

Public Law 103-73
103d Congress

An Act

Aug. 11, 1993
[S. 1295]Rehabilitation
Act
Amendments of
1993.
Handicapped.
Inter-
governmental
relations.
29 USC 701 note.

To amend the Rehabilitation Act of 1973 and the Education of the Deaf Act of 1986 to make technical and conforming amendments to the Act, and for other purposes.

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 1993".

TITLE I—REHABILITATION ACT OF 1973**SEC. 101. REFERENCES.**

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

SEC. 102. REHABILITATION ACT AMENDMENTS OF 1992.

The Rehabilitation Act Amendments of 1992 (Public Law 102-569; 106 Stat. 4344 et seq.) is amended—

29 USC 706.

(1) in section 102(a)(2) (relating to a section 7(3)), by adding closing quotations after "101(a)(1)(A).";

29 USC 721.

(2) in section 102(p)(7)(E) (relating to a section 101(a)(13)(B)), by striking "conditions" and inserting "condition";

(3) in section 138(b) (29 U.S.C. 701 note), to read as follows:

"(b) COMPLIANCE.—Each State agency subject to the provisions of title I of the Rehabilitation Act of 1973 shall comply with the amendments made by this subtitle, as soon as is practicable after the date of enactment of this Act, consistent with the effective and efficient administration of the Rehabilitation Act of 1973, but not later than October 1, 1993."; and

29 USC 761a.

(4) in section 203(g)(5) (relating to a section 202(g)), by striking "adding at the end" and inserting "inserting after paragraph (3)".

SEC. 103. DEFINITIONS.

Section 7 (29 U.S.C. 706) is amended—

(1) in paragraph (3)—

(A) by striking "The term 'designated State unit' means" and inserting the following:

“(B) The term ‘designated State unit’ means”; and

(B) in subparagraph (B) (as designated by subparagraph (A) of this paragraph), in clause (ii), by striking “101(a)(B)(i)” and inserting “101(a)(1)(B)(i)”; and

(2) in paragraph (8)—

(A) in subparagraph (A), by striking “titles I, II, III, VI, and VIII” and inserting “title I, III, VI, or VIII”; and

(B) in subparagraph (B), by striking “IV and V” and inserting “II, IV, V, and VII”; and

(3) in paragraph (15)(A), in the matter preceding clause (i), by inserting a comma after “subparagraph (C)”; and

(4) in paragraph (18)(A)(ii)—

(A) by inserting “for the period, and any extension, described in paragraph (34)(C)” after “employment services”; and

(B) by striking “or” and inserting “and”; and

(C) by inserting “after the transition described in paragraph (27)(C)” after “extended services”; and

(5) in paragraph (26)(B), by striking “III, IV, V, and VIII” and inserting “IV, V, and VII”.

SEC. 104. CARRYOVER.

Section 19(a) (29 U.S.C. 718(a)) is amended to read as follows:

“(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law—

“(1) any funds appropriated for a fiscal year to carry out any grant program under part B or C of title I, section 509 (except as provided in section 509(b)), part C of title VI, part B or C of chapter 1 of title VII, or chapter 2 of title VII (except as provided in section 752(b)), including any funds reallocated under any such grant program, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year; or

“(2) any amounts of program income, including reimbursement payments under the Social Security Act (42 U.S.C. 301 et seq.), received by recipients under any grant program specified in paragraph (1) that are not obligated and expended by recipients prior to the beginning of the fiscal year succeeding the fiscal year in which such amounts were received,

shall remain available for obligation and expenditure by such recipients during such succeeding fiscal year.”.

SEC. 105. CLIENT ASSISTANCE INFORMATION.

Section 20 (29 U.S.C. 718a) is amended by striking “such individuals, or the parents,” and inserting “such individuals who are applicants for or recipients of the services, or the parents,”.

SEC. 106. TRADITIONALLY UNDERSERVED POPULATIONS.

Section 21(b) (29 U.S.C. 719b(b)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by redesignating the second paragraph (3) as paragraph (4).

SEC. 107. VOCATIONAL REHABILITATION SERVICES.

(a) STATE PLANS.—Section 101(a) (29 U.S.C. 721(a)) is amended—

29 USC 718b.

(1) in paragraph (10)(A), by striking “described in subparagraph (C)” and inserting “described in subparagraph (D)”;

(2) in paragraph (32), by inserting “or independent commission described in paragraph (36)” after “Council”;

(3) in paragraph (34)(B) by striking “part B” and inserting “section 110”; and

(4) in paragraph (36)—

(A) by amending subparagraph (B)(i) to read as follows:

“(i) is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State;” and

(B) in subparagraph (C)—

(i) by amending clause (i) to read as follows:

“(i) an independent commission is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation programs of both such agencies and meets the requirements of clauses (ii) and (iv) of subparagraph (B);” and

(ii) by striking clause (ii) and inserting the following:

“(ii)(I) an independent commission is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State for individuals who are blind, is consumer-controlled by and represents individuals who are blind, and undertakes the function set forth in section 105(c)(3); and

“(II) an independent commission is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State for all individuals with disabilities except for individuals who are blind and meets the requirements of clauses (ii) and (iv) of subparagraph (B); or

“(iii)(I) an independent commission is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State for individuals who are blind, is consumer-controlled by and represents individuals who are blind, and undertakes the function set forth in section 105(c)(3); and

“(II) the State has established a State Rehabilitation Advisory Council that meets the criteria set forth in section 105 and carries out the duties of such a Council with respect to functions for, and services provided to, individuals with disabilities except for individuals who are blind.”

