

Title V of the Workforce Investment Act of 2013 (WIA 2013)
Section by Section Analysis of Changes

Sec. 1. Short title; Table of Contents

No changes were made to this section.

Sec. 2. Findings and Purposes

Identifies the purposes of the title

Sec. 3. Disability Employment Services and Supports Administration

Changes the name of the Rehabilitation Services Administration to the Disability Employment Services and Supports Administration, and moves the Administration from the Department of Education to the Department of Labor. Directs the Secretary of Labor to ensure that there is sufficient staff to provide oversight and that staff have training and experience related to vocational rehabilitation services.

Sec. 4. Advance Funding

No changes were made to this section.

Sec. 5. Joint Funding

No changes were made to this section.

Sec. 7. Definitions

Includes new definitions.

Sec. 8. Allotment Percentage

No changes were made to this section.

Sec. 10. Nonduplication

No changes were made to this section.

Sec. 11. Application of other laws

No changes were made to this section.

Sec. 12. Administration of the Act by the Secretary of Labor

Adds additional technical assistance that the Commission may provide to the designated State units.

Sec. 12A. Administration of the Act by the Secretary of Health and Human Services

Generally mirrors provisions in Sec. 12.

Sec. 13. Reports

Requires the Commissioner make report, information, and data publicly available, including through electronic means.

Sec. 14. Evaluation by the Secretary of Labor

No substantive changes were made to this section.

Sec. 14A. Evaluation by the Secretary of Health and Human Services
Generally mirrors provisions in Sec. 14.

Sec. 15. Information Clearinghouse
No substantive changes were made to this section.

Sec. 16. Transfer of Funds
No changes were made to this section.

Sec. 17. State Administration
No changes were made to this section.

Sec. 18. Review of Applications
No changes were made to this section.

Sec. 19. Carryover
Includes the process for carryover of funds for Client Assistance Programs.

Sec. 20. Client Assistance Information
No changes were made to this section.

Sec. 21. Traditionally Underserved Populations
Updates statistics.

TITLE I-VOCATIONAL REHABILITATION SERVICES

Part A-General Provisions

Sec. 100. Declaration of policy, authorization of appropriations
No substantive changes were made in this section.

Sec. 101. State Plans
Specifies that the unified State plan under section 112 of WIA, or the combined State plan under section 113 of WIA, must include the provisions of the State plan for vocational rehabilitation services. Requires the state plan to assure that individuals who are otherwise eligible for vocational rehabilitation services and who are at imminent risk of losing their jobs unless they receive additional necessary postemployment services receive priority. Allows designated state agencies to prioritize serving students with disabilities. Additional State data is required. Requires state plan to detail the state's strategies to serve students with disabilities so that they are prepared for post-school employment.

Sec. 102. Eligibility and individualized plan for employment
Requires that applicants for vocational rehabilitation services be presumed to be able to benefit from an employment outcome, and individuals should be provided the opportunity to try

different employment experiences, including supported employment, and the opportunity for competitive integrated employment.

Sec. 103. Vocational Rehabilitation services

Adds “customized employment” as a vocational rehabilitation service.

Sec. 104. Non-Federal share for establishment of program or construction

No changes made to this section.

Sec. 105. State Rehabilitation Council

Includes the director of the State’s comprehensive statewide program of technology-related assistance (funded under section 4 of the Assistive Technology Act of 1998) on the State Rehabilitation Council.

Sec. 106. Evaluation standards and performance indicators

Permits the Commissioner to establish additional performance accountability indicators.

Sec. 107. Monitoring and review

Requires the Commissioner to review and monitor State data on applicants’ eligibility for vocational rehabilitation services and the provision of supported employment services and pre-employment transition services.

Sec. 108. Expenditure of certain amounts

No changes made to this section.

Sec. 109 Training and services for employers

Allows States to educate and provide training and technical assistance to employers.

Part B-Basic Vocational Rehabilitation Services

Sec. 110. State allotments

Requires that 15% of a State’s allotment be designated for services to help young people with disabilities transition from education to employment, and authorizes \$5 million to support technical assistance, demonstration projects, and dissemination of information and implementation of evidence-based research related to youth transition.

Sec. 111. Payments to States

No substantive changes made to this section.

Sec. 112. Client assistance program

Requires states to designate a client assistance program in the order to receive funds. If funds appropriated exceed \$13M, the Secretary shall reserve funds to provide services to American Indians. If the funds appropriated exceed \$14M, the Secretary shall reserve a small percentage for grants to provide training and technical assistance to the client assistance programs in the states.

