

[title VIII, §402(a)(1)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 707 of this title prior to repeal by Pub. L. 105-220.

A prior section 706, Pub. L. 93-112, §7, Sept. 26, 1973, 87 Stat. 359; Pub. L. 93-516, title I, §111(a), Dec. 7, 1974, 88 Stat. 1619; Pub. L. 93-651, title I, §111(a), Nov. 21, 1974, 89 Stat. 2-5; Pub. L. 95-602, title I, §122(a)(4)-(8), Nov. 6, 1978, 92 Stat. 2984, 2985; Pub. L. 98-221, title I, §101, Feb. 22, 1984, 98 Stat. 17; Pub. L. 99-506, title I, §103(a), (b), (c)(1), (d)(1), (2)(A), (C), (e)-(h)(1), (i), (j), title X, §§1001(a)(3), 1002(a), Oct. 21, 1986, 100 Stat. 1809-1811, 1841, 1844; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100-259, §9, Mar. 22, 1988, 102 Stat. 31; Pub. L. 100-630, title II, §201(c), Nov. 7, 1988, 102 Stat. 3303; Pub. L. 101-336, title V, §512, July 26, 1990, 104 Stat. 376; Pub. L. 102-569, title I, §102(a)-(n), (p)(3), Oct. 29, 1992, 106 Stat. 4347-4350, 4356; Pub. L. 103-73, title I, §§102(1), 103, Aug. 11, 1993, 107 Stat. 718; Pub. L. 103-218, title IV, §404, Mar. 9, 1994, 108 Stat. 97, defined terms for purposes of this chapter, prior to repeal by Pub. L. 105-220, title IV, §403, Aug. 7, 1998, 112 Stat. 1093. See section 705 of this title.

A prior section 8 of Pub. L. 93-112 was renumbered section 10 and is classified to section 707 of this title.

Another prior section 8 of Pub. L. 93-112 was classified to section 707 of this title prior to repeal by Pub. L. 105-220.

§ 707. Nonduplication

In determining the amount of any State's Federal share of expenditures for planning, administration, 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.)

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

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.

(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.)

REFERENCES IN TEXT

Act of October 15, 1977, referred to in text, is Pub. L. 95-134, Oct. 15, 1977, 91 Stat. 1159, as amended, 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.

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.

§ 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) 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;
- (2) provide short-term training and technical instruction, including training for the personnel of community rehabilitation programs, centers for independent living, 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) Rules and regulations

The Commissioner may promulgate such regulations as are considered appropriate to carry out the Commissioner's duties under this chapter.

(d) Regulations for implementation of order of selection for vocational rehabilitation services

The Secretary 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.

(e) Regulations to implement amendments

Not later than 180 days after August 7, 1998, the Secretary shall receive public comment and promulgate regulations to implement the amendments made by the Rehabilitation Act Amendments of 1998.

(f) Limitation on regulations

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

(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.)

REFERENCES IN TEXT

The Rehabilitation Act Amendments of 1998, referred to in subsec. (e), is title IV of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 1092. For complete classification of this Act to the Code, see 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.

§ 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

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 2871(d) of this title and that pertains to the employment of individuals with disabilities.

(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.)

PRIOR PROVISIONS

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

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.

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 Re-