

112 Stat. 1215; amended Pub. L. 105-277, div. A, § 101(f) [title VIII, § 402(b)(16)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-414; renumbered § 606 and amended Pub. L. 113-128, title IV, § 461(3), (8), July 22, 2014, 128 Stat. 1679, 1681.)

PRIOR PROVISIONS

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

A prior section 795k, Pub. L. 93-112, title VI, § 632, as added Pub. L. 102-569, title VI, § 621(a), Oct. 29, 1992, 106 Stat. 4439, related to allotments, prior to the general amendment of this subchapter by Pub. L. 105-220. See section 795h of this title.

Another prior section 795k, Pub. L. 93-112, title VI, § 632, as added Pub. L. 99-506, title VII, § 704(a)(1), Oct. 21, 1986, 100 Stat. 1834, related to eligibility for services under former part C of this subchapter, prior to repeal by Pub. L. 102-569, § 621(a).

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-128, § 461(8)(A), substituted “this subchapter” for “this part” and inserted “, including youth with the most significant disabilities,” after “individuals”.

Subsec. (b)(1). Pub. L. 113-128, § 461(8)(B)(i), substituted “this subchapter” for “this part”.

Subsec. (b)(2). Pub. L. 113-128, § 461(8)(B)(ii), inserted “, including youth,” after “rehabilitation needs of individuals”.

Subsec. (b)(3). Pub. L. 113-128, § 461(8)(B)(iii), inserted “, including youth with the most significant disabilities,” after “provided to individuals” and made technical amendment to reference in original act which appears in text as reference to section 795h of this title.

Subsec. (b)(6), (7). Pub. L. 113-128, § 461(8)(B)(iv)–(vi), added par. (6), redesignated former par. (6) as (7), and struck out former par. (7) which read as follows: “provide assurances that the State agencies designated under paragraph (1) will expend not more than 5 percent of the allotment of the State under this part for administrative costs of carrying out this part; and”.

Subsec. (b)(7)(A). Pub. L. 113-128, § 461(8)(B)(vii)(I), substituted “under this subchapter” for “under this part” in two places.

Subsec. (b)(7)(B). Pub. L. 113-128, § 461(8)(B)(vii)(II), inserted “, including youth with the most significant disabilities,” after “significant disabilities”.

Subsec. (b)(7)(C)(i). Pub. L. 113-128, § 461(8)(B)(vii)(III)(aa), inserted “, including, as appropriate, for youth with the most significant disabilities, transition services and pre-employment transition services” after “services to be provided”.

Subsec. (b)(7)(C)(ii). Pub. L. 113-128, § 461(8)(B)(vii)(III)(bb), inserted “, including the extended services that may be provided to youth with the most significant disabilities under this subchapter, in accordance with an approved individualized plan for employment, for a period not to exceed 4 years” after “services needed”.

Subsec. (b)(7)(C)(iii). Pub. L. 113-128, § 461(8)(B)(vii)(III)(cc), substituted “identify, as appropriate, the source of extended services,” for “identify the source of extended services,” “or indicate” for “or to the extent”, and “employment is developed;” for “employment is developed, a statement describing the basis for concluding that there is a reasonable expectation that such sources will become available;”.

Subsec. (b)(7)(D). Pub. L. 113-128, § 461(8)(B)(vii)(IV), substituted “under this subchapter” for “under this part”.

Subsec. (b)(7)(G). Pub. L. 113-128, § 461(8)(B)(vii)(VI), struck out “for the maximum number of hours possible” after “integrated setting”.

Subsec. (b)(7)(H), (I). Pub. L. 113-128, § 461(8)(B)(vii)(V), (VII), added subpars. (H) and (I).

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

§ 795l. Restriction

Each State agency designated under section 795k(b)(1) of this title shall collect the information required by section 721(a)(10) of this title separately for—

(1) eligible individuals receiving supported employment services under this subchapter;

(2) eligible individuals receiving supported employment services under subchapter I;

(3) eligible youth receiving supported employment services under this subchapter; and

(4) eligible youth receiving supported employment services under subchapter I.

(Pub. L. 93-112, title VI, § 607, as added Pub. L. 113-128, title IV, § 461(9), July 22, 2014, 128 Stat. 1682.)

PRIOR PROVISIONS

A prior section 795l, Pub. L. 93-112, title VI, § 607, formerly § 626, as added Pub. L. 105-220, title IV, § 409, Aug. 7, 1998, 112 Stat. 1216; amended Pub. L. 105-277, div. A, § 101(f) [title VIII, § 402(b)(17)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-414; renumbered § 607, Pub. L. 113-128, title IV, § 461(3), July 22, 2014, 128 Stat. 1679, related to restriction, prior to repeal by Pub. L. 113-128, title IV, § 461(9), July 22, 2014, 128 Stat. 1682. Provisions similar to prior section 795l were contained in section 795o of this title prior to the general amendment of this subchapter by Pub. L. 105-220.

Another prior section 795l, Pub. L. 93-112, title VI, § 633, as added Pub. L. 102-569, title VI, § 621(a), Oct. 29, 1992, 106 Stat. 4440; amended Pub. L. 103-73, title I, § 113, Aug. 11, 1993, 107 Stat. 728, related to availability of services, prior to the general amendment of this subchapter by Pub. L. 105-220. See section 795i of this title.

Another prior section 795l, Pub. L. 93-112, title VI, § 633, as added Pub. L. 99-506, title VII, § 704(a)(1), Oct. 21, 1986, 100 Stat. 1834; amended Pub. L. 100-