(b) INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM.—Section 102 (29 U.S.C. 722) is amended—

(1) in subsection (a)(5)(B), by striking “section 7(22)(A)(iii)” and inserting “section 7(22)(A)(ii)”;

(2) in subsection (d)—

(A) in paragraph (2)(C)(ii)(I), by striking “who were appointed under one of subparagraphs (E) through (H) of section 105(b)(1);” and inserting “who were appointed under one of clauses (v) through (viii) of section 105(b)(1)(A), or under one of clauses (v) through (ix) of section 105(b)(1)(B), as appropriate;” and

(B) in paragraph (6)(B), by redesignating paragraphs (1) through (4) as clauses (i) through (iv), respectively.

(c) VOCATIONAL REHABILITATION SERVICES.—Section 103(a) (29 U.S.C. 723(a)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (D), by striking “a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select,” and inserting “qualified personnel, under State licensure laws, that are selected by the individual,”; and

(B) in subparagraph (F), by striking “a physician or licensed psychologist” and all that follows and inserting “qualified personnel under State licensure laws;”; and

(2) in paragraph (6), by striking “those individuals” and all that follows and inserting “those individuals determined to be blind after an examination by qualified personnel under State licensure laws;”.

(d) STATE REHABILITATION ADVISORY COUNCIL.—

(1) AMENDMENTS.—Section 105 (29 U.S.C. 725) is amended—

(A) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

“(1) COMPOSITION.—

“(A) IN GENERAL.—Except in the case of a separate Council established under subsection (a)(2), the Council shall be composed of—

“(i) at least one representative of the Statewide Independent Living Council established under section 705, which representative may be the chairperson or other designee of the Council;

“(ii) at least one representative of a parent training and information center established pursuant to section 631(e)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1431(e)(1));

“(iii) at least one representative of the client assistance program established under section 112;

“(iv) at least one vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs, who shall serve as an ex officio, nonvoting member of the Council if the counselor is an employee of the designated State agency;

“(v) at least one representative of community rehabilitation program service providers;

“(vi) four representatives of business, industry, and labor;

“(vii) representatives of disability advocacy groups representing a cross section of—

“(I) individuals with physical, cognitive, sensory, and mental disabilities; and

“(II) parents, family members, guardians, advocates, or authorized representatives, of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves; and

“(viii) current or former applicants for, or recipients of, vocational rehabilitation services.

"(B) SEPARATE COUNCIL.—In the case of a separate Council established under subsection (a)(2), the Council shall be composed of—

"(i) at least one representative described in subparagraph (A)(i);

"(ii) at least one representative described in subparagraph (A)(ii);

"(iii) at least one representative described in subparagraph (A)(iii);

"(iv) at least one vocational rehabilitation counselor described in subparagraph (A)(iv), who shall serve as described in such subparagraph;

"(v) at least one representative described in subparagraph (A)(v);

"(vi) four representatives described in subparagraph (A)(vi);

"(vii) at least one representative of a disability advocacy group representing individuals who are blind;

"(viii) at least one parent, family member, guardian, advocate, or authorized representative, of an individual who—

"(I) is an individual who is blind and has multiple disabilities; and

"(II) has difficulty in representing himself or herself or is unable due to disabilities to represent himself or herself; and

"(ix) applicants or recipients described in subparagraph (A)(viii).

"(C) EXCEPTION.—In the case of a separate Council established under subsection (a)(2), any Council that is required by State law, as in effect on the date of enactment of the Rehabilitation Act Amendments of 1992, to have fewer than 13 members shall be deemed to be in compliance with subparagraph (B) if the Council—

"(i) meets the requirements of subparagraph (B), other than the requirements of clauses (vi) and (ix) of such subparagraph; and

"(ii) includes at least—

"(I) one representative described in subparagraph (B)(vi); and

"(II) one applicant or recipient described in subparagraph (B)(ix)."; and

(ii) in paragraph (3)—

(I) in the first sentence, by striking "or the appropriate entity within the State responsible for making appointments"; and

(II) by inserting after the first sentence the following: "In the case of a State that, under State law, vests appointment authority in an entity in lieu of, or in conjunction with, the Governor, such as one or more houses of the State legislature, or an independent board that has general appointment authority, that entity shall make the appointments."; and

(B) in subsection (g), by inserting "(except for funds appropriated to carry out the client assistance program under section 112 and funds reserved pursuant to section

110(d) to carry out part D of this title)" before "to reimburse members".

(2) **EFFECTIVE DATE.**—In the case of a State that demonstrates to the satisfaction of the Secretary of Education that the State has designated a State agency to administer the part of the State plan under which vocational rehabilitation services are provided for individuals who are blind under section 101(a)(1)(A)(i) of the Rehabilitation Act of 1973, and has established by State law a separate Council to perform the duties of a State Rehabilitation Advisory Council with respect to such State agency, the Secretary may delay the effective date of all or part of section 105(b)(1)(B), as amended by paragraph (1), until October 1, 1994.

