

Public Law 102-52
102d Congress

An Act

June 6, 1991
[H.R. 2127]

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

Rehabilitation
Act
Amendments
of 1991.
Handicapped.
29 USC 701
note.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rehabilitation Act Amendments of 1991".

SEC. 2. VOCATIONAL REHABILITATION SERVICES.

(a) STATE ALLOTMENTS FOR BASIC VOCATIONAL REHABILITATION SERVICES.—

(1) **IN GENERAL.**—Section 100(b)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(b)(1)) is amended—

(A) in subparagraph (A), in the first sentence—

(i) by striking "is authorized" and inserting "are authorized";

(ii) by striking "and" after "1990,"; and

(iii) by inserting before the period the following:
", and 1992";

(B) in subparagraph (B), in the first sentence, by striking "1991" and inserting "1992"; and

(C) in subparagraph (C)—

(i) by striking "and" after "1990,"; and

(ii) by inserting before the period the following:
", and \$1,875,512,100 for fiscal year 1992".

(2) **AUTOMATIC EXTENSION OF PROGRAM FOR 1 YEAR.**—Section 100(d)(1)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 720(d)(1)(B)) is amended by striking "1991" each place such term appears and inserting "1992".

(b) STATE ALLOTMENTS FOR INNOVATION AND EXPANSION.—

(1) **IN GENERAL.**—Section 100(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 720(b)(2)) is amended—

(A) by striking "and" after "1990,"; and

(B) by inserting "and 1992" before the period.

(2) **PAYMENTS.**—Section 121(b) of the Rehabilitation Act of 1973 (29 U.S.C. 741(b)) is amended in the first sentence by striking "1991" and inserting "1992".

(c) CLIENT ASSISTANCE PROGRAM.—Section 112(i) of the Rehabilitation Act of 1973 (29 U.S.C. 732(i)) is amended—

(1) by striking "and" after "1990,"; and

(2) by inserting after "1991," the following: "and such sums as may be necessary for fiscal year 1992,".

SEC. 3. RESEARCH AND TRAINING.

Section 201(a) of the Rehabilitation Act of 1973 (29 U.S.C. 761(a)) is amended—

- (1) in paragraph (1), by striking “1991” and inserting “1992”; and
- (2) in paragraph (2)—
- (A)(i) by striking “and” after “1990,” the first place such term appears; and
- (ii) by inserting after “1991” the first place such term appears the following: “, and such sums as may be necessary for fiscal year 1992”; and
- (B)(i) by striking “and” after “1990,” the second place such term appears; and
- (ii) by inserting after “1991” the second place such term appears the following: “, and such sums as may be necessary for fiscal year 1992”.

SEC. 4. SUPPLEMENTARY SERVICES AND FACILITIES.

(a) **CONSTRUCTION OF REHABILITATION FACILITIES.**—Section 301(a) of the Rehabilitation Act of 1973 (29 U.S.C. 771(a)) is amended in the first sentence—

- (1) by striking “and” after “1990,”; and
- (2) by inserting “, and 1992” before the period.

(b) **VOCATIONAL TRAINING SERVICES.**—Section 302(a) of the Rehabilitation Act of 1973 (29 U.S.C. 772(a)) is amended—

- (1) by striking “and” after “1990,”; and
- (2) by inserting “, and 1992” before the period.

(c) **TRAINING.**—Section 304(f) of the Rehabilitation Act of 1973 (29 U.S.C. 774(f)) is amended in the first sentence—

- (1) by striking “and” after “1990,”;
- (2) by inserting before the period the following: “, and such sums as may be necessary for fiscal year 1992”; and
- (3) by striking “the fiscal year” each place such term appears and inserting “fiscal year”.

(d) **COMPREHENSIVE REHABILITATION CENTERS.**—Section 305(g) of the Rehabilitation Act of 1973 (29 U.S.C. 775(g)) is amended—

- (1) by striking “and” after “1990,”; and
- (2) by inserting “, and 1992” before the period.

(e) **SPECIAL PROJECTS AND SUPPLEMENTARY SERVICES.**—

(1) **IN GENERAL.**—Section 310(a) of the Rehabilitation Act of 1973 (29 U.S.C. 777(a)) is amended—

- (A) by striking “and” after “1990,”; and
- (B) by inserting before the period the following: “, and such sums as may be necessary for fiscal year 1992”.

(2) **CERTAIN SPECIAL DEMONSTRATION PROGRAMS.**—

(A) Section 311(d)(4) of the Rehabilitation Act of 1973 (29 U.S.C. 777a(d)(4)) is amended—

- (i) by striking “and” after “1990,”;
- (ii) by inserting before the period the following: “, and such sums as may be necessary for fiscal year 1992”; and
- (iii) by striking “the fiscal year” each place such term appears and inserting “fiscal year”.

