehabilitation Act Amendments of
6 1998) may continue to receive assistance under this part
7 for fiscal year 1994 or a succeeding fiscal year if, for such
8 fiscal year—

9 “(1) no nonprofit private agency—

10 “(A) submits an acceptable application to
11 operate a center for independent living for the
12 fiscal year before a date specified by the Com-
13 missioner; and

14 “(B) obtains approval of the application
15 under section 722 or 723; or

16 “(2) after funding all applications so submitted
17 and approved, the Commissioner determines that
18 funds remain available to provide such assistance.

19 **“SEC. 725. STANDARDS AND ASSURANCES FOR CENTERS**
20 **FOR INDEPENDENT LIVING.**

21 “(a) IN GENERAL.—Each center for independent liv-
22 ing that receives assistance under this part shall comply
23 with the standards set out in subsection (b) and provide
24 and comply with the assurances set out in subsection (c)
25 in order to ensure that all programs and activities under
26 this part are planned, conducted, administered, and evalu-

1 ated in a manner consistent with the purposes of this
2 chapter and the objective of providing assistance effec-
3 tively and efficiently.

4 “(b) STANDARDS.—

5 “(1) PHILOSOPHY.—The center shall promote
6 and practice the independent living philosophy of—

7 “(A) consumer control of the center re-
8 garding decisionmaking, service delivery, man-
9 agement, and establishment of the policy and
10 direction of the center;

11 “(B) self-help and self-advocacy;

12 “(C) development of peer relationships and
13 peer role models; and

14 “(D) equal access of individuals with sig-
15 nificant disabilities to society and to all serv-
16 ices, programs, activities, resources, and facili-
17 ties, whether public or private and regardless of
18 the funding source.

19 “(2) PROVISION OF SERVICES.—The center
20 shall provide services to individuals with a range of
21 significant disabilities. The center shall provide serv-
22 ices on a cross-disability basis (for individuals with
23 all different types of significant disabilities, includ-
24 ing individuals with significant disabilities who are
25 members of populations that are unserved or under-

1 served by programs under this title). Eligibility for
2 services at any center for independent living shall be
3 determined by the center, and shall not be based on
4 the presence of any one or more specific significant
5 disabilities.

6 “(3) INDEPENDENT LIVING GOALS.—The center
7 shall facilitate the development and achievement of
8 independent living goals selected by individuals with
9 significant disabilities who seek such assistance by
10 the center.

11 “(4) COMMUNITY OPTIONS.—The center shall
12 work to increase the availability and improve the
13 quality of community options for independent living
14 in order to facilitate the development and achieve-
15 ment of independent living goals by individuals with
16 significant disabilities.

17 “(5) INDEPENDENT LIVING CORE SERVICES.—
18 The center shall provide independent living core
19 services and, as appropriate, a combination of any
20 other independent living services.

21 “(6) ACTIVITIES TO INCREASE COMMUNITY CA-
22 PACITY.—The center shall conduct activities to in-
23 crease the capacity of communities within the service
24 area of the center to meet the needs of individuals
25 with significant disabilities.

1 “(7) RESOURCE DEVELOPMENT ACTIVITIES.—

2 The center shall conduct resource development ac-
3 tivities to obtain funding from sources other than
4 this chapter.

5 “(c) ASSURANCES.—The eligible agency shall provide
6 at such time and in such manner as the Commissioner
7 may require, such satisfactory assurances as the Commis-
8 sioner may require, including satisfactory assurances
9 that—

10 “(1) the applicant is an eligible agency;

11 “(2) the center will be designed and operated
12 within local communities by individuals with disabili-
13 ties, including an assurance that the center will
14 have a Board that is the principal governing body of
15 the center and a majority of which shall be com-
16 posed of individuals with significant disabilities;

17 “(3) the applicant will comply with the stand-
18 ards set forth in subsection (b);

19 “(4) the applicant will establish clear priorities
20 through annual and 3-year program and financial
21 planning objectives for the center, including overall
22 goals or a mission for the center, a work plan for
23 achieving the goals or mission, specific objectives,
24 service priorities, and types of services to be pro-
25 vided, and a description that shall demonstrate how

