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## CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 762a, 780a, 1533, 1605, 1792 of this title; title 5 section 8104; title 20 sec-

tions 107a, 107d-4, 1142, 1203a, 1206a, 2323, 2403, 3441, 4356, 6143; title 22 section 2102; title 26 section 51; title 38 sections 3117, 3118, 7462; title 42 sections 290dd, 1320b-6, 3013, 3026, 5116, 6008, 6024, 6042, 6705, 11701, 12117, 12592.

## GENERAL PROVISIONS

## § 701. Findings; purpose; policy

## (a) Findings

Congress finds that—

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

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

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

(A) live independently;

(B) enjoy self-determination;

(C) make choices;

(D) contribute to society;

(E) pursue meaningful careers; and

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

(4) increased employment of individuals with disabilities can be achieved through the provision of individualized training, independent living services, educational and support services, and meaningful opportunities for employment in integrated work settings through the provision of reasonable accommodations;

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

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

(A) make informed choices and decisions; and

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

## (b) Purpose

The purposes of this chapter are—

(1) to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society, through—

(A) comprehensive and coordinated state-of-the-art programs of vocational rehabilitation;

(B) independent living centers and services;

(C) research;

(D) training;

(E) demonstration projects; and

(F) the guarantee of equal opportunity; and

(2) to ensure that the Federal Government plays a leadership role in promoting the em-

ployment of individuals with disabilities, especially individuals with severe disabilities, and in assisting States and providers of services in fulfilling the aspirations of such individuals with disabilities for meaningful and gainful employment and independent living.

### (c) Policy

It is the policy of the United States that all programs, projects, and activities receiving assistance under this chapter shall be carried out in a manner consistent with the principles of—

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

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

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

(4) support for the involvement of a parent, a family member, a guardian, an advocate, or an authorized representative if an individual with a disability requests, desires, or needs such support; and

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

(Pub. L. 93-112, §2, Sept. 26, 1973, 87 Stat. 357; Pub. L. 95-602, title I, §122(a)(1), Nov. 6, 1978, 92 Stat. 2984; Pub. L. 99-506, title I, §101, Oct. 21, 1986, 100 Stat. 1808; Pub. L. 102-569, title I, §101, Oct. 29, 1992, 106 Stat. 4346.)

#### CODIFICATION

The content of Pub. L. 93-516, Dec. 7, 1974, 88 Stat. 1617, including provisions thereof which amended various sections of this chapter and enacted provisions set out as notes under this section, was originally contained in H.R. 14225, 93rd Congress, Second Session, which was pocket-vetoed during the 31-day intrasession adjournment of the 93rd Congress for the Congressional elections in November, 1974.

Pursuant to an order of the United States District Court for the District of Columbia (*Kennedy v. Jones*, D.C.D.C. 1976, 412 F.Supp. 353), H.R. 14225 was deemed to have become law without the approval of the President on Nov. 21, 1974, and was given the designation Pub. L. 93-651. Therefore, for purposes of codification, this chapter should be deemed to have been amended by Pub. L. 93-651, Nov. 21, 1974, 89 Stat. 2-3, in exactly the same manner as it was amended by Pub. L. 93-516, Dec. 7, 1974, 88 Stat. 1617.

#### PRIOR PROVISIONS

Prior similar provisions were contained in former section 31 of this title.

#### AMENDMENTS

1992—Pub. L. 102-569 amended section generally. Prior to amendment, section read as follows: “The purpose of this chapter is to develop and implement, through research, training, services, and the guarantee of equal opportunity, comprehensive and coordinated programs of vocational rehabilitation and independent living, for individuals with handicaps in order to maximize their employability, independence, and integration into the workplace and the community.”

1986—Pub. L. 99-506 inserted “, for individuals with handicaps in order to maximize their employability, independence, and integration into the workplace and the community”.

