

tration, and services incurred by it under a State plan approved in accordance with section 721 of this title, there shall be disregarded—

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

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

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

(Pub. L. 93-112, §10, formerly §8, as added Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1110; renumbered §10 and amended Pub. L. 105-277, div. A, §101(f) [title VIII, §402(a)(1), (c)(2)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412, 2681-415.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to this section were contained in section 709 of this title prior to repeal by Pub. L. 105-220.

A prior section 707, Pub. L. 93-112, §8, Sept. 26, 1973, 87 Stat. 362; Pub. L. 94-273, §10, Apr. 21, 1976, 90 Stat. 378; Pub. L. 102-569, title I, §103, Oct. 29, 1992, 106 Stat. 4361, related to allotment percentage, prior to repeal by Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1093. See section 706 of this title.

A prior section 10 of Pub. L. 93-112 was renumbered section 12 and is classified to section 709 of this title.

Another prior section 10 of Pub. L. 93-112 was classified to section 709 of this title prior to repeal by Pub. L. 105-220.

AMENDMENTS

1998—Pub. L. 105-277, §101(f) [title VIII, §402(c)(2)], substituted a dash for a colon after “disregarded” and amended text to set out cls. (1) and (2) as indented pars. and last sentence as flush provision.

§ 708. Application of other laws

(a) The provisions of chapter 71 of title 31 and of title V of the Act of October 15, 1977 (Public Law 95-134) shall not apply to the administration of the provisions of this chapter or to the administration of any program or activity under this chapter.

(b) Section 501 of the Workforce Innovation and Opportunity Act [29 U.S.C. 3341] shall apply, as specified in that section, to amendments to this chapter that were made by the Workforce Innovation and Opportunity Act.

(Pub. L. 93-112, §11, formerly §9, as added Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1110; renumbered §11, Pub. L. 105-277, div. A, §101(f) [title VIII, §402(a)(1)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412; amended Pub. L. 113-128, title IV, §405(b), July 22, 2014, 128 Stat. 1637.)

Editorial Notes

REFERENCES IN TEXT

Act of October 15, 1977, referred to in subsec. (a), is Pub. L. 95-134, Oct. 15, 1977, 91 Stat. 1159, popularly known as the Omnibus Territories Act of 1977. Title V

of the Act enacted section 4368b of Title 42, The Public Health and Welfare, and section 1469a of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Tables.

The Workforce Innovation and Opportunity Act, referred to in subsec. (b), is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425, which enacted chapter 32 (§3101 et seq.) of this title, repealed chapter 30 (§2801 et seq.) of this title and chapter 73 (§9201 et seq.) of Title 20, Education, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

CODIFICATION

“Chapter 71 of title 31” substituted in text for “the Act of December 5, 1974 (Public Law 93-510) on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 710 of this title prior to repeal by Pub. L. 105-220.

A prior section 708, Pub. L. 93-112, §9, Sept. 26, 1973, 87 Stat. 362, related to audit and examination of records, scope of disclosure, and access to representatives, prior to repeal by Pub. L. 103-382, title II, §272, Oct. 20, 1994, 108 Stat. 3931.

A prior section 11 of Pub. L. 93-112 was renumbered section 13 and is classified to section 710 of this title.

Another prior section 11 of Pub. L. 93-112 was classified to section 710 of this title prior to repeal by Pub. L. 105-220.

AMENDMENTS

2014—Pub. L. 113-128 designated existing provisions as subsec. (a) and added subsec. (b).

§ 709. Administration

(a) Technical assistance; short-term traineeships; special projects; dissemination of information; monitoring and evaluations

In carrying out the purposes of this chapter, the Commissioner may—

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

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

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

(D) provide technical assistance to entities carrying out community rehabilitation programs to build their internal capacity to provide individualized services and supports leading to competitive integrated employment, and to transition individuals with disabilities away from nonintegrated settings;

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

(3) conduct special projects and demonstrations;

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

(5) provide monitoring and conduct evaluations.

(b) Utilization of services and facilities; information task forces

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

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

(c) Regulations to carry out this chapter

(1) The Secretary of Education may promulgate such regulations as are considered appropriate to carry out the Commissioner's duties under this chapter.