1 the proposed activities of the applicant are consist-
2 ent with the most recent 3-year State plan under
3 section 704;

4 “(5) the applicant will use sound organizational
5 and personnel assignment practices, including taking
6 affirmative action to employ and advance in employ-
7 ment qualified individuals with significant disabil-
8 ities on the same terms and conditions required with
9 respect to the employment of individuals with dis-
10 abilities under section 503;

11 “(6) the applicant will ensure that the majority
12 of the staff, and individuals in decisionmaking posi-
13 tions, of the applicant are individuals with disabil-
14 ities;

15 “(7) the applicant will practice sound fiscal
16 management, including making arrangements for an
17 annual independent fiscal audit, notwithstanding
18 section 7502(a)(2)(A) of title 31, United States
19 Code;

20 “(8) the applicant will conduct annual self-eval-
21 uations, prepare an annual report, and maintain
22 records adequate to measure performance with re-
23 spect to the standards, containing information re-
24 garding, at a minimum—

1 “(A) the extent to which the center is in
2 compliance with the standards;

3 “(B) the number and types of individuals
4 with significant disabilities receiving services
5 through the center;

6 “(C) the types of services provided through
7 the center and the number of individuals with
8 significant disabilities receiving each type of
9 service;

10 “(D) the sources and amounts of funding
11 for the operation of the center;

12 “(E) the number of individuals with sig-
13 nificant disabilities who are employed by, and
14 the number who are in management and deci-
15 sionmaking positions in, the center; and

16 “(F) a comparison, when appropriate, of
17 the activities of the center in prior years with
18 the activities of the center in the most recent
19 year;

20 “(9) individuals with significant disabilities who
21 are seeking or receiving services at the center will be
22 notified by the center of the existence of, the avail-
23 ability of, and how to contact, the client assistance
24 program;

1 “(10) aggressive outreach regarding services
2 provided through the center will be conducted in an
3 effort to reach populations of individuals with sig-
4 nificant disabilities that are unserved or underserved
5 by programs under this title, especially minority
6 groups and urban and rural populations;

7 “(11) staff at centers for independent living will
8 receive training on how to serve such unserved and
9 underserved populations, including minority groups
10 and urban and rural populations;

11 “(12) the center will submit to the Statewide
12 Independent Living Council a copy of its approved
13 grant application and the annual report required
14 under paragraph (8);

15 “(13) the center will prepare and submit a re-
16 port to the designated State unit or the Commis-
17 sioner, as the case may be, at the end of each fiscal
18 year that contains the information described in para-
19 graph (8) and information regarding the extent to
20 which the center is in compliance with the standards
21 set forth in subsection (b); and

22 “(14) an independent living plan described in
23 section 704(e) will be developed unless the individual
24 who would receive services under the plan signs a
25 waiver stating that such a plan is unnecessary.

1 **“SEC. 726. DEFINITIONS.**

2 “As used in this part, the term ‘eligible agency’
3 means a consumer-controlled, community-based, cross-dis-
4 ability, nonresidential private nonprofit agency.

5 **“SEC. 727. AUTHORIZATION OF APPROPRIATIONS.**

6 “There are authorized to be appropriated to carry out
7 this part such sums as may be necessary for each of the
8 fiscal years 1998 through 2004.

9 **“CHAPTER 2—INDEPENDENT LIVING**
10 **SERVICES FOR OLDER INDIVIDUALS**
11 **WHO ARE BLIND**

12 **“SEC. 751. DEFINITION.**

13 “For purposes of this chapter, the term ‘older indi-
14 vidual who is blind’ means an individual age 55 or older
15 whose significant visual impairment makes competitive
16 employment extremely difficult to attain but for whom
17 independent living goals are feasible.

18 **“SEC. 752. PROGRAM OF GRANTS.**

19 “(a) IN GENERAL.—

20 “(1) AUTHORITY FOR GRANTS.—Subject to sub-
21 sections (b) and (c), the Commissioner may make
22 grants to States for the purpose of providing the
23 services described in subsection (d) to older individ-
24 uals who are blind.

