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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

[CFDA Number: 84.133B-1]

Final Priority: National Institute on Disability,
Independent Living, and Rehabilitation Research--

Rehabilitation Research and Training Centers AGENCY:

Administration for Community Living, Department of Health
and Human Services.

ACTION: Final priority.

SUMMARY: The Administrator of the Administration for
Community Living announces a priority for the
Rehabilitation Research and Training Center (RRTC) Program
administered by the National Institute on Disability,
Independent Living, and Rehabilitation Research (NIDILRR).
Specifically, we announce a priority for an RRTC on
Employer Practices Leading to Successful Employment
Outcomes for Individuals with Disabilities. The
Administrator of the Administration for Community Living
may use this priority for competitions in fiscal year (FY)
2015 and later years. We take this action to focus

research attention on an area of national need. We intend for this priority to contribute to improved employment practices and successful employment outcomes for individuals with disabilities.

DATES: EFFECTIVE DATE: This priority is effective [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Patricia Barrett, U.S. Department of Health And Human Services, 400 Maryland Avenue, SW., room 5142, Potomac Center Plaza (PCP), Washington, DC 20202-2700. Telephone: (202) 245-6211 or by email: patricia.barrett@acl.hhs.gov.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

Purpose of Program: The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-

sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Rehabilitation Research and Training Centers

The purpose of the RRTCs, which are funded through the Disability and Rehabilitation Research Projects and Centers Program, is to achieve the goals of, and improve the effectiveness of, services authorized under the Rehabilitation Act through well-designed research, training, technical assistance, and dissemination activities in important topical areas as specified by NIDILRR. These activities are designed to benefit rehabilitation service providers, individuals with disabilities, family members, policymakers and other research stakeholders. Additional information on the RRTC program can be found at:

<http://www2.ed.gov/programs/rrtc/index.html#types>.

Program Authority: 29 U.S.C. 762(g) and 764(b)(2)(A).

Applicable Program Regulations: 34 CFR part 350.

We published a notice of proposed priority (NPP) for this program in the Federal Register on February 25, 2015 (80 FR 10099). That notice contained background

information and our reasons for proposing the particular priority.

There are no differences between the proposed priority and this final priority.

Public Comment: In response to our invitation in the notice of proposed priority we did not receive any comments on the proposed priority.

FINAL PRIORITY:

The Administrator of the Administration for Community Living establishes a priority for an RRTC to conduct research on Employer Practices Leading to Successful Employment Outcomes for Individuals with Disabilities.

The purpose of the RRTC is to generate new knowledge about effective employer practices that support successful employment outcomes for individuals with disabilities. The RRTC must contribute to improving the employment outcomes of individuals with disabilities by:

(a) Identifying promising employer practices most strongly associated with desired employment outcomes for individuals with disabilities as well as the prevalence of these practices. Practices should include those related to the hiring, retention, and advancement of individuals with disabilities.

(b) Developing measures of employment outcomes that include hiring, retention, and advancement of individuals with disabilities. These measures must be developed for use by employers and other stakeholders. These measures may also include employment quality, such as, but not limited to, earnings, full- or part-time employment, or opportunities for on-the-job training. In developing these measures, the RRTC must collaborate with the NIDILRR-funded RRTC on Employment Policy and Measurement.

(c) Generating new knowledge of the effectiveness of promising employer practices by identifying or developing, and then implementing and evaluating pilot workplace program(s) based on practices identified in (a). This work should be conducted in employment settings in collaboration with employers, and should include:

(1) Implementation of practices that are particularly likely to be effective in improving employment outcomes for individuals with disabilities;

(2) Implementation of practices among different types of employers (e.g., small v. large employers, private v. public sector employers);

(3) Collection of data using, but not limited to, outcome measures from (b) above.

(d) Focusing its research on one or more specific stages of research. If the RRTC is to conduct research that can be categorized under more than one of the research stages, or research that progresses from one stage to another, those stages should be clearly justified. (These stages and their definitions are provided at the end of the background statement section of the notice of proposed priority published in the Federal Register on February 25, 2015 (80 FR 10099).)

(e) Serving as a national resource center related to employment for individuals with disabilities, their families, and other stakeholders by conducting knowledge translation activities that include, but are not limited to:

(1) Providing information and technical assistance to employers, employment service providers, employer groups, individuals with disabilities and their representatives, and other key stakeholders;

(2) Providing training, including graduate, pre-service, and in-service training, to employers and employer groups, to facilitate more effective employer practices for individuals with disabilities. This training may be provided through conferences, workshops, public education

programs, in-service training programs, and similar activities;

(3) Disseminating research-based information and materials related to increasing employment levels for individuals with disabilities; and

(4) Involving key stakeholder groups in the activities conducted under paragraphs (a) and (b) of this priority to promote the new knowledge generated by the RRTC.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the Federal Register. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (45 CFR part 75).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by: (1) Awarding additional points, depending on the extent to which the application meets the priority (45 CFR part 75); or (2) selecting an application that

meets the priority over an application of comparable merit that does not meet the priority (45 CFR part 75).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (45 CFR part 75).

This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does not solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the Federal Register.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is "significant" and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a "significant regulatory action" as an action likely to result in a rule that may--

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an "economically significant" rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this final regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency--

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account--among other things and to the extent practicable--the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives--such as user fees or marketable permits--to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency "to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as

possible.” The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include “identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.”

We are issuing this final priority only on a reasoned determination that its benefits justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Administration for Community Living (ACL), Department of Health and Human Services believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, ACL assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the ACL’s programs and activities.

The benefits of the Disability and Rehabilitation Research Projects and Centers Program have been well established over the years, as projects similar to the one envisioned by the final priority have been completed successfully, and the proposed priority will generate new knowledge through research. The new RRTC will generate, disseminate, and promote the use of new information that would improve outcomes for individuals with disabilities in the areas of community living and participation, employment, and health and function.

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You may also access documents of the Department published in the Federal Register by using the article search feature at: www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 14, 2015.

John Tschida,
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National Institute on Disability,
Independent Living, and
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