29 USC 725 note.

(e) **STATE ALLOTMENTS.**—Section 110(c) (29 U.S.C. 730(c)) is amended—

(1) in paragraph (2)—

(A) by striking "to pay for initial expenditures during"; and

(B) by inserting at the end the following: "The Commissioner shall make such amount available only if such other State will be able to make sufficient payments from non-Federal sources to pay for the non-Federal share of the cost of vocational rehabilitation services under the State plan for the fiscal year for which the amount was appropriated."; and

(2) by striking paragraph (4).

(f) **PAYMENTS TO STATES.**—Section 111(b) (29 U.S.C. 731(b)) is amended by moving paragraphs (1) and (2) 2 ems to the right.

(g) **CLIENT ASSISTANCE PROGRAM.**—Section 112 (29 U.S.C. 732) is amended—

(1) in the first sentence of subsection (a), by striking "facilities" and inserting "community rehabilitation programs"; and

(2) in subsection (e)(1)(D), by striking clause (ii) and inserting the following:

"(ii) For any fiscal year in which the total amount appropriated under subsection (h) exceeds the total amount appropriated under such subsection for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index For All Urban Consumers published by the Secretary of Labor under section 100(c)(1), the Secretary shall increase each of the minimum allotments under clause (i) by such percentage change in the Consumer Price Index For All Urban Consumers."

(h) **INNOVATION AND EXPANSION GRANTS.**—Section 124 (29 U.S.C. 744) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "this subsection" and inserting "paragraph (1)(B)"; and

(ii) in subparagraph (B), by striking "allotted" and inserting "allotted under paragraph (1)(A)"; and

(B) by striking paragraph (3) and inserting the following:

ing:

"(3) **ADJUSTMENT FOR INFLATION.**—For any fiscal year, beginning in fiscal year 1994, in which the total amount appropriated to carry out this part exceeds the total amount appropriated to carry out this part for the preceding fiscal year by a percentage greater than the most recent percentage change

in the Consumer Price Index For All Urban Consumers published by the Secretary of Labor under section 100(c)(1), the Commissioner shall increase the minimum allotment under paragraph (1)(B) by such percentage change in the Consumer Price Index For All Urban Consumers.”; and

(2) by striking subsection (b) and inserting the following:
 “(b) **PROPORTIONAL REDUCTION.**—To provide minimum allotments to States (as increased under subsection (a)(3)) under subsection (a)(1)(B), or to provide minimum allotments to States under subsection (a)(2)(B), the Commissioner shall proportionately reduce the allotments of the remaining States under subsection (a)(1)(A), with such adjustments as may be necessary to prevent the allotment of any such remaining State from being reduced to less than the minimum allotment for a State (as increased under subsection (a)(3)) under subsection (a)(1)(B), or the minimum allotment for a State under subsection (a)(2)(B), as appropriate.”.

SEC. 108. CLIENT INFORMATION.

Title I (29 U.S.C. 721 et seq.) is amended by adding at the end the following:

“PART E—VOCATIONAL REHABILITATION SERVICES CLIENT INFORMATION

29 USC 753.

“SEC. 140. REVIEW OF DATA COLLECTION AND REPORTING SYSTEM.

“(a) **REVIEW.**—The Commissioner shall conduct a comprehensive review of the current system for collecting and reporting data on clients of programs carried out under this Act, particularly data on clients of the programs carried out under this title.

“(b) **CONSIDERATIONS.**—

“(1) **CURRENT DATA.**—In conducting the review, the Commissioner shall examine the kind, quantity, and quality of the data that are currently collected and reported, taking into consideration the range of purposes that the data serve at the Federal, State, and local levels.

“(2) **ADDITIONAL INFORMATION.**—In conducting the review, the Commissioner shall examine the feasibility of collecting and reporting under the system information, if such information can be determined, with respect to each client participating in a program under this Act, regarding—

“(A) other programs in which the client participated during the 3 years before the date on which the client applied to participate in a program under this Act;

“(B) the number of jobs held, hours worked, and earnings received by the client during such 3 years;

“(C) the types of major and secondary disabilities of the client;

“(D) the dates of the onset of the disabilities;

“(E) the severity of the disabilities;

“(F) the source from which the client was referred to a program under this Act;

“(G) the hours worked by the client;

“(H) the size and industry code of the place of employment of the client at the time of entry into such a program and at the termination of services under the program;

“(I) the number of services provided to the client under the programs and the cost of each service;

“(J) the types of public support received by the client;

“(K) the primary sources of economic support and amounts of public assistance received by the client before and after receiving the services;

“(L) whether the client is covered by health insurance from any source and whether health insurance is available through the employer of the client;

“(M) the supported employment status of the client; and

“(N) the reasons for terminating the services received by the client.

“(c) **RECOMMENDATIONS.**—Based on the review, the Commissioner shall recommend improvements in the data collection and reporting system.

“(d) **VIEWS.**—In developing the recommendations, the Commissioner shall seek views of persons and entities providing or using such data, including State agencies, State Rehabilitation Advisory Councils, providers of vocational rehabilitation services, professionals in the field of vocational rehabilitation, clients and organizations representing clients, the National Council on Disability, other Federal agencies, non-Federal researchers, other analysts using the data, and other members of the public.

