

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.

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

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

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.

(c) Longitudinal study

(1) To assess the linkages between vocational rehabilitation services and economic and non-economic outcomes, the Secretary of Education shall continue to conduct a longitudinal study of a national sample of applicants for the services.

(2) The study shall address factors related to attrition and completion of the program through which the services are provided and factors within and outside the program affecting results. Appropriate comparisons shall be used to contrast the experiences of similar persons who do not obtain the services.

(3) The study shall be planned to cover the period beginning on the application of individuals with disabilities for the services, through the eligibility determination and provision of services for the individuals, and a further period of not less than 2 years after the termination of services.

(d) Information on exemplary practices

(1) The Commissioner shall identify and disseminate information on exemplary practices concerning vocational rehabilitation.

(2) To facilitate compliance with paragraph (1), the Commissioner shall conduct studies and analyses that identify exemplary practices concerning vocational rehabilitation, including studies in areas relating to providing informed choice in the rehabilitation process, promoting consumer satisfaction, promoting job placement and retention, providing supported employment, providing services to particular disability populations, financing personal assistance services, providing assistive technology devices and assistive technology services, entering into cooperative agreements, establishing standards and certification for community rehabilitation programs, converting from nonintegrated to competitive integrated employment, and providing caseload management.

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

(1) 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 (a) and (b).

(2) The Administrator of the Administration for Community Living may carry out the authorities and shall carry out the responsibilities of the Commissioner described in subsections (a) and (d)(1), except that, for purposes of applying those subsections, a reference in those subsections to exemplary practices shall be considered to be a reference to exemplary practices concerning independent living services and centers for independent living.

(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), (b), and (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, § 14, formerly § 12, as added Pub. L. 105–220, title IV, § 403, Aug. 7, 1998, 112 Stat. 1110; renumbered § 14, 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, § 407(a), July 22, 2014, 128 Stat. 1638.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to this section were contained in section 713 of this title prior to repeal by Pub. L. 105–220.

A prior section 711, Pub. L. 93–112, § 12, as added Pub. L. 95–602, title I, § 122(a)(10), Nov. 6, 1978, 92 Stat. 2985; amended Pub. L. 99–506, title I, § 104, title X, § 1001(a)(4), Oct. 21, 1986, 100 Stat. 1811, 1841; Pub. L. 100–630, title II, § 201(e), Nov. 7, 1988, 102 Stat. 3304; Pub. L. 102–569, title I, § 105, Oct. 29, 1992, 106 Stat. 4361, related to administration of this chapter, prior to repeal by Pub. L. 105–220, title IV, § 403, Aug. 7, 1998, 112 Stat. 1093. See section 709 of this title.

A prior section 14 of Pub. L. 93–112 was renumbered section 16 and is classified to section 713 of this title.

Another prior section 14 of Pub. L. 93–112 was classified to section 713 of this title prior to repeal by Pub. L. 105–220.

AMENDMENTS

2014—Pub. L. 113–128, § 407(a)(1), inserted “of Education” after “Secretary” wherever appearing.

Subsec. (b). Pub. L. 113–128, § 407(a)(3)(A)–(C), designated existing provisions as par. (1), redesignated subsec. (c) as par. (2), and redesignated subsec. (d) as par. (3).

Subsecs. (c), (d). Pub. L. 113–128, § 407(a)(3)(D), redesignated subsecs. (e) and (f) as (c) and (d), respectively. Former subsecs. (c) and (d) redesignated pars. (2) and (3), respectively, of subsec. (b).

Subsecs. (e), (f). Pub. L. 113–128, § 407(a)(4), added subsecs. (e) and (f). Former subsecs. (e) and (f) redesignated (c) and (d), respectively.

Subsec. (f)(2). Pub. L. 113–128, § 407(a)(2), inserted “competitive” after “nonintegrated to”.

§ 712. Information clearinghouse

(a) Establishment; information and resources for individuals with disabilities

The Secretary of Education shall establish a central clearinghouse for information and resource availability for individuals with disabilities which shall provide information and data regarding—

(1) the location, provision, and availability of services and programs for individuals with disabilities, including such information and data provided by State workforce development boards regarding such services and programs authorized under title I of such Act;¹

(2) research and recent medical and scientific developments bearing on disabilities (and their prevention, amelioration, causes, and cures); and

(3) the current numbers of individuals with disabilities and their needs.

The clearinghouse shall also provide any other relevant information and data which the Secretary of Education considers appropriate.

(b) Information and data retrieval system

The Commissioner may assist the Secretary of Education to develop within the Department of Education a coordinated system of information and data retrieval, which will have the capacity and responsibility to provide information regarding the information and data referred to in subsection (a) of this section to the Congress, public and private agencies and organizations, individuals with disabilities and their families, professionals in fields serving such individuals, and the general public.

