

§ 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

provide extended services to youth with the most significant disabilities. Such extended services shall be available for a period not to exceed 4 years.

(Pub. L. 93-112, title VI, § 604, as added Pub. L. 113-128, title IV, § 461(6), July 22, 2014, 128 Stat. 1680.)

PRIOR PROVISIONS

A prior section 795i, Pub. L. 93-112, title VI, § 604, formerly § 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; renumbered § 604, Pub. L. 113-128, title IV, § 461(3), July 22, 2014, 128 Stat. 1679, related to availability of services, prior to repeal by Pub. L. 113-128, title IV, § 461(6), July 22, 2014, 128 Stat. 1680. Provisions similar to prior section 795i were contained in section 795f of this title prior to the general amendment of this subchapter by Pub. L. 105-220.

Another 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.

§ 795j. Eligibility

An individual, including a youth with a disability, shall be eligible under this subchapter to receive supported employment services authorized under this chapter if—

- (1) the individual is eligible for vocational rehabilitation services under subchapter I;
- (2) the individual is determined to be an individual with a most significant disability;
- (3) for purposes of activities carried out with funds described in section 795h(d) of this title, the individual is a youth with a disability, as defined in section 705(42) of this title;¹ and
- (4) a comprehensive assessment of the 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, § 605, formerly § 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; renumbered § 605 and amended Pub. L. 113-128, title IV, § 461(3), (7), July 22, 2014, 128 Stat. 1679, 1680.)

REFERENCES IN TEXT

Section 705(42) of this title, referred to in par. (3), was in the original “section (7)(42)”, and was translated as meaning section 7(42) of the Rehabilitation Act of 1973, which is classified to section 705(42) of this title, to reflect the probable intent of Congress.

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.

¹ See References in Text note below.

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

2014—Pub. L. 113-128, § 461(7)(A), in introductory provisions, inserted “, including a youth with a disability,” after “An individual” and substituted “this subchapter” for “this part”.

Par. (1). Pub. L. 113-128, § 461(7)(B), inserted “under subchapter I” after “rehabilitation services”.

Pars. (3), (4). Pub. L. 113-128, § 461(7)(C)-(F), added par. (3), redesignated former par. (3) as (4), and, in par. (4), substituted “assessment of the rehabilitation needs” for “assessment of rehabilitation needs”.

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

§ 795k. State plan

(a) State plan supplements

To be eligible for an allotment under this subchapter, a State shall submit to the Commissioner, as part of the State plan under section 721 of this title, a State plan supplement for providing supported employment services authorized under this chapter to individuals, including youth with the most significant disabilities, who are eligible under this chapter to receive the services. Each State shall make such annual revisions in the plan supplement as may be necessary.

(b) Contents

Each such plan supplement shall—

(1) designate each designated State agency as the agency to administer the program assisted under this subchapter;

(2) summarize the results of the comprehensive, statewide assessment conducted under section 721(a)(15)(A)(i) of this title, with respect to the rehabilitation needs of individuals, including youth, with significant disabilities and the need for supported employment services, including needs related to coordination;

(3) describe the quality, scope, and extent of supported employment services authorized under this chapter to be provided to individuals, including youth with the most significant disabilities, who are eligible under this chapter to receive the services and specify the goals and plans of the State with respect to the distribution of funds received under section 795h of this title;

(4) demonstrate evidence of the efforts of the designated State agency to identify and make arrangements (including entering into cooperative agreements) with other State agencies and other appropriate entities to assist in the provision of supported employment services;

(5) demonstrate evidence of the efforts of the designated State agency to identify and make arrangements (including entering into cooperative agreements) with other public or non-profit agencies or organizations within the