(B) Section 311(e)(5) of the Rehabilitation Act of 1973 (29 U.S.C. 777a(e)(5)) is amended—

- (i) by striking “and” after “1990,”; and
- (ii) by inserting after “1991” the following: “, and such sums as may be necessary for fiscal year 1992”.

(3) **SPECIAL RECREATIONAL PROGRAMS.**—Section 316(b) of the Rehabilitation Act of 1973 (29 U.S.C. 777f(b)) is amended—

- (A) by striking “and” after “1990,”; and
 (B) by inserting after “1991” the following: “, and such sums as may be necessary for fiscal year 1992”.

SEC. 5. NATIONAL COUNCIL ON DISABILITY.

Section 405 of the Rehabilitation Act of 1973 (29 U.S.C. 785) is amended—

- (1) by striking “and” after “1990,”; and
 (2) by inserting “, and 1992” before the period.

SEC. 6. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

Section 502(i) of the Rehabilitation Act of 1973 (29 U.S.C. 792(i)) is amended by striking “such sums” and all that follows and inserting the following: “such sums as may be necessary for each of the fiscal years 1987 through 1992, but in no event shall the amount appropriated for any one fiscal year exceed \$3,000,000.”.

SEC. 7. EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH HANDICAPS.

(a) **COMMUNITY SERVICE EMPLOYMENT PILOT PROGRAMS.**—Section 617 of the Rehabilitation Act of 1973 (29 U.S.C. 795f) is amended—

- (1) by striking “and” after “1990,”; and
 (2) by inserting “, and 1992” before the period.

(b) **PROJECTS WITH INDUSTRY AND BUSINESS OPPORTUNITIES.**—Section 623 of the Rehabilitation Act of 1973 (29 U.S.C. 795i) is amended—

(1)(A) by striking “and” after “1990,” the first place such term appears; and

(B) by inserting after “1991,” the first place such term appears the following: “and such sums as may be necessary for fiscal year 1992,”; and

(2)(A) by striking “and” after “1990,” the second place such term appears; and

(B) by inserting “, and 1992” before the period.

(c) **SUPPORTED EMPLOYMENT SERVICES.**—Section 638 of the Rehabilitation Act of 1973 (29 U.S.C. 795q) is amended—

(1) by striking “and” after “1990,”; and

(2) by inserting before the period the following: “, and such sums as may be necessary for fiscal year 1992”.

SEC. 8. COMPREHENSIVE SERVICES FOR INDEPENDENT LIVING.

(a) **COMPREHENSIVE SERVICES.**—Section 741(a) of the Rehabilitation Act of 1973 (29 U.S.C. 796i(a)) is amended—

(1) by striking “and” after “1990,”; and

(2) by inserting before the period the following: “, and such sums as may be necessary for fiscal year 1992”.

(b) **CENTERS FOR INDEPENDENT LIVING.**—Section 741(b) of the Rehabilitation Act of 1973 (29 U.S.C. 796i(b)) is amended—

(1) by striking “and” after “1990,”; and

(2) by inserting before the period the following: “, and such sums as may be necessary for fiscal year 1992”.

(c) **INDEPENDENT LIVING SERVICES FOR OLDER BLIND INDIVIDUALS.**—Section 741(c) of the Rehabilitation Act of 1973 (29 U.S.C. 796i(c)) is amended—

(1) by striking “and” after “1990,”; and

(2) by inserting before the period the following: “, and such sums as may be necessary for fiscal year 1992”.

(d) **GENERAL PROVISIONS.**—Section 741(d)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 796i(d)) is amended—

- (1) by striking “and” after “1990,”; and
- (2) by inserting “, and 1992” before the period.

SEC. 9. EXTENSION OF PROGRAMS OF CERTAIN OTHER ACTS.

(a) **HELEN KELLER NATIONAL CENTER ACT.**—Section 205(a) of the Helen Keller National Center Act (29 U.S.C. 1904(a)) is amended by striking “1991” and inserting “1992”.

(b) **PRESIDENT’S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES.**—The first section of the joint resolution approved July 11, 1949 (63 Stat. 409; chapter 302), is amended—

- (1) by striking “and” after “1990,”; and
- (2) by inserting after “1991,” the following: “and 1992,”.

SEC. 10. DIFFERENTIAL FUNDING.

Section 675 of the Individuals With Disabilities Education Act (20 U.S.C. 1475) is amended by adding at the end the following new subsection:

Inter-
governmental
relations.

“(e) **DIFFERENTIAL FUNDING FOR FOURTH OR FIFTH YEAR.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of this part, a State shall be eligible for a grant under section 673 for fiscal years 1990, 1991, or 1992 if—

“(A) the State satisfies the eligibility criteria described in subsection (b)(1) pertaining to the State’s third or fourth year of participation under this part; and

“(B) the Governor, on behalf of the State, submits, by a date that the Secretary may establish for each such year, a request for extended participation, including—

“(i) information demonstrating to the Secretary’s satisfaction that the State is experiencing significant hardships in meeting the requirements of this section for the fourth or fifth year of participation; and

“(ii) a plan, including timelines, for meeting the eligibility criteria described in subsections (b)(1) and (c) for the fourth, fifth, or succeeding years of participation.