1978—Pub. L. 95-602 substituted provision declaring that the purpose of this chapter is to develop and implement, through research, training, services, and

equal opportunity guarantee, comprehensive and coordinated programs of vocational rehabilitation and independent living for provision declaring the purpose of this chapter was to provide a statutory basis for the Rehabilitation Services Administration and to authorize a wide range of programs designed to improve rehabilitation methods, services, and facilities, increase the number and skill of trained personnel, and provide employment opportunities for the handicapped.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Section 138 of title I of Pub. L. 102-569, as amended by Pub. L. 103-73, title I, §102(3), Aug. 11, 1993, 107 Stat. 718, provided that:

“(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title [enacting sections 718 to 718b, 725 to 728a, and 740 to 744 of this title, amending this section and sections 705 to 707, 709, 711 to 715, 717, 720 to 724, 730 to 732, 740, 741, 750, 761a to 762, 770, 772 to 776, 777a, 777b, 777d to 777f, 780, 781, 783, 791 to 794, 795, 795d, 795e, and 795h of this title, repealing section 752 of this title, enacting provisions set out as notes under section 712 of this title, and amending provisions set out as a note under this section] and the amendments made by this title shall take effect on the date of enactment of this Act [Oct. 29, 1992].

“(b) COMPLIANCE.—Each State agency subject to the provisions of title I of the Rehabilitation Act of 1973 [29 U.S.C. 720 et seq.] shall comply with the amendments made by this subtitle [subtitle B (§§121-138) of title I of Pub. L. 102-569, enacting sections 725 to 728a and 740 to 744 of this title, amending sections 705, 720 to 724, and 730 to 732 of this title, and repealing section 752 of this title], as soon as is practicable after the date of enactment of this Act [Oct. 29, 1992], consistent with the effective and efficient administration of the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.], but not later than October 1, 1993.”

#### EFFECTIVE DATE OF 1986 AMENDMENT

Section 1006 of Pub. L. 99-506 provided that: “Except as otherwise provided in this Act [see Short Title of 1986 Amendment note below], this Act shall take effect on the date of its enactment [Oct. 21, 1986].”

#### SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-73, §1, Aug. 11, 1993, 107 Stat. 718, provided that: “This Act [enacting sections 753 and 753a of this title, amending sections 706, 718 to 718b, 721 to 723, 725, 730 to 732, 744, 761a, 762, 771a, 777, 777a, 777f, 783, 791, 792, 794e, 795l, 796, 796c, 796d to 796e-2, 796f to 796f-4, and 796k of this title, sections 1431, 4301 to 4305, 4331, 4332, 4351, 4353 to 4357, 4359, 4359a, and 4360 of Title 20, Education, and section 46 of Title 41, Public Contracts, enacting provisions set out as notes under section 725 of this title and section 4301 of Title 20, and amending provisions set out as a note under this section] may be cited as the ‘Rehabilitation Act Amendments of 1993.’”

#### SHORT TITLE OF 1992 AMENDMENT

Section 1(a) of Pub. L. 102-569 provided that: “This Act [see Tables for classification] may be cited as the ‘Rehabilitation Act Amendments of 1992.’”

#### SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102-52, §1, June 6, 1991, 105 Stat. 260, provided that: “This Act [amending sections 720, 732, 741, 761, 771, 772, 774, 775, 777, 777a, 777f, 785, 792, 795f, 795i, 795q, 796i, and 1904 of this title and section 1475 of Title 20, Education] may be cited as the ‘Rehabilitation Act Amendments of 1991.’”

#### SHORT TITLE OF 1986 AMENDMENT

Section 1(a) of Pub. L. 99-506 provided that: “This Act [enacting sections 716, 717, 752, 794d, 795j to 795q, and 796d-1 of this title and section 2000d-7 of Title 42, The Public Health and Welfare, amending this section and sections 702, 705, 706, 711 to 715, 720 to 724, 730 to 732, 740,

741, 750, 751, 760 to 761b, 762, 762a, 770 to 777b, 777f, 780, 781, 783, 785, 791 to 794, 794c, 795, 795d to 795i, 796a, 796b, 796d to 796i, and 1904 of this title, and section 155a of Title 36, Patriotic Societies and Observances, repealing section 751 of this title, and enacting provisions set out as notes under this section and sections 706, 730, 761a, and 795m of this title and section 1414 of Title 20, Education] may be cited as the 'Rehabilitation Act Amendments of 1986'."

#### SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-221, §1, Feb. 22, 1984, 98 Stat. 17, provided: "That this Act [enacting sections 780a and 1901 to 1906 of this title, amending sections 706, 712 to 714, 720 to 722, 730, 732, 741, 761 to 762a, 771, 772, 774, 775, 777, 777a, 777f, 780, 781, 783, 791, 792, 794c, 795a, 795c, 795f, 795g, 795i, 796e, and 796i of this title and sections 6001, 6012, 6033, 6061, and 6081 of Title 42, The Public Health and Welfare, repealing section 777c of this title, enacting provisions set out as a note under section 1901 of this title and amending provisions set out as a note under section 713 of this title] may be cited as the 'Rehabilitation Amendments of 1984'."

#### SHORT TITLE OF 1978 AMENDMENT

Section 1 of Pub. L. 95-602 provided that: "This Act [enacting sections 710 to 715, 751, 761a, 761b, 762a, 775, 777 to 777f, 780 to 785, 794a to 794c, 795 to 795i, and 796 to 796i of this title and section 6000 of Title 42, The Public Health and Welfare, amending this section, sections 702, 706, 709, 720 to 724, 730 to 732, 740, 741, 750, 760 to 762, 770 to 774, 776, and 792 to 794 of this title, section 1904 [now 3904] of Title 38, Veterans' Benefits, and sections 6001, 6008 to 6012, 6031 to 6033, 6061 to 6065, 6067, 6081, and 6862 of Title 42, repealing sections 764, 786, and 787 of this title and section 6007 of Title 42, omitting sections 6041 to 6043 of Title 42, enacting provisions set out as notes under sections 713 and 795 of this title and sections 6000 and 6001 of Title 42, and repealing a provision set out as a note under section 6001 of Title 42] may be cited as the 'Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978'."

#### SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-230, §1, Mar. 15, 1976, 90 Stat. 211, provided that: "This Act [amending sections 720, 732, 741, 761, 771, 772, 774, 775, 783, 785, and 792 of this title and enacting provisions set out as a note under section 720 of this title] may be cited as the 'Rehabilitation Act Extension of 1976'."

#### SHORT TITLE OF 1974 AMENDMENT

Pub. L. 93-516, title I, §100, Dec. 7, 1974, 88 Stat. 1617, provided that: "This title [amending sections 702, 706, 720 to 722, 732, 741, 750, 761, 762, 771, 772, 774 to 776, 783, 785, and 792 of this title and enacting provisions set out as a note under section 702 of this title] shall be known as the 'Rehabilitation Act Amendments of 1974'."

An identical provision is contained in Pub. L. 93-651, title I, §100, Nov. 21, 1974, 89 Stat. 2-3. See Codification note above.

#### SHORT TITLE

Section 1 of Pub. L. 93-112 provided that Pub. L. 93-112, which enacted this chapter and repealed sections 31 to 41c and 42-1 to 42b of this title, may be cited as the "Rehabilitation Act of 1973".

Section 601 of title VI of Pub. L. 93-112, as added by Pub. L. 95-602, title II, §201, Nov. 6, 1978, 92 Stat. 2989, and amended by Pub. L. 102-569, title I, §102(p)(34), Oct. 29, 1992, 106 Stat. 4360, provided that: "This title [adding subchapter VI of this chapter] may be cited as the 'Employment Opportunities for Handicapped Individuals Act'."

[Section 102(p)(34) of Pub. L. 102-569 which directed the substitution of "Disabilities" for "Handicaps" in section 601 of Pub. L. 93-112, set out above, could not be executed because the word "Handicaps" did not appear.]

#### WHITE HOUSE CONFERENCE ON HANDICAPPED INDIVIDUALS

Pub. L. 93-516, title III, Dec. 7, 1974, 88 Stat. 1631, as amended by Pub. L. 94-224, §§1, 2, Feb. 27, 1976, 90 Stat. 201, authorized the President to call a White House Conference on Handicapped Individuals not later than Dec. 7, 1977, to develop recommendations and stimulate a national assessment of problems, and solutions to such problems, facing individuals with handicaps, and established a National Planning Advisory Council to provide guidance and planning for the Conference which Council would cease to exist 120 days after submission of a final report to the President, such report to be submitted not later than 120 days following the date on which the Conference was called.