“(e) **PUBLICATION AND SUBMISSION OF REPORT.**—Not later than 18 months after the date of the enactment of the Rehabilitation Act Amendments of 1992 (Public Law 102-569), the Commissioner shall publish the recommendations in the Federal Register and shall prepare and submit a report containing the recommendations to the appropriate committees of Congress. The Commissioner shall not implement the recommendations earlier than 90 days after the date on which the Commissioner submits the report.

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publication.

“SEC. 141. EXCHANGE OF DATA.

29 USC 753a.

“(a) **EXCHANGE.**—The Secretary of Education and the Secretary of Health and Human Services shall enter into a memorandum of understanding for the purposes of exchanging data of mutual importance—

“(1) that concern clients of State vocational rehabilitation agencies; and

“(2) that are data maintained either by—

“(A) the Rehabilitation Services Administration, as required by section 13; or

“(B) the Social Security Administration, from its Summary Earnings and Records and Master Beneficiary Records.

“(b) **TREATMENT OF INFORMATION.**—For purposes of the exchange, the data described in subsection (a)(2)(B) shall not be considered return information (as defined in section 6103(b)(2) of the Internal Revenue Code of 1986) and, as appropriate, the confidentiality of all client information shall be maintained by both agencies.”

SEC. 109. RESEARCH AND TRAINING.

(a) **NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION.**—Section 202 (29 U.S.C. 761a) is amended—

(1) in subsection (b)—

(A) in paragraph (2)(D), by striking “the individuals” and inserting “such individuals”; and

(B) in paragraph (4)(D), by striking “individuals” and inserting “individuals described in subparagraph (C)”;

(2) in the fourth sentence of subsection (c)(2), by striking “In case of any vacancy in the office of the Director, the” and inserting “The”; and

(3) in subsection (g) in paragraph (3), by striking “and” at the end.

(b) RESEARCH.—Section 204 (29 U.S.C. 762) is amended—

(1) in subsection (a)—

(A) in the second sentence, by inserting “, including projects addressing the needs described in the State plans submitted under section 101 or 704 by State agencies” before the period at the end; and

(B) in the third sentence, by striking “, as described in the State plans submitted by the State agencies,”; and

(2) in subsection (b)—

(A) in paragraph (2)(G)(i), by striking “rehabilitation related” and inserting “rehabilitation-related”;

(B) in paragraph (3)—

(i) in subparagraph (B)(iii)(I), by striking “family centered” and inserting “family-centered”; and

(ii) in subparagraph (C)(i)—

(I) by striking “Assistance to Individuals” and inserting “Assistance for Individuals”; and

(II) by striking the comma after “representatives of the individuals”; and

(C) in paragraph (4)(A), by moving clause (iii) 2 ems to the right.

SEC. 110. TRAINING AND DEMONSTRATION PROJECTS.

(a) TRAINING.—Section 302 (29 U.S.C. 771a) is amended—

(1) in subsection (d)—

(A) in the second sentence, by striking “local employees, who are recruited from or reside in” and inserting “local residents, who are recruited from”; and

(B) by inserting after the second sentence a new sentence to read as follows: “Entities receiving grants to carry out projects under this subsection shall coordinate the activities carried out through the projects with the activities of State vocational rehabilitation agencies to promote the employment of the individuals trained to be rehabilitation technicians.”; and

(2) in subsection (h), to read as follows:

“(h) There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1993 through 1997.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 310 (29 U.S.C. 777) is amended by striking “sections 311(d), 311(e),” and inserting “sections 311(c), 311(d),”.

(c) SPECIAL DEMONSTRATION PROGRAMS.—Section 311 (29 U.S.C. 777a) is amended—

(1) in subsection (a)(1), by striking the comma at the end and inserting a semicolon; and

(2) in subsection (c)(1)(B) by inserting “and” before “(iii)”.

(d) SPECIAL RECREATIONAL PROGRAMS.—Section 316(a)(1) (29 U.S.C. 777f(a)(1)) is amended in the first sentence, by striking

Appropriation
authorization.

“handicapped individuals” and inserting “individuals with disabilities”.

SEC. 111. NATIONAL COUNCIL ON DISABILITY.

Section 403(a)(2) (29 U.S.C. 783(a)(2)) is amended by striking “seven” and inserting “eight”.

SEC. 112. RIGHTS AND ADVOCACY.

(a) **EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.**—Section 501(a) (29 U.S.C. 791(a)) is amended in the first sentence, by inserting a comma after “Veterans Affairs”.

(b) **ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.**—Section 502(a)(5)(A) (29 U.S.C. 792(a)(5)(A)) is amended by striking “the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382” and inserting “the daily equivalent of the rate of pay for level IV of the Executive Schedule under section 5315”.