“(2) **APPROVAL OF REQUEST.**—

“(A) **FIRST YEAR.**—The Secretary shall approve a State’s request for a first year of extended participation under this subsection if the State meets the requirements of paragraph (1).

“(B) **SECOND YEAR.**—The Secretary shall approve a State’s request for a second year of extended participation under this subsection if the State—

“(i) meets the requirements of paragraph (1); and

“(ii) demonstrates to the Secretary’s satisfaction that the State has made reasonable progress in implementing the plan described in paragraph (1)(B)(ii).

“(3) **DURATION.**—The Secretary may not approve more than two requests from the same State for extended participation under this subsection.

“(4) **PAYMENT.**—

“(A) **FISCAL YEAR 1990.**—Notwithstanding any other provision of law, each State qualifying for extended participation under this subsection for fiscal year 1990 shall

receive a payment under this part in an amount equal to such State's payment under this part for fiscal year 1989.

“(B) FISCAL YEAR 1991 OR 1992.—Except as provided in subparagraph (C) and notwithstanding any other provision of law, each State qualifying for extended participation under this subsection for fiscal year 1991 or fiscal year 1992 shall receive a payment for such fiscal years in an amount equal to the payment such State would have received under this part for fiscal year 1990 if such State had met the criteria for the fourth year of participation described in subsection (b)(1).

“(C) MINIMUM.—Beginning in fiscal year 1991, the payment under this part to each of the 50 States, the District of Columbia, and Puerto Rico shall not be less than \$500,000.

“(5) REALLOTMENT.—

“(A) FISCAL YEAR 1990.—The amount by which the allotment computed under section 684 for any State for fiscal year 1990 exceeds the amount that such State may be allotted under paragraph (4)(A) of this subsection (and, notwithstanding section 684(d), any fiscal year 1990 funds allotted to any State that such State elects not to receive) shall be reallocated, notwithstanding the percentage limitations set forth in sections 684 (a) and (b), among those States satisfying the eligibility criteria of subsection (b)(1) for the fourth year of participation that have submitted an application by a date that the Secretary may establish in an amount which bears the same ratio to such amount as the amount of such State's allotment under section 684 as modified by this subsection in such fiscal year bears to the amount of all such States' allotment under section 684 as modified by this subsection in such fiscal year.

“(B) FISCAL YEAR 1991 OR 1992.—The amount by which a State's allotment computed under section 684 for any State for fiscal years 1991 or 1992 exceeds the amount that such State may be allotted for such fiscal year under paragraph (4)(B) of this subsection shall be reallocated, notwithstanding the percentage limitations set forth in section 684 (a) and (b)—

“(i) first, among those States satisfying the eligibility criteria of subsection (c) for the fifth year of participation that have submitted applications by a date that the Secretary may establish for each such year in an amount which bears the same ratio to such amount as the amount of such State's allotment under section 684 as modified by this subsection in such fiscal year bears to the amount of all such States' allotment under section 684 as modified by this subsection in such fiscal year, except that no such State, by operation of this clause, shall receive an increase of more than 100 percent over the amount such State would have otherwise received under section 684 for the previous fiscal year;

“(ii) second, if funds remain, among those States that have—

“(I) satisfied the eligibility criteria of subsection (b)(1) for the fourth year of participation;

“(II) qualified for extended participation under this subsection; and

“(III) not received a reallocation payment under clause (i),

in an amount which bears the same ratio to such amount as the amount of such State’s allotment under section 684 as modified by this subsection in such fiscal year bears to the amount of all such States’ allotment under section 684 as modified by this subsection in such fiscal year, except that no State, by operation of this clause, shall receive a reallocation payment that is larger than the payment such State would otherwise have received under section 684 for such year; and

“(iii) third, if funds remain, among those States satisfying the eligibility criteria of subsection (c) for the fifth year of participation that did not receive a reallocation payment under clause (ii) in an amount which bears the same ratio to such amount as the amount of such State’s allotment under section 684 as modified by this subsection in such fiscal year bears to the amount of all such States’ allotment under section 684 as modified by this subsection in such fiscal year.

“(6) DEFINITIONS.—For the purpose of this subsection, the term ‘State’ means—

“(A) each of the 50 States, the District of Columbia, and Puerto Rico;

“(B) each of the jurisdictions listed in section 684(a); and

“(C) the Department of the Interior.”

Approved June 6, 1991.

LEGISLATIVE HISTORY—H.R. 2127:

CONGRESSIONAL RECORD, Vol. 137 (1991):
May 20, considered and passed House.
May 21, considered and passed Senate.