25 “(2) DESIGNATED STATE AGENCY.—The Com-
26 missioner may not make a grant under subsection

1 (a) unless the State involved agrees that the grant
2 will be administered solely by the agency described
3 in section 101(a)(2)(A)(i).

4 “(b) CONTINGENT COMPETITIVE GRANTS.—Begin-
5 ning with fiscal year 1993, in the case of any fiscal year
6 for which the amount appropriated under section 753 is
7 less than \$13,000,000, grants made under subsection (a)
8 shall be—

9 “(1) discretionary grants made on a competitive
10 basis to States; or

11 “(2) grants made on a noncompetitive basis to
12 pay for the continuation costs of activities for which
13 a grant was awarded—

14 “(A) under this chapter; or

15 “(B) under part C, as in effect on the day
16 before the date of enactment of the Rehabilita-
17 tion Act Amendments of 1992.

18 “(c) CONTINGENT FORMULA GRANTS.—

19 “(1) IN GENERAL.—In the case of any fiscal
20 year for which the amount appropriated under sec-
21 tion 753 is equal to or greater than \$13,000,000,
22 grants under subsection (a) shall be made only to
23 States and shall be made only from allotments under
24 paragraph (2).

1 “(2) ALLOTMENTS.—For grants under sub-
2 section (a) for a fiscal year described in paragraph
3 (1), the Commissioner shall make an allotment to
4 each State in an amount determined in accordance
5 with subsection (j), and shall make a grant to the
6 State of the allotment made for the State if the
7 State submits to the Commissioner an application in
8 accordance with subsection (i).

9 “(d) SERVICES GENERALLY.—The Commissioner
10 may not make a grant under subsection (a) unless the
11 State involved agrees that the grant will be expended only
12 for purposes of—

13 “(1) providing independent living services to
14 older individuals who are blind;

15 “(2) conducting activities that will improve or
16 expand services for such individuals; and

17 “(3) conducting activities to help improve public
18 understanding of the problems of such individuals.

19 “(e) INDEPENDENT LIVING SERVICES.—Independent
20 living services for purposes of subsection (d)(1) include—

21 “(1) services to help correct blindness, such
22 as—

23 “(A) outreach services;

24 “(B) visual screening;

1 “(C) surgical or therapeutic treatment to
2 prevent, correct, or modify disabling eye condi-
3 tions; and

4 “(D) hospitalization related to such serv-
5 ices;

6 “(2) the provision of eyeglasses and other visual
7 aids;

8 “(3) the provision of services and equipment to
9 assist an older individual who is blind to become
10 more mobile and more self-sufficient;

11 “(4) mobility training, Braille instruction, and
12 other services and equipment to help an older indi-
13 vidual who is blind adjust to blindness;

14 “(5) guide services, reader services, and trans-
15 portation;

16 “(6) any other appropriate service designed to
17 assist an older individual who is blind in coping with
18 daily living activities, including supportive services
19 and rehabilitation teaching services;

20 “(7) independent living skills training, informa-
21 tion and referral services, peer counseling, and indi-
22 vidual advocacy training; and

23 “(8) other independent living services.

24 “(f) MATCHING FUNDS.—

1 “(1) IN GENERAL.—The Commissioner may not
2 make a grant under subsection (a) unless the State
3 involved agrees, with respect to the costs of the pro-
4 gram to be carried out by the State pursuant to
5 such subsection, to make available (directly or
6 through donations from public or private entities)
7 non-Federal contributions toward such costs in an
8 amount that is not less than \$1 for each \$9 of Fed-
9 eral funds provided in the grant.

10 “(2) DETERMINATION OF AMOUNT CONTRIB-
11 UTED.—Non-Federal contributions required in para-
12 graph (1) may be in cash or in kind, fairly evalu-
13 ated, including plant, equipment, or services.
14 Amounts provided by the Federal Government, or
15 services assisted or subsidized to any significant ex-
16 tent by the Federal Government, may not be in-
17 cluded in determining the amount of such non-Fed-
18 eral contributions.