(c) **RIGHTS AND ADVOCACY.**—Section 509 (29 U.S.C. 794e) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) need services that are beyond the scope of services authorized to be provided by the client assistance program under section 112; and”;

(2) by striking subsection (b) and inserting the following:

“(b) **APPROPRIATIONS LESS THAN \$5,500,000.**—For any fiscal year in which the amount appropriated to carry out this section is less than \$5,500,000, the Commissioner may make grants from such amount to eligible systems within States to plan for, develop outreach strategies for, and carry out protection and advocacy programs authorized under this section for individuals with disabilities who meet the requirements of paragraphs (1) and (2) of subsection (a).”;

(3) in subsection (c)—

(A) in paragraph (4)—

(i) in subparagraph (A), by striking “this subsection” and inserting “paragraph (3)(B)”; and

(ii) in subparagraph (B), by striking “allotted” and inserting “allotted under paragraph (3)(A)”; and

(B) by striking paragraph (5) and inserting the following:

“(5) **ADJUSTMENT FOR INFLATION.**—For any fiscal year, beginning in fiscal year 1994, in which the total amount appropriated to carry out this section exceeds the total amount appropriated to carry out this section for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index For All Urban Consumers published by the Secretary of Labor under section 100(c)(1), the Commissioner shall increase the minimum allotment under paragraphs (3)(B) and (4)(B) by such percentage change in the Consumer Price Index For All Urban Consumers.”;

(4) by striking subsection (d) and inserting the following:

“(d) **PROPORTIONAL REDUCTION.**—To provide minimum allotments to systems within States (as increased under subsection (c)(5)) under subsection (c)(3)(B), or to provide minimum allotments to systems within States (as increased under subsection (c)(5)) under subsection (c)(4)(B), the Commissioner shall proportionately reduce the allotments of the remaining systems within States under

subsection (c)(3), with such adjustments as may be necessary to prevent the allotment of any such remaining system within a State from being reduced to less than the minimum allotment for a system within a State (as increased under subsection (c)(5)) under subsection (c)(3)(B), or the minimum allotment for a State (as increased under subsection (c)(5)) under subsection (c)(4)(B), as appropriate.”;

(5) by redesignating subsection (i) as subsection (n);

(6) in subsection (i), to read as follows:

“(i) Notwithstanding subsection (n), a protection and advocacy system that—

“(1) received funds for fiscal year 1992, under section 731 of this Act, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992, to carry out a project; and

“(2) receives a continuation award for such project for fiscal year 1993, shall not be eligible to receive additional funds under this section for fiscal year 1993.”; and

(7) by striking subsection (j) and inserting the following:

“(j) ADMINISTRATIVE COST.—In any State in which an eligible system is located within a State agency, a State may use a portion of any allotment under subsection (c) for the cost of the administration of the system required by this section. Such portion may not exceed 5 percent of the allotment.”.

SEC. 113. AVAILABILITY OF SERVICES.

29 USC 795l.

Section 633 (29 U.S.C. 795l) is amended by striking “subsection (c) or (f)” and inserting “subsection (b) or (c)”.

SEC. 114. INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING.

(a) PURPOSE.—Section 701(3) (29 U.S.C. 796(3)) is amended by striking “other Federal programs” and inserting “other Federal law”.

(b) STATE PLAN.—Section 704(c)(2) (29 U.S.C. 796c(c)(2)) is amended by striking “programs under parts B and C” and inserting “a program under part B, and a program under part C in a case in which the program is administered by the State under section 723”.

29 USC 796d.

(c) STATEWIDE INDEPENDENT LIVING COUNCIL.—Section 705 (29 U.S.C. 795d) is amended—

(1) in the second sentence of subsection (a), by striking “another” and inserting “a”;

(2) in subsection (b)—

(A) by striking paragraph (4) and inserting the following:

“(4) QUALIFICATIONS.—

“(A) IN GENERAL.—The Council shall be composed of members—

“(i) who provide statewide representation;

“(ii) who represent a broad range of individuals with disabilities;

“(iii) who are knowledgeable about centers for independent living and independent living services; and

“(iv) a majority of whom are persons who are—

“(I) individuals with disabilities described in section 7(8)(B); and

“(II) not employed by any State agency or center for independent living.

“(B) VOTING MEMBERS.—A majority of the voting members of the Council shall be—

“(i) individuals with disabilities described in section 7(8)(B); and

“(ii) not employed by any State agency or center for independent living.”; and

(B) in paragraph (5)—

(i) in subparagraph (A), by inserting “voting” before “membership”; and

(ii) in subparagraph (B), by inserting “voting” before “member” each place the term appears; and

(3) in subsection (c)(1)—

(A) by striking “submit” and inserting “sign”; and

(B) by striking “designated State agency” and inserting “designated State unit”.

(d) RESPONSIBILITIES OF THE COMMISSIONER.—Section 706(c)(1) (29 U.S.C. 796d-1(c)(1)) is amended—

(1) in the first sentence, by striking “part C” and inserting “section 722”;

(2) by inserting after the second sentence the following: “The Commissioner shall annually conduct onsite compliance reviews of at least one-third of the designated State units that receive funding under section 723, and, to the extent necessary to determine the compliance of such a State unit with subsections (f) and (g) of section 723, centers that receive funding under section 723 in such State.”; and

(3) in the last sentence, by inserting “and such State units” after “select such centers”.