Sec. 113. Additional technical assistance

Requires the Commissioner to provide technical assistance to improve the quality of programs provided under this title.

Sec. 114. Provision of pre-employment transition services for students with disabilities

Requires States to ensure that designated State units, in collaboration with the local educational agencies, provide or arrange for the provision of, pre-employment transition services for all students with disabilities who are in need of these services. Also describes local and national coordination efforts.

Part C-American Indian Vocational Rehabilitation Services

Sec. 121. Vocational rehabilitation services grants

Permits the Commissioner to renew current grants. Reserves a small percentage of program funds to make grants to provide technical assistance and training.

Part D-Vocational Rehabilitation Services Client Information

Only substantive change made to this Part is a GAO study on interaction with the Ticket to Work and Self-Sufficiency program.

Title II-Research and Training

Sec. 200. Declaration of purpose

Updates purposes of the title.

Sec. 201. Authorization of appropriations

No substantive changes to this section.

Sec. 202. National Institute on Disability, Independent Living, and Rehabilitation Research

Adds “Independent Living” to the name of the Institute, and moves the Institute from the Department of Education to the Department of Health and Human Services, Administration for Community Living. Requires the dissemination of educational materials and research results to nongovernmental agencies and organizations, employers and employer organizations, and relevant Congressional Committees. Describes the research activities and findings, demonstration projects, reports, evaluations, and studies that will be made available, including through electronic means.

Sec. 203. Interagency Committee

Adds independent living research. Describes a disability, independent living, and rehabilitation research summit of funders, researchers, and individuals with disabilities to develop a comprehensive strategic plan for disability, independent living, and rehabilitation research.

Sec. 204. Research and other covered activities

Expands allowable research activities that improve the daily lives of individuals with disabilities.

Sec. 205. Disability, Independent Living, and Rehabilitation Research Advisory Council
Specifies Council membership.

Sec. 206 Definition of covered school
Adds a definition.

Title III-Professional Development and Special Projects and Demonstrations

Sec. 301. Declaration of purpose and competitive basis of grants and contracts
No substantive changes were made to this section.

Sec. 302. Training
Makes minimal changes, specifies that any technical assistance provided to community rehabilitation programs shall be focused on competitive integrated employment.

Sec. 303. Demonstration, training, and technical assistance programs
Authorizes demonstration, training, and technical assistance projects focused on improving transition from education to employment for youth who are individuals with significant disabilities, particularly in competitive integrated employment. Encourages designated state units to provide support to individuals with significant disabilities that are completing postgraduate degrees in law, business, science, technology, engineering, mathematics, or medicine.

Sec. 304. Migrant and seasonal farmworkers
No substantive changes were made to this section.

Sec. 305. Recreational programs
Minimal changes were made to this section.

Sec. 306. Measuring of project outcomes and performance
No substantive changes were made to this section.

Title IV-National Council on Disability

Changes the number of members on the Council from 15 to 9.

Title V-Rights and Advocacy

Sec. 501. Employment of individuals with disabilities
No changes were made to this section.

Sec. 502. Architectural and Transportation Barriers Compliance Board
No changes were made to this section.

Sec. 503. Employment under Federal contracts

No changes were made to this section.

Sec. 504. Nondiscrimination under Federal grants and programs

No substantive changes were made to this section.

Sec. 505. Remedies and attorneys' fees

No changes were made to this section.

Sec. 506. Secretarial responsibilities

No changes were made to this section.

Sec. 507. Interagency Disability Coordinating Council

The Chairperson of the National Council on Disability shall be included on this Council.

Sec. 508. Electronic and information technology regulations

No changes were made to this section.

Sec. 509. Protection and advocacy of individual rights

Permits program income generated from the amount paid to an eligible system for a fiscal year remain available to such system for a limited time. Requires an eligible system to have the same general authorities, including access to records, as the system is afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.

Sec. 510 Establishment of Standards for Accessible Medical Diagnostic Equipment

No changes were made to this section.

Sec. 511. Employment of Individuals with Significant Disabilities at Wages below Minimum Wage

Describes how an entity may not newly employ an individual with a disability under the age of 24 at wages less than the Federal minimum wage (except for work readiness or job training purposes) unless the individual has first received available pre-employment transition services; applied for vocational rehabilitation services and if eligible, made a serious attempt at competitive integrated employment; and received counseling and information and referral about alternatives to subminimum wage employment. Individuals with disabilities who are currently employed at subminimum wage shall be provided ongoing career counseling, information and referrals, and notification of training opportunities in the individual's geographic area, in order to promote opportunities to move into competitive integrated employment, as appropriate.