(c) Office of Information and Resources for Individuals with Disabilities

The office established to carry out the provisions of this section shall be known as the “Office of Information and Resources for Individuals with Disabilities”.

(d) Authorization of appropriations

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

(Pub. L. 93–112, § 15, formerly § 13, as added Pub. L. 105–220, title IV, § 403, Aug. 7, 1998, 112 Stat. 1113; renumbered § 15, 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, § 407(b), July 22, 2014, 128 Stat. 1639.)

Editorial Notes

REFERENCES IN TEXT

Such Act, referred to in subsec. (a)(1), probably means the Workforce Investment Act of 1998, which is Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 936, and was repealed by Pub. L. 113–128, title V, §§ 506, 511(a), July 22, 2014, 128 Stat. 1703, 1705, effective July 1, 2015. Title I of the Act was classified principally to former chapter 30 (former § 2801 et seq.) of this title. Pursuant to section 3361(a) of this title, references to a provision of the

¹ See References in Text note below.

Workforce Investment Act of 1998 are deemed to refer to the corresponding provision of the Workforce Innovation and Opportunity Act, Pub. L. 113–128, July 22, 2014, 128 Stat. 1425. For complete classification of the Workforce Investment Act of 1998 to the Code, see Tables. For complete classification of the Workforce Innovation and Opportunity 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 714 of this title prior to repeal by Pub. L. 105–220.

A prior section 712, Pub. L. 93–112, § 13, as added Pub. L. 95–602, title I, § 122(a)(10), Nov. 6, 1978, 92 Stat. 2985; amended Pub. L. 98–221, title I, § 102, Feb. 22, 1984, 98 Stat. 17; Pub. L. 99–506, title I, § 105, Oct. 21, 1986, 100 Stat. 1812; Pub. L. 102–569, title I, §§ 102(p)(4), 106, Oct. 29, 1992, 106 Stat. 4356, 4362; Pub. L. 104–66, title I, § 1042(c), Dec. 21, 1995, 109 Stat. 715, related to reports to President and Congress, prior to repeal by Pub. L. 105–220, title IV, § 403, Aug. 7, 1998, 112 Stat. 1093. See section 710 of this title.

A prior section 15 of Pub. L. 93–112 was renumbered section 17 and is classified to section 714 of this title.

Another prior section 15 of Pub. L. 93–112 was classified to section 714 of this title prior to repeal by Pub. L. 105–220.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113–128, § 407(b)(1)(A), inserted “of Education” after “Secretary” in introductory and concluding provisions.

Subsec. (a)(1). Pub. L. 113–128, § 407(b)(1)(B), substituted “State workforce development boards” for “State workforce investment boards”.

Subsec. (b). Pub. L. 113–128, § 407(b)(2), substituted “Secretary of Education” for “Secretary”.

§ 713. Transfer of funds

(a) Except as provided in subsection (b) of this section, no funds appropriated under this chapter for any program or activity may be used for any purpose other than that for which the funds were specifically authorized.

(b) No more than 1 percent of funds appropriated for discretionary grants, contracts, or cooperative agreements authorized by this chapter may be used for the purpose of providing non-Federal panels of experts to review applications for such grants, contracts, or cooperative agreements.

(Pub. L. 93–112, § 16, formerly § 14, as added Pub. L. 105–220, title IV, § 403, Aug. 7, 1998, 112 Stat. 1113; renumbered § 16, Pub. L. 105–277, div. A, § 101(f) [title VIII, § 402(a)(1)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–412.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to this section were contained in section 715 of this title prior to repeal by Pub. L. 105–220.

A prior section 713, Pub. L. 93–112, § 14, as added Pub. L. 95–602, title I, § 122(a)(10), Nov. 6, 1978, 92 Stat. 2986; amended Pub. L. 98–221, title I, § 103, Feb. 22, 1984, 98 Stat. 17; Pub. L. 99–506, title I, §§ 103(d)(2)(C), 106, title X, § 1001(a)(5), Oct. 21, 1986, 100 Stat. 1810, 1812, 1841; Pub. L. 100–630, title II, § 201(f), Nov. 7, 1988, 102 Stat. 3304; Pub. L. 102–569, title I, §§ 102(p)(5), 107, Oct. 29, 1992, 106 Stat. 4356, 4362, related to program and project evaluation, prior to repeal by Pub. L. 105–220, title IV, § 403, Aug. 7, 1998, 112 Stat. 1093. See section 711 of this title.

A prior section 16 of Pub. L. 93–112 was renumbered section 18 and is classified to section 715 of this title.