(e) INDEPENDENT LIVING SERVICES ALLOTMENTS.—Section 711 (29 U.S.C. 796e) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking “this subsection” and inserting “paragraph (1)(C)”; and

(ii) in subparagraph (B), by striking “allotted” and inserting “allotted under paragraph (1)(A)”; and

(B) by striking paragraph (3) and inserting the following:

“(3) ADJUSTMENT FOR INFLATION.—For any fiscal year, beginning in fiscal year 1994, in which the total amount appropriated to carry out this part exceeds the total amount appropriated to carry out this part for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index For All Urban Consumers published by the Secretary of Labor under section 100(c)(1), the Commissioner shall increase the minimum allotment under paragraph (1)(C) by such percentage change in the Consumer Price Index For All Urban Consumers.”; and

(2) by striking subsection (b) and inserting a new subsection (b) to read as follows:

“(b) PROPORTIONAL REDUCTION.—To provide allotments to States in accordance with subsection (a)(1)(B), to provide minimum allotments to States (as increased under subsection (a)(3)) under

subsection (a)(1)(C), or to provide minimum allotments to States under subsection (a)(2)(B), the Commissioner shall proportionately reduce the allotments of the remaining States under subsection (a)(1)(A), with such adjustments as may be necessary to prevent the allotment of any such remaining State from being reduced to less than the amount required by subsection (a)(1)(B)."

(f) PAYMENTS TO STATES FROM ALLOTMENTS.—Section 712(b) (29 U.S.C. 796e-1(b)) is amended by striking paragraph (3).

(g) AUTHORIZED USES OF FUNDS.—Section 713(3) (29 U.S.C. 796e-2(3)) is amended by inserting "that are in compliance with the standards and assurances set forth in subsections (b) and (c) of section 725" after "living".

(h) CENTERS FOR INDEPENDENT LIVING.—Section 721 (29 U.S.C. 796f) is amended—

(1) in subsection (b)(1)—

(A) by inserting "to eligible agencies, centers for independent living, and Statewide Independent Living Councils" after "assistance"; and

(B) by striking "of such funds" and inserting "of the funds appropriated to carry out this part for the fiscal year involved";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "Except as provided in subparagraphs (B) and (C) and after" and inserting "After"; and

(ii) by inserting ", and except as provided in subparagraphs (B) and (C)," after "made";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "this subsection" and inserting "paragraph (1)(C)"; and

(ii) in subparagraph (B), by striking "allotted" and inserting "allotted under paragraph (1)(A)"; and

(C) by adding a new paragraph (4) to read as follows:

"(4) PROPORTIONAL REDUCTION.—To provide allotments to States in accordance with paragraph (1)(B), to provide minimum allotments to States (as increased under paragraph (3)) under paragraph (1)(C), or to provide minimum allotments to States under paragraph (2)(B), the Commissioner shall proportionately reduce the allotments of the remaining States under paragraph (1)(A), with such adjustments as may be necessary to prevent the allotment of any such remaining State from being reduced to less than the amount required by paragraph (1)(B)."; and

(3) in subsection (e)—

(A) in paragraph (1)(A), by striking ", whichever is greater,"; and

(B) in paragraph (2)(B)—

(i) in the first sentence of clause (i)—

(I) by striking "Private nonprofit agencies" and inserting "Entities";

(II) by striking "if the agencies submit" and inserting "if the entities submit"; and

(III) by striking "agencies will meet the standards described in section 725(b) and" and inserting "entities will be private nonprofit agencies that meet the standards described in section 725(b), and"; and

(ii) by adding a new clause (iii) to read as follows:
“(iii) FUNDING METHOD.—In making awards under this subsection, the Secretary shall distribute funds in accordance with paragraphs (1), (2), and (4) of subsection (c), and subsection (d).”.

(i) GRANTS BY COMMISSIONER.—Section 722 (29 U.S.C. 796f-1) is amended—

(1) in subsection (c), by striking “is receiving funds under this part on” and inserting “has been awarded a grant under this part by”;

(2) in subsection (d)(1), by inserting “proposing to serve such region” after “qualified applicant”;

(3) by redesignating subsection (f) as subsection (g); and

(4) by inserting after subsection (e) the following:

“(f) NONRESIDENTIAL AGENCIES.—A center that provides or manages residential housing after October 1, 1994, shall not be considered to be an eligible agency under this section.”.

(j) GRANTS BY DESIGNATED STATE UNIT.—Section 723 (29 U.S.C. 796f-2) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A)(iii), by inserting before the period at the end the following: “, making such adjustments as may be necessary to accommodate State funding cycles such as 2-year funding cycles or State fiscal years that do not coincide with the Federal fiscal year”; and

(B) in paragraph (3), by inserting “eligible agencies in” before “the State in accordance”;

(2) in subsection (c), by striking “is receiving funds under this part on” and inserting “has been awarded a grant under this part by”;

(3) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively;

(4) by inserting after subsection (e) the following:

“(f) NONRESIDENTIAL AGENCIES.—A center that provides or manages residential housing after October 1, 1994, shall not be considered to be an eligible agency under this section.”;

(5) in subsection (g) (as redesignated by paragraph (3) of this subsection), in paragraph (2)(B), by striking “(h)” each place the term appears and inserting “(i)”; and

(6) in subsection (h) (as redesignated by paragraph (3) of this subsection), by striking the first sentence and inserting the following: “The director of the designated State unit shall annually conduct onsite compliance reviews of at least 15 percent of the centers for independent living that receive funding under this section in the State.”.

(k) CENTERS OPERATED BY STATE AGENCIES.—Section 724(b)(1)(A) (29 U.S.C. 796f-3(b)(1)(A)) is amended by striking “fiscal year 1993” and inserting “the fiscal year”.