19 “(g) CERTAIN EXPENDITURES OF GRANTS.—A State
20 may expend a grant under subsection (a) to carry out the
21 purposes specified in subsection (d) through grants to
22 public and nonprofit private agencies or organizations.

23 “(h) REQUIREMENT REGARDING STATE PLAN.—The
24 Commissioner may not make a grant under subsection (a)
25 unless the State involved agrees that, in carrying out sub-

1 section (d)(1), the State will seek to incorporate into the
2 State plan under section 704 any new methods and ap-
3 proaches relating to independent living services for older
4 individuals who are blind.

5 “(i) APPLICATION FOR GRANT.—

6 “(1) IN GENERAL.—The Commissioner may not
7 make a grant under subsection (a) unless an appli-
8 cation for the grant is submitted to the Commis-
9 sioner and the application is in such form, is made
10 in such manner, and contains such agreements, as-
11 surances, and information as the Commissioner de-
12 termines to be necessary to carry out this section
13 (including agreements, assurances, and information
14 with respect to any grants under subsection (j)(4)).

15 “(2) CONTENTS.—An application for a grant
16 under this section shall contain—

17 “(A) an assurance that the agency de-
18 scribed in subsection (a)(2) will prepare and
19 submit to the Commissioner a report, at the
20 end of each fiscal year, with respect to each
21 project or program the agency operates or ad-
22 ministers under this section, whether directly or
23 through a grant or contract, which report shall
24 contain, at a minimum, information on—

1 “(i) the number and types of older in-
2 dividuals who are blind and are receiving
3 services;

4 “(ii) the types of services provided
5 and the number of older individuals who
6 are blind and are receiving each type of
7 service;

8 “(iii) the sources and amounts of
9 funding for the operation of each project
10 or program;

11 “(iv) the amounts and percentages of
12 resources committed to each type of service
13 provided;

14 “(v) data on actions taken to employ,
15 and advance in employment, qualified indi-
16 viduals with significant disabilities, includ-
17 ing older individuals who are blind; and

18 “(vi) a comparison, if appropriate, of
19 prior year activities with the activities of
20 the most recent year;

21 “(B) an assurance that the agency will—

22 “(i) provide services that contribute to
23 the maintenance of, or the increased inde-
24 pendence of, older individuals who are
25 blind; and

1 “(ii) engage in—

2 “(I) capacity-building activities,
3 including collaboration with other
4 agencies and organizations;

5 “(II) activities to promote com-
6 munity awareness, involvement, and
7 assistance; and

8 “(III) outreach efforts; and

9 “(C) an assurance that the application is
10 consistent with the State plan for providing
11 independent living services required by section
12 704.

13 “(j) AMOUNT OF FORMULA GRANT.—

14 “(1) IN GENERAL.—Subject to the availability
15 of appropriations, the amount of an allotment under
16 subsection (a) for a State for a fiscal year shall be
17 the greater of—

18 “(A) the amount determined under para-
19 graph (2); or

20 “(B) the amount determined under para-
21 graph (3).

22 “(2) MINIMUM ALLOTMENT.—

23 “(A) STATES.—In the case of the several
24 States, the District of Columbia, and the Com-
25 monwealth of Puerto Rico, the amount referred

1 to in subparagraph (A) of paragraph (1) for a
2 fiscal year is the greater of—

3 “(i) \$225,000; or

4 “(ii) an amount equal to one-third of
5 one percent of the amount appropriated
6 under section 753 for the fiscal year and
7 available for allotments under subsection
8 (a).

9 “(B) CERTAIN TERRITORIES.—In the case
10 of Guam, American Samoa, the United States
11 Virgin Islands, and the Commonwealth of the
12 Northern Mariana Islands, the amount referred
13 to in subparagraph (A) of paragraph (1) for a
14 fiscal year is \$40,000.

15 “(3) FORMULA.—The amount referred to in
16 subparagraph (B) of paragraph (1) for a State for
17 a fiscal year is the product of—

18 “(A) the amount appropriated under sec-
19 tion 753 and available for allotments under
20 subsection (a); and

21 “(B) a percentage equal to the quotient
22 of—

23 “(i) an amount equal to the number
24 of individuals residing in the State who are
25 not less than 55 years of age; divided by

1 “(ii) an amount equal to the number
2 of individuals residing in the United States
3 who are not less than 55 years of age.