Identical provisions are contained in Pub. L. 93-651, title III, Nov. 21, 1974, 89 Stat. 2-16. See Codification note above.

#### EX. ORD. NO. 11758. DELEGATION OF AUTHORITY OF THE PRESIDENT

Ex. Ord. No. 11758, Jan. 15, 1974, 39 F.R. 2075, as amended by Ex. Ord. No. 11784, May 30, 1974, 39 F.R. 19443; Ex. Ord. No. 11867, June 19, 1975, 40 F.R. 26253; Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617, provided:

By virtue of the authority vested in me by section 301 of title 3 of the United States Code and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. The Director of the Office of Management and Budget is hereby designated and empowered to exercise, without approval, ratification, or other action of the President, the authority of the President under section 500(a) of the Rehabilitation Act of 1973 (87 Stat. 390, 29 U.S.C. 790) with respect to the transfer of unexpended appropriations.

SEC. 2. The Secretary of Labor is hereby designated and empowered to exercise, without approval, ratification, or other action of the President, the authority of the President (1) under section 503(a) of the Rehabilitation Act of 1973 [29 U.S.C. 793(a)] to prescribe regulations, after consultation with the Secretary of Defense and the Administrator of General Services, with respect to the employment of qualified handicapped individuals under Federal procurement contracts, and (2) under section 503(c) of that act [29 U.S.C. 793(c)] with respect to prescribing, by regulation, guidelines for waiving the requirements of section 503 of the act [29 U.S.C. 793]. Changes in any regulations prescribed by the Secretary pursuant to the preceding sentence shall be made only after consultation with the Secretary of Defense and the Administrator of General Services.

SEC. 3. The head of a Federal agency may, in conformity with the provisions of section 503(c) of the Rehabilitation Act of 1973 [29 U.S.C. 793(c)], and regulations issued by the Secretary of Labor pursuant to section 2 of this order, exempt any contract and, following consultation with the Secretary of Labor, any class of contracts, from the requirements of section 503 of the act [29 U.S.C. 793].

SEC. 4. The Federal Acquisition Regulations and, to the extent necessary, any supplemental or comparable regulation issued by any agency of the executive branch shall, following consultation with the Secretary of Labor, be amended to require, as a condition of entering into, renewing or extending any contract subject to the provisions of section 503 of the Rehabilitation Act of 1973 [29 U.S.C. 793], inclusion of a provision requiring compliance with that section and regulations issued by the Secretary pursuant to section 2 of this order.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 706 of this title.

## § 702. Rehabilitation Services Administration

### (a) Establishment; appointment and qualification of Commissioner; principal officer and principal agency; administrative responsibility; delegation of authority; guiding policies

There is established in the Office of the Secretary a Rehabilitation Services Administration which shall be headed by a Commissioner (hereinafter in this chapter referred to as the "Commissioner") appointed by the President by and with the advice and consent of the Senate. Except for subchapters IV and V and part A of subchapter VI of this chapter and as otherwise specifically provided in this chapter, such Administration shall be the principal agency, and the Commissioner shall be the principal officer, of such Department for carrying out this chapter. The Commissioner shall be an individual with substantial experience in rehabilitation and in rehabilitation program management. In the performance of the functions of the office, the Commissioner shall be directly responsible to the Secretary or to the Under Secretary or an appropriate Assistant Secretary of such Department, as designated by the Secretary. The functions of the Commissioner shall not be delegated to any officer not directly responsible, both with respect to program operation and administration, to the Commissioner. Any reference in this chapter to duties to be carried out by the Commissioner shall be considered to be a reference to duties to be carried out by the Secretary acting through the Commissioner. In carrying out any of the functions of the office under this chapter, the Commissioner shall be guided by general policies of the National Council on Disability established under subchapter IV of this chapter.

### (b) Expenditure of funds only for programs, personnel, and administration of programs carried out under this chapter

The Secretary shall take whatever action is necessary to insure that funds appropriated pursuant to this chapter, as well as unexpended appropriations for carrying out the Vocational Rehabilitation Act, are expended only for the programs, personnel, and administration of programs carried out under this chapter.