(l) STANDARDS AND ASSURANCES.—Section 725(b)(2) (29 U.S.C. 796f-4(b)(2)) is amended—

(1) in the second sentence—

(A) by inserting “severe” before “disabilities who are members of”; and

(B) by striking “Act” and inserting “title”; and

(2) in the third sentence, by inserting “shall be determined by the center, and” before “shall not be based”.

(m) PROGRAMS OF GRANTS.—Section 752 (29 U.S.C. 796k) is amended—

(1) in subsection (a)(2), by striking “UNIT” and inserting “AGENCY”;

(2) in subsection (b), to read as follows:

“(b) CONTINGENT COMPETITIVE GRANTS.—Beginning with fiscal year 1993, in the case of any fiscal year for which the amount appropriated under section 753 is less than \$13,000,000, grants made under subsection (a) shall be—

“(1) discretionary grants made on a competitive basis to States; or

“(2) grants made on a noncompetitive basis to pay for the continuation costs of activities for which a grant was awarded—

“(A) under this chapter; or

“(B) under part C, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992.”; and

(3) in subsection (j)—

(A) by striking “and” at the end of paragraph (1)(A) and inserting “or”; and

(B) by striking “and” at the end of paragraph (2)(A)(i) and inserting “or”.

SEC. 115. TABLE OF CONTENTS.

The table of contents (Public Law 93-112; 87 Stat. 356) is amended—

(1) by adding after the items relating to title I the following:

“PART E—VOCATIONAL REHABILITATION SERVICES CLIENT INFORMATION

“Sec. 140. Review of data collection and reporting system.

“Sec. 141. Exchange of data.”;

and

(2) by striking the item relating to part B of title III and inserting the following:

“PART B—SPECIAL PROJECTS AND SUPPLEMENTARY SERVICES”.

Education of the
Deaf Act
Amendments of
1993.

TITLE II—EDUCATION OF THE DEAF ACT OF 1986

SEC. 201. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This title may be cited as the “Education of the Deaf Act Amendments of 1993”.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.).

SEC. 202. GENERAL AMENDMENT.

The Act (20 U.S.C. 4301 et seq.) is amended by striking “the Institute” each place that such appears and inserting “NTID”.

SEC. 203. AMENDMENTS TO TITLE I.

(a) SECTION 101.—Section 101(a) (20 U.S.C. 4301(a)) is amended by inserting a comma after “Hereafter”.

20 USC 4301
note.

(b) SECTION 102.—Section 102(b) (20 U.S.C. 4302(b)) is amended—

- (1) in paragraph (1), by striking “of Education”; and
- (2) in paragraph (2), by striking “but if invested” and inserting “but, if invested.”

(c) SECTION 103.—Section 103 (20 U.S.C. 4303) is amended—

(1) in subsection (a)—

(A) by striking “members selected as follows:” in paragraph (1) and inserting “members who shall include—”;

(B) by inserting a comma after “Association” in paragraph (1)(B);

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by redesignating the second sentence of paragraph (1) as paragraph (2); and

(2) in subsection (b)—

(A) by inserting a comma after “facilities” in paragraph (1);

(B) in paragraph (4)—

(i) by striking “or individuals who are” and inserting “or”; and

(ii) by striking the period at the end thereof and inserting in lieu thereof a semicolon; and

(C) by striking out “the provisions of” in paragraph (8).

(d) SECTION 104.—Section 104 (20 U.S.C. 4304) is amended—

(1) in the section heading, by striking “EDUCATIONAL” and inserting “EDUCATION”;

(2) in subsection (a)(1)—

(A) by striking “elementary and secondary programs” each place that such appears and inserting “elementary and secondary education programs”;

(B) by striking “and individuals who are” in subparagraph (A) and inserting “or”;

(C) by striking “non-English speaking” in subparagraph (B) and inserting “non-English-speaking”; and

(D) in subparagraph (C)—

(i) by striking “individuals” each place that such appears and inserting “students”;

(ii) in clause (i), by striking “deaf,” and inserting “deaf from the age of onset of deafness to age fifteen, inclusive, but not beyond the eighth grade or its equivalent,”; and

(iii) in clause (ii), by striking “deaf,” and inserting “deaf from grades nine through twelve, inclusive,”;

(3) in subsection (b)(1)—

(A) by striking “infants and children” in subparagraph (A) and inserting “infants, children, and youth”; and

(B) by striking the semicolon at the end of subparagraph (C) and inserting a period; and

(4) in subsection (b)(4)—

(A) by striking “programs” in subparagraph (A) and inserting “program”;

(B) by striking “students to and from those programs” in subparagraph (B) and inserting “the child to and from that program”; and

(C) by striking “decisions” in subparagraph (C)(iii) and inserting “a decision”.

(e) SECTION 105.—Section 105(b) (20 U.S.C. 4305(b)) is amended—

(1) in paragraph (2), by striking “shall” and inserting “will”; and

(2) in paragraph (4)—

(A) by striking “Elementary School and the Model” and inserting “Elementary School or the Model”; and

(B) by striking “and the Secretary” and inserting “except that the Secretary”.

20 USC 4331.

(f) SECTION 111.—Section 111 (20 U.S.C. 4311) is amended by striking “title” and inserting “part”.

