

Public Law 109–82
109th Congress

An Act

Sept. 30, 2005
[H.R. 3864]

To assist individuals with disabilities affected by Hurricane Katrina or Rita through vocational rehabilitation services.

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

Assistance for
Individuals with
Disabilities
Affected by
Hurricane
Katrina or Rita
Act of 2005.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Assistance for Individuals with Disabilities Affected by Hurricane Katrina or Rita Act of 2005”.

SEC. 2. ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES.

(a) **DEFINITIONS.**—In this section:

(1) **AFFECTED STATE.**—The term “affected State” means a State that contains an area, or that received a significant number of individuals who resided in an area, in which the President has declared that a major disaster exists.

(2) **COMMISSIONER.**—The term “Commissioner” means the Commissioner of the Rehabilitation Services Administration.

(3) **INDIVIDUAL WITH A DISABILITY.**—The term “individual with a disability” has the meaning given the term in section 7(20)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)(A)).

(4) **INDIVIDUAL WITH A DISABILITY AFFECTED BY HURRICANE KATRINA.**—The term “individual with a disability affected by Hurricane Katrina” means an individual with a disability who resided on August 22, 2005, in an area in which the President has declared that a major disaster related to Hurricane Katrina exists.

(5) **INDIVIDUAL WITH A DISABILITY AFFECTED BY HURRICANE RITA.**—The term “individual with a disability affected by Hurricane Rita” means an individual with a disability who resided in an area on the date that was 7 days before the date on which the President declared that a major disaster related to Hurricane Rita exists in such area.

(6) **MAJOR DISASTER.**—The term “major disaster” means a major disaster declared by the President in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), related to Hurricane Katrina or Rita.

(b) **REALLOTMENTS OF AMOUNTS.**—

(1) **IN GENERAL.**—In reallotting amounts to States under section 110(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 730(b)(2)) for fiscal year 2005, the Commissioner shall give preference to affected States.

(2) **WAIVERS.**—If the Commissioner reallots amounts under section 110(b)(2) of the Rehabilitation Act of 1973 to an affected

State for fiscal year 2005, or returns to the State of Louisiana for fiscal year 2005 the funds that Louisiana had previously relinquished pursuant to section 110(b)(1) of that Act (29 U.S.C. 730(b)(1)) due to an inability to meet the non-Federal share requirements requiring Louisiana to contribute \$3,942,821 for fiscal year 2005, the Commissioner may grant a waiver of non-Federal share requirements for fiscal year 2005 for the affected State or Louisiana, respectively.

(3) DEFINITION.—In this subsection, the term “non-Federal share requirements” means non-Federal share requirements applicable to programs under title I of such Act (29 U.S.C. 720 et seq.).

(c) USE OF AMOUNTS REALLOTTED UNDER TITLE I OF THE REHABILITATION ACT OF 1973.—An affected State that receives amounts reallocated under section 110(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 730(b)(2)) for fiscal year 2005 (as described in subsection (b)) or returned under subsection (b) may use the amounts—

(1) to pay for vocational rehabilitation services described in section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723) (which may include training, mentoring, or job shadowing opportunities), for individuals with disabilities affected by Hurricane Katrina or individuals with disabilities affected by Hurricane Rita, that contribute to the economic growth and development of communities;

(2) to enable—

(A) individuals with disabilities affected by Hurricane Katrina to participate in reconstruction or other major disaster assistance activities in the areas in which the individuals resided on August 22, 2005; and

(B) individuals with disabilities affected by Hurricane Rita to participate in reconstruction or other major disaster assistance activities in the areas in which the individuals resided on the date that was 7 days before the date on which the President declared that a major disaster related to Hurricane Rita exists in such areas;

(3) to pay for vocational rehabilitation services described in section 103 of the Rehabilitation Act of 1973 for individuals with disabilities affected by Hurricane Katrina, or individuals with disabilities affected by Hurricane Rita, who do not meet the affected State’s order of selection criteria for the affected State’s order of selection under section 101(a)(5) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(5)); or

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(4) to carry out other activities in accordance with title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).

Approved September 30, 2005.

LEGISLATIVE HISTORY—H.R. 3864:

CONGRESSIONAL RECORD, Vol. 151 (2005):

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