Title VI-Employment Opportunities for Individuals with Disabilities

Sec. 601. Short title

No changes were made to this section.

Part A-Projects with Industry

Sec. 611. Projects with industry

Modernizes this program to authorize services to large businesses or groups of businesses that are looking to build pipelines for talent across multiple states or regions.

Sec. 612. Authorization appropriations

No substantive changes were made to this section.

Part B-Supported Employment Services for Individuals with the Most Significant Disabilities

Splits the current law program to have two different focuses– one focused on supported employment for individuals with the most significant disabilities (subpart A) and the other focused on supported employment for youth with the most significant disabilities (subpart B). Funds authorized are to be split between the two programs.

Title VII-Independent Living Services and Centers for Independent Living **Chapter 1-Individuals with Significant Disabilities** **Part A – General Provisions**

Sec. 701A. Independent Living Administration

Moves the Independent Living program from the Department of Education to the Department of Health and Human Services, Administration for Community Living, and houses it within an Independent Living Administration (ILA).

Sec. 702. Definitions

Requires that centers for independent living provide, at a minimum, independent living core services and has sufficient staff to provide such services.

Sec. 703. Eligibility for receipt of services

No changes were made to this section.

Sec. 704. State plan

Specifies that the State plan shall be jointly developed by the chairperson of the Statewide Independent Living Council and the directors of centers for independent living in the State.

Sec. 705. Statewide Independent Living Council

Requires meaningful representation by directors of centers for independent living in the State.

Sec. 706. Responsibilities of the ILA Commissioner

Requires the ILA Commissioner to develop standards and indicators for centers for independent living and Statewide Independent Living Councils, and to conduct onsite compliance reviews of such centers and Councils.

Part B--Independent Living Services

Sec. 711. Allotments

Specifies that funds allotted or made available to a State under the section shall be administered by the Statewide Independent Living Council, in accordance with the approved State plan.

Sec. 711A. Training and Technical Assistance

Reserves a small percentage of program funds to make grants to provide training and technical assistance to Statewide Independent Living Councils.

Sec. 712. Payments to States from allotments

No substantive changes were made to this section.

Sec. 713. Authorized uses of funds

Specifies that funds received under this part may be used to support the Statewide Independent Living Council and may be provided to centers for independent living in the State.

Sec. 714. Authorization of appropriations

No substantive changes were made to this section.

Part C -- Centers for Independent Living

Sec. 721. Program authorization

Reserves a small percentage of program funds to make grants to provide training and technical assistance to centers for independent living.

Sec. 722. Centers in States in which Federal funding exceeds State funding

Details how the ILA Commissioner should determine whether to fund new centers for independent living in an unserved region.

Sec. 723. Centers in States in which funding exceeds Federal funding

No substantive changes were made to this section.

Sec. 724. Centers operated by State agencies

No substantive changes were made to this section.

Sec. 725. Standards and assurances

No substantive changes were made to this section.

Sec. 726. Definitions

No changes were made to this section.

Sec. 727. Authorization of appropriations

No substantive changes were made to this section.

Chapter 2-Independent Living Services for Older Individuals who are Blind

Sec. 751. Definition

No changes were made to this section.

Sec. 752. Training and technical assistance

Reserves a small percentage of program funds to make grants to provide training and technical assistance to designated State agencies or other providers of independent living services for older individuals who are blind.

Sec. 753. Program of grants

No substantive changes were made to this section.

Sec. 754. Independent living services for older individuals who are blind authorization of appropriations

No substantive changes were made to this section.

Title VIII-Increasing Employment Opportunities for Individuals with Disabilities

Sec. 801. Office of Disability Employment Policy

Authorizes the Office of Disability Employment Policy and specifies the goals, direction, and function.

Sec. 802. Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities

Establishes an Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities.

Sec. 803. Public education campaigns about hiring individuals with disabilities

Requires the Secretary of Labor in coordination with the Commissioner, to develop and carry out public education campaigns that educate employers on the benefits of hiring individuals with disabilities.

Additional General Provisions

Sec. 596 and 597. Transfer of Functions

Transfers all functions from the Rehabilitation Services Administration at the Department of Education to the Department of Labor -- with the exception of the Independent Living program, the National Institute on Disability, Independent Living, and Rehabilitation Research, and the programs authorized under the Assistive Technology Act of 2004, which are transferred to the Department of Health and Human Services, Administration for Community Living.