### (c) Staffing requirements

The Secretary shall take such action as necessary to ensure that—

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

(2) such staff includes individuals who have training and experience in the provision of rehabilitation services and that staff competencies meet professional standards.

(Pub. L. 93-112, § 3, Sept. 26, 1973, 87 Stat. 357; Pub. L. 93-516, title I, § 101(a), Dec. 7, 1974, 88 Stat. 1617; Pub. L. 93-651, title I, § 101(a), Nov. 21, 1974, 89 Stat. 2-3; Pub. L. 95-602, title I, § 122(a)(2), (3), Nov. 6, 1978, 92 Stat. 2984; Pub. L. 99-506, title I, § 102, title X, § 1001(a)(1), Oct. 21, 1986, 100 Stat. 1808, 1841; Pub. L. 100-630, title II, § 201(a), Nov. 7, 1988, 102 Stat. 3303.)

## REFERENCES IN TEXT

The Vocational Rehabilitation Act, referred to in subsec. (b), is act June 2, 1920, ch. 219, 41 Stat. 735, which was classified generally to chapter 4 (§ 31 et seq.) of this title and was repealed by section 500(a) of the Rehabilitation Act of 1973, Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 357. The Rehabilitation Act of 1973 is classified generally to this chapter. Section 500(a), which was classified to section 790 of this title, provided in part that references to the Vocational Rehabilitation Act in any other provision of law be deemed references to the Rehabilitation Act of 1973.

## CODIFICATION

For history of Pub. L. 93-651, which enacted amendments identical to Pub. L. 93-516, see Codification note set out under section 701 of this title.

## AMENDMENTS

1988—Subsec. (a). Pub. L. 100-630 substituted "National Council on Disability" for "National Council on the Handicapped".

1986—Subsec. (a). Pub. L. 99-506, § 1001(a)(1), which directed the substitution of "the functions of the office" for "his functions" in third and sixth sentences was executed to fourth and seventh sentences in view of amendment by section 102(a) of Pub. L. 99-506.

Pub. L. 99-506, § 102(a), which directed the insertion after second sentence of provision that the Commissioner shall be an individual with substantial experience in rehabilitation and in rehabilitation program management, was executed by inserting that provision after second sentence of subsec. (a) as the probable intent of Congress.

Subsec. (c). Pub. L. 99-506, § 102(b), added subsec. (c).

1978—Subsec. (a). Pub. L. 95-602, § 122(a)(2), inserted "and part A of subchapter VI of this chapter" after "subchapters IV and V of this chapter" and provision deeming any reference in this chapter to the duties carried out by the Commissioner to be a reference to the duties carried out by the Secretary through the Commissioner and requiring the Commissioner to be guided by the policies of the National Council on the Handicapped.

Subsecs. (b), (c). Pub. L. 95-602, § 122(a)(3), redesignated subsec. (c) as (b). Former subsec. (b), which required the Secretary, through coordination with appropriate programs in the Department of Health, Education, and Welfare and consultation with the National Science Foundation and National Academy of Science, to develop innovative methods of applying advanced medical, scientific, psychological, and social knowledge to solve rehabilitation problems, and made the Secretary responsible for establishment of rehabilitation engineering research centers, was struck out.

1974—Subsec. (a). Pub. L. 93-516 substantially reenacted existing provisions, and in subsec. (a) as so reenacted, substituted reference to Office of the Secretary for reference to the Department of Health, Education, and Welfare, inserted requirement that the appointment of Commissioner be approved by the Senate, inserted provisions that the Commissioner shall be the principal officer of the Department for carrying out provisions of this chapter, that the Commissioner shall be directly responsible to the Secretary, Under Secretary, or Assistant Secretary, as the case may be, and that the functions of the Commissioner shall not be delegated to any officer not directly responsible to the Commissioner both with respect to program operation and administration, and struck out provisions relating to procedure for delegation of functions of the Commissioner to other officers.

Pub. L. 93-651 made identical amendment as made by Pub. L. 93-516.

## EFFECTIVE DATE OF 1974 AMENDMENT

Section 101(b) of Pub. L. 93-651 provided that: "The amendment made by subsection (a) [amending this section] shall be effective sixty days after the date of enactment of this Act [Nov. 21, 1974]."