4 “(4) DISPOSITION OF CERTAIN AMOUNTS.—

5 “(A) GRANTS.—From the amounts speci-
6 fied in subparagraph (B), the Commissioner
7 may make grants to States whose population of
8 older individuals who are blind has a substan-
9 tial need for the services specified in subsection
10 (d) relative to the populations in other States of
11 older individuals who are blind.

12 “(B) AMOUNTS.—The amounts referred to
13 in subparagraph (A) are any amounts that are
14 not paid to States under subsection (a) as a re-
15 sult of—

16 “(i) the failure of any State to submit
17 an application under subsection (i);

18 “(ii) the failure of any State to pre-
19 pare within a reasonable period of time
20 such application in compliance with such
21 subsection; or

22 “(iii) any State informing the Com-
23 missioner that the State does not intend to
24 expend the full amount of the allotment
25 made for the State under subsection (a).

1 “(C) CONDITIONS.—The Commissioner
2 may not make a grant under subparagraph (A)
3 unless the State involved agrees that the grant
4 is subject to the same conditions as grants
5 made under subsection (a).

6 **“SEC. 753. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated to carry out
8 this chapter such sums as may be necessary for each of
9 the fiscal years 1998 through 2004.”.

10 **SEC. 11. HELEN KELLER NATIONAL CENTER ACT.**

11 (a) GENERAL AUTHORIZATION OF APPROPRIA-
12 TIONS.—The first sentence of section 205(a) of the Helen
13 Keller National Center Act (29 U.S.C. 1904(a)) is amend-
14 ed by striking “1993 through 1997” and inserting “1998
15 through 2000”.

16 (b) HELEN KELLER NATIONAL CENTER FEDERAL
17 ENDOWMENT FUND.—The first sentence of section
18 208(h) of such Act (29 U.S.C. 1907(h)) is amended by
19 striking “1993 through 1997” and inserting “1998
20 through 2000”.

21 (c) REGISTRY.—Such Act (29 U.S.C. 1901 et seq.)
22 is amended by adding at the end the following:

1 **“SEC. 209. NATIONAL REGISTRY AND AUTHORIZATION OF**
2 **APPROPRIATIONS.**

3 “(a) The Center shall establish and maintain a na-
4 tional registry of individuals who are deaf-blind, using
5 funds made available under subsection (b).

6 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out subsection
8 (a) such sums as may be necessary for each of fiscal years
9 1998 through 2000.”.

10 **SEC. 12. PRESIDENT’S COMMITTEE ON NATIONAL EMPLOY**
11 **THE PHYSICALLY HANDICAPPED WEEK.**

12 Section 2(2) of the Joint Resolution entitled “Joint
13 Resolution authorizing an appropriation for the work of
14 the President’s Committee on National Employ the Phys-
15 ically Handicapped Week”, approved July 11, 1949 (36
16 U.S.C. 155b(2)) is amended by inserting “solicit,” before
17 “accept,”.

18 **SEC. 13. PEER REVIEW.**

19 Part B of title IV of the Department of Education
20 Organization Act (20 U.S.C. 3471 et seq.) is amended by
21 inserting before section 427 the following:

22 **“SEC. 426A. PEER REVIEW.**

23 “The Federal Advisory Committee Act (5 U.S.C.
24 App.) shall not apply to peer review panels established by
25 the Secretary to evaluate applications for financial assist-
26 ance awarded on a competitive basis.”.

1 **SEC. 14. CONFORMING AMENDMENTS.**

2 (a) PREPARATION.—After consultation with the ap-
3 propriate committees of Congress and the Director of the
4 Office of Management and Budget, the Secretary of Edu-
5 cation shall prepare recommended legislation containing
6 technical and conforming amendments to reflect the
7 changes made by this Act.

8 (b) SUBMISSION TO CONGRESS.—Not later than 6
9 months after the date of enactment of this Act, the Sec-
10 retary of Education shall submit to Congress the rec-
11 ommended legislation referred to under subsection (a).

○