(2) In promulgating regulations to carry out this chapter, the Secretary of Education shall promulgate only regulations that are necessary to administer and ensure compliance with the specific requirements of this chapter.

(d) Regulations for implementation

(1) The Secretary of Education shall promulgate regulations regarding the requirements for the implementation of an order of selection for vocational rehabilitation services under section 721(a)(5)(A) of this title if such services cannot be provided to all eligible individuals with disabilities who apply for such services.

(2) Not later than 180 days after July 22, 2014, the Secretary of Education shall receive public comment and promulgate regulations to implement the amendments made by the Workforce Innovation and Opportunity Act.

(e) Authorities and responsibilities of Commissioner and Secretary of Education

(1) The Administrator of the Administration for Community Living (referred to in this subsection as the "Administrator") may carry out the authorities and shall carry out the responsibilities of the Commissioner described in paragraphs (1)(A) and (2) through (4) of subsection (a), and subsection (b), except that, for purposes of applying subsections (a) and (b), a reference in those subsections—

(A) to facilitating meaningful and effective participation shall be considered to be a reference to facilitating meaningful and effective collaboration with independent living programs, and promoting a philosophy of independent living for individuals with disabilities in community activities; and

(B) to training for personnel shall be considered to be a reference to training for the per-

sonnel of centers for independent living and Statewide Independent Living Councils.

(2) The Secretary of Health and Human Services may carry out the authorities and shall carry out the responsibilities of the Secretary of Education described in subsections (c) and (d).

(f) References to "this chapter"

(1) In subsections (a) through (d), a reference to "this chapter" means a provision of this chapter that the Secretary of Education has authority to carry out; and

(2) In subsection (e), for purposes of applying subsections (a) through (d), a reference in those subsections to "this chapter" means a provision of this chapter that the Secretary of Health and Human Services has authority to carry out.

(g) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary.

(Pub. L. 93-112, §12, formerly §10, as added Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1111; renumbered §12, Pub. L. 105-277, div. A, §101(f) [title VIII, §402(a)(1)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412; amended Pub. L. 113-128, title IV, §405(c), July 22, 2014, 128 Stat. 1637.)

Editorial Notes

REFERENCES IN TEXT

The Workforce Innovation and Opportunity Act, referred to in subsec. (d)(2), is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425, which enacted chapter 32 (§3101 et seq.) of this title, repealed chapter 30 (§2801 et seq.) of this title and chapter 73 (§9201 et seq.) of Title 20, Education, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 711 of this title prior to repeal by Pub. L. 105-220.

A prior section 709, Pub. L. 93-112, §10, Sept. 26, 1973, 87 Stat. 363; Pub. L. 95-602, title I, §122(a)(9), Nov. 6, 1978, 92 Stat. 2985; Pub. L. 100-630, title II, §201(d), Nov. 7, 1988, 102 Stat. 3304; Pub. L. 102-569, title I, §104, Oct. 29, 1992, 106 Stat. 4361, related to nonduplication prohibition, prior to repeal by Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1093. See section 707 of this title.

A prior section 12 of Pub. L. 93-112 was renumbered section 14 and is classified to section 711 of this title.

Another prior section 12 of Pub. L. 93-112 was classified to section 711 of this title prior to repeal by Pub. L. 105-220.

AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113-128, §405(c)(1)(A), designated existing provisions as subpar. (A) and added subpars. (B) to (D).

Subsec. (a)(2). Pub. L. 113-128, §405(c)(1)(B), struck out "centers for independent living;" after "community rehabilitation programs".

Subsec. (c). Pub. L. 113-128, §405(c)(6)(A), (D), (E), designated existing provisions as par. (1) and redesignated subsec. (f) as par. (2).

Pub. L. 113-128, §405(c)(2), substituted "Secretary of Education" for "Commissioner".

Subsec. (d). Pub. L. 113-128, §405(c)(6)(B), (C), designated existing provisions as par. (1) and redesignated subsec. (e) as par. (2).

Pub. L. 113-128, §405(c)(3), inserted "of Education" after "Secretary".

