

§ 795h. Allotments**(a) In general****(1) States**

The Secretary shall allot the sums appropriated for each fiscal year to carry out this subchapter among the States on the basis of relative population of each State, except that—

(A) no State shall receive less than \$250,000, or $\frac{1}{3}$ of 1 percent of the sums appropriated for the fiscal year for which the allotment is made, whichever amount is greater; and

(B) if the sums appropriated to carry out this subchapter for the fiscal year exceed by \$1,000,000 or more the sums appropriated to carry out part B of this subchapter (as in effect on September 30, 1992) in fiscal year 1992, no State shall receive less than \$300,000, or $\frac{1}{3}$ of 1 percent of the sums appropriated for the fiscal year for which the allotment is made, whichever amount 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 $\frac{1}{3}$ of 1 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 under subsection (a) for any fiscal year will not be expended by such State for carrying out the provisions of this subchapter, the Commissioner shall make such amount available for carrying out the provisions of this subchapter to 1 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.

(c) Limitations on administrative costs

A State that receives an allotment under this subchapter shall not use more than 2.5 percent of such allotment to pay for administrative costs.

(d) Services for youth with the most significant disabilities

A State that receives an allotment under this subchapter shall reserve and expend half of such allotment for the provision of supported employment services, including extended services, to youth with the most significant disabilities in order to assist those youth in achieving an employment outcome in supported employment.

(Pub. L. 93-112, title VI, §603, formerly §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; renumbered §603 and amended Pub. L. 113-128, title IV, §461(3), (5), July 22, 2014, 128 Stat. 1679.)

REFERENCES IN TEXT

Part B of this subchapter (as in effect on September 30, 1992), referred to in subsec. (a)(1)(B), consisted of sections 795g to 795i and related to projects with industry and business opportunities for individuals with handicaps.

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

2014—Subsec. (a)(1). Pub. L. 113-128, §461(5)(A)(i)(I), substituted “subchapter” for “part” in introductory provisions.

Subsec. (a)(1)(A). Pub. L. 113-128, §461(5)(A)(i)(II), inserted “amount” after “whichever”.

Subsec. (a)(1)(B). Pub. L. 113-128, §461(5)(A)(i)(III), substituted “subchapter for the fiscal year” for “part for the fiscal year” and “part B of this subchapter (as in effect on September 30, 1992) in fiscal year 1992” for “this part in fiscal year 1992” and inserted “amount” after “whichever”.

Subsec. (a)(2)(B). Pub. L. 113-128, §461(5)(A)(ii), substituted “ $\frac{1}{3}$ of 1 percent” for “one-eighth of one percent”.

Subsec. (b). Pub. L. 113-128, §461(5)(B), inserted “under subsection (a)” after “allotment to a State”, substituted “subchapter” for “part” in two places, and substituted “1 or more” for “one or more”.

Subsecs. (c), (d). Pub. L. 113-128, §461(5)(C), added subsecs. (c) and (d).

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

§ 795i. Availability of services**(a) Supported employment services**

Funds provided under this subchapter may be used to provide supported employment services to individuals who are eligible under this subchapter.

(b) Extended services**(1) In general**

Except as provided in paragraph (2), funds provided under this subchapter, or subchapter I, may not be used to provide extended services to individuals under this subchapter or subchapter I.

(2) Extended services for youth with the most significant disabilities

Funds allotted under this subchapter, or subchapter I, and used for the provision of services under this subchapter to youth with the most significant disabilities pursuant to section 795h(d) of this title, may be used to