

part among the States on the basis of relative population of each State, except that—

(A) no State shall receive less than \$250,000, or  $\frac{1}{2}$  of 1 percent of the sums appropriated for the fiscal year for which the allotment is made, whichever is greater; and

(B) if the sums appropriated to carry out this part for the fiscal year exceed by \$1,000,000 or more the sums appropriated to carry out this part in fiscal year 1992, no State shall receive less than \$300,000, or  $\frac{1}{2}$  of 1 percent of the sums appropriated for the fiscal year for which the allotment is made, whichever is greater.

**(2) Certain territories**

**(A) In general**

For the purposes of this subsection, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall not be considered to be States.

**(B) Allotment**

Each jurisdiction described in subparagraph (A) shall be allotted not less than one-eighth of one percent of the amounts appropriated for the fiscal year for which the allotment is made.

**(b) Reallotment**

Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State for carrying out the provisions of this part, the Commissioner shall make such amount available for carrying out the provisions of this part to one or more of the States that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the State (as determined under the preceding provisions of this section) for such year.

(Pub. L. 93-112, title VI, § 622, as added Pub. L. 105-220, title IV, § 409, Aug. 7, 1998, 112 Stat. 1214; amended Pub. L. 105-277, div. A, § 101(f) [title VIII, § 402(b)(13)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-414.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 795k of this title prior to the general amendment of this subchapter by Pub. L. 105-220.

A prior section 795h, Pub. L. 93-112, title VI, § 622, as added Pub. L. 95-602, title II, § 201, Nov. 6, 1978, 92 Stat. 2994, and amended, which related to business opportunities for individuals with disabilities and promulgation of regulations, was renumbered section 641 of Pub. L. 93-112, by Pub. L. 102-569, title VI, § 612(a)(2), (3), Oct. 29, 1992, 106 Stat. 4438, and transferred to section 795r of this title, prior to the general amendment of this subchapter by Pub. L. 105-220.

AMENDMENTS

1998—Pub. L. 105-277 made technical amendment in original to section designation and catchline.

**§ 795i. Availability of services**

Funds provided under this part may be used to provide supported employment services to indi-

viduals who are eligible under this part. Funds provided under this part, or subchapter I of this chapter, may not be used to provide extended services to individuals who are eligible under this part or subchapter I of this chapter.

(Pub. L. 93-112, title VI, § 623, as added Pub. L. 105-220, title IV, § 409, Aug. 7, 1998, 112 Stat. 1215; amended Pub. L. 105-277, div. A, § 101(f) [title VIII, § 402(b)(14)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-414.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 795l of this title prior to the general amendment of this subchapter by Pub. L. 105-220.

A prior section 795i, Pub. L. 93-112, title VI, § 622, formerly § 623, as added Pub. L. 95-602, title II, § 201, Nov. 6, 1978, 92 Stat. 2994; amended Pub. L. 98-221, title I, § 164, Feb. 22, 1984, 98 Stat. 30; Pub. L. 99-506, title VII, § 704, Oct. 21, 1986, 100 Stat. 1834; Pub. L. 100-630, title II, § 207(d), Nov. 7, 1988, 102 Stat. 3313; Pub. L. 102-52, § 7(b), June 6, 1991, 105 Stat. 262; renumbered § 622 and amended Pub. L. 102-569, title VI, § 613(a), Oct. 29, 1992, 106 Stat. 4439, authorized appropriations, prior to the general amendment of this subchapter by Pub. L. 105-220. See section 795a of this title.

AMENDMENTS

1998—Pub. L. 105-277 made technical amendment to section designation and catchline in original.

**§ 795j. Eligibility**

An individual shall be eligible under this part to receive supported employment services authorized under this chapter if—

(1) the individual is eligible for vocational rehabilitation services;

(2) the individual is determined to be an individual with a most significant disability; and

(3) a comprehensive assessment of rehabilitation needs of the individual described in section 705(2)(B) of this title, including an evaluation of rehabilitation, career, and job needs, identifies supported employment as the appropriate employment outcome for the individual.

(Pub. L. 93-112, title VI, § 624, as added Pub. L. 105-220, title IV, § 409, Aug. 7, 1998, 112 Stat. 1215; amended Pub. L. 105-277, div. A, § 101(f) [title VIII, § 402(b)(15)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-414.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 795m of this title prior to the general amendment of this subchapter by Pub. L. 105-220.

A prior section 795j, Pub. L. 93-112, title VI, § 631, as added Pub. L. 102-569, title VI, § 621(a), Oct. 29, 1992, 106 Stat. 4439, stated purpose of program for supported employment services for individuals with severe disabilities, prior to the general amendment of this subchapter by Pub. L. 105-220. See section 795g of this title.

Another prior section 795j, Pub. L. 93-112, title VI, § 631, as added Pub. L. 99-506, title VII, § 704(a)(1), Oct. 21, 1986, 100 Stat. 1834, outlined the purpose of former part C of this subchapter, prior to repeal by Pub. L. 102-569, § 621(a).

AMENDMENTS

1998—Pub. L. 105-277 made technical amendment to section designation and catchline in original.