Subsec. (e). Pub. L. 113-128, §405(c)(7), added subsec. (e). Former subsec. (e) redesignated par. (2) of subsec. (d).

Pub. L. 113-128, §405(c)(4), amended reference in original act which resulted in substitution of “July 22, 2014” for “August 7, 1998” in text, inserted “of Education” after “Secretary”, and substituted “Workforce Innovation and Opportunity Act” for “Rehabilitation Act Amendments of 1998”.

Subsec. (f). Pub. L. 113-128, §405(c)(7), added subsec. (f). Former subsec. (f) redesignated par. (2) of subsec. (c).

Pub. L. 113-128, §405(c)(5), inserted “of Education” after “Secretary”.

§ 710. Reports

(a) Annual reports required

Not later than one hundred and eighty days after the close of each fiscal year, the Commissioner shall prepare and submit to the President and to the Congress a full and complete report on the activities carried out under this chapter, including the activities and staffing of the information clearinghouse under section 712 of this title.

(b) Collection of information

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

(c) Information to be included in reports

(1)¹ In preparing the report, the Commissioner shall annually collect and include in the report information based on the information submitted by States in accordance with section 721(a)(10) of this title, including information on administrative costs as required by section 721(a)(10)(D) of this title. The Commissioner shall, to the maximum extent appropriate, include in the report all information that is required to be submitted in the reports described in section 3141(d)(2) of this title and that pertains to the employment of individuals with disabilities.

(d) Availability to public

The Commissioner shall ensure that the report described in this section is made publicly available in a timely manner, including through electronic means, in order to inform the public about the administration and performance of programs under this chapter.

(Pub. L. 93-112, §13, formerly §11, as added Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1111; renumbered §13, Pub. L. 105-277, div. A, §101(f) [title VIII, §402(a)(1)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412; amended Pub. L. 113-128, title IV, §406, July 22, 2014, 128 Stat. 1638.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to this section were contained in section 712 of this title prior to repeal by Pub. L. 105-220.

¹ So in original. There is no par. (2).

A prior section 710, Pub. L. 93-112, §11, as added Pub. L. 95-602, title I, §121, Nov. 6, 1978, 92 Stat. 2984, related to application of other laws, prior to repeal by Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1093. See section 708 of this title.

A prior section 13 of Pub. L. 93-112 was renumbered section 15 and is classified to section 712 of this title.

Another prior section 13 of Pub. L. 93-112 was classified to section 712 of this title prior to repeal by Pub. L. 105-220.

AMENDMENTS

2014—Subsec. (c)(1). Pub. L. 113-128, §406(1), designated existing provisions as par. (1) and substituted “section 3141(d)(2) of this title” for “section 2871(d) of this title”.

Subsec. (d). Pub. L. 113-128, §406(2), added subsec. (d).

Statutory Notes and Related Subsidiaries

EXCHANGE OF DATA

Pub. L. 102-569, title I, §137, Oct. 29, 1992, 106 Stat. 4397, provided that: “The Secretary of Education and the Secretary of Health and Human Services shall enter into a memorandum of understanding for the purpose of exchanging data of mutual importance, regarding clients of State vocational rehabilitation agencies, that are contained in databases maintained by the Rehabilitation Services Administration, as required under section 13 of the Rehabilitation Act of 1973 ([former] 29 U.S.C. 712), and the Social Security Administration, from its Summary Earnings and Records and Master Beneficiary Records. For purposes of the exchange, the Social Security data shall not be considered tax information and, as appropriate, the confidentiality of all client information shall be maintained by both agencies.”

§ 711. Evaluation

(a) Statement of purpose; standards; persons eligible to conduct evaluations

For the purpose of improving program management and effectiveness, the Secretary of Education, in consultation with the Commissioner, shall evaluate all the programs authorized by this chapter, their general effectiveness in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, using appropriate methodology and evaluative research designs. The Secretary of Education shall establish and use standards for the evaluations required by this subsection. Such an evaluation shall be conducted by a person not immediately involved in the administration of the program evaluated.

(b) Opinions of participants; data as property of United States; availability of information

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

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

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