20 USC 4332.

(g) SECTION 112.—Section 112 (20 U.S.C. 4312) is amended—

(1) in the section heading by striking “INSTITUTE” and inserting in lieu thereof “NATIONAL TECHNICAL INSTITUTE FOR THE DEAF”;

(2) in subsection (a)—

(A) by striking “Act” in paragraph (1) and inserting “part”; and

(B) by striking the first two commas in paragraph (2);

(3) in subsection (b)—

(A) in paragraph (3)—

(i) by striking “Secretary an annual report, including” and inserting “Secretary, not later than June 1 following the fiscal year for which the report is submitted, an annual report containing”;

(ii) by striking “which report” and inserting “which accounting”; and

(iii) by striking the comma after “Representatives”;

(B) by striking “and” at the end of paragraph (4);

(C) in paragraph (5)—

(i) by striking “and the Secretary” and inserting “except that the Secretary”; and

(ii) by striking the period at the end thereof and inserting a semicolon and “and”; and

(D) by striking “or individuals who are” in paragraph

(6) and inserting “or”; and

(4) in subsection (c), by inserting a comma after “If”.

SEC. 204. AMENDMENTS TO TITLE II.

(a) SECTION 201.—Section 201 (20 U.S.C. 4351) is amended—

(1) in paragraph (1)(B), by striking “United States; or” and inserting “United States; and”; and

(2) by striking paragraphs (3) and (5); and

(3) by redesignating paragraphs (4), (6), (7), (8), and (9) as paragraphs (3), (4), (5), (6), and (7), respectively.

(b) SECTION 203.—Subsection (b) of section 203 (20 U.S.C. 4353(b)) is amended to read as follows:

“(b) INDEPENDENT AUDIT.—Gallaudet University shall have an annual independent financial audit made of the programs and activities of the University. The institution of higher education with which the Secretary has an agreement under section 112 shall have an annual independent financial audit made of the programs and activities of such institution of higher education,

including NTID, and containing specific schedules and analyses for all NTID funds, as determined by the Secretary.

(c) SECTION 204.—Section 204 (20 U.S.C. 4354) is amended—

(1) in paragraph (1), by striking “first time” and inserting “first-time”;

(2) in paragraph (2)(G)—

(A) by striking “Individualized Education Programs” and inserting “individualized education programs”; and

(B) by inserting “or hard of hearing” after “children who are deaf”;

(3) in paragraph (3), to read as follows:

“(3)(A) The annual audited financial statements and auditor’s report of the University, as required under section 203, and (B) the annual audited financial statements and auditor’s report of the institution of higher education with which the Secretary has an agreement under section 112, including specific schedules and analyses for all NTID funds, as required under section 203, and such supplementary schedules presenting financial information for NTID for the end of the Federal fiscal year as determined by the Secretary.”; and

(4) in paragraph (6), by striking “Program is” and inserting “Program funds are”.

(d) SECTION 205.—Section 205(a) (20 U.S.C. 4355(a)) is amended—

(1) by inserting “or hard of hearing” after “individuals who are deaf”; and

(2) by striking “the provisions of”.

(e) SECTION 206.—Section 206(b) (20 U.S.C. 4356(b)) is amended by inserting “or hard of hearing” after “individuals who are deaf”.

(f) SECTION 207.—Section 207 (20 U.S.C. 4357) is amended—

(1) in subsection (c)(3), by striking “Advisory Board of NTID” and inserting “advisory group established under section 112”;

(2) in subsection (e), by striking “investment limitations and” and inserting “investment limitations or”; and

(3) in subsection (i), by striking “the provisions of the Education of the Deaf Act of 1986” and inserting “this Act as enacted on August 4, 1986”.

(g) SECTION 209.—Section 209 (20 U.S.C. 4359) is amended—

(1) in subsection (a), by striking “title II” and inserting “part B of title I”; and

(2) in subsection (b), by striking “the provisions of”.

(h) SECTION 210.—Section 210 (20 U.S.C. 4360) is amended— 20 USC 4359a.

(1) in subsection (b), by striking “75 percent beginning the academic year 1993–1994, and 90 percent beginning the academic year 1994–1995” and inserting “75 percent for the academic year 1993–1994 and 90 percent beginning with the academic year 1994–1995”; and

(2) in subsection (c)—

(A) by striking “Beginning the academic year 1993–1994 and thereafter” and inserting “Beginning with the academic year 1993–1994”; and

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(i) SECTION 211.—Section 211(a) (20 U.S.C. 4361(a)) is amended by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively. 20 USC 4360.

TITLE III—OTHER ACTS**SEC. 301. COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED.**

Section 1 of the Act entitled “An Act to Create a Committee on Purchases of Blind-made Products, and for other purposes”, approved June 25, 1938 (commonly known as the Wagner-O’Day Act; 41 U.S.C. 46) is amended by striking “From People Who Are Blind and Severely Disabled” and inserting “From People Who Are Blind or Severely Disabled”.

SEC. 302. INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Section 631(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1431(a)) is amended by redesignating the second paragraph (8), as added by section 912(a) of the Rehabilitation Act Amendments of 1992 (Public Law 102-569), as paragraph (9).

Approved August 11, 1993.

LEGISLATIVE HISTORY—S. 1295:

CONGRESSIONAL RECORD, Vol. 139 (1993):

July 27, considered and passed Senate.

Aug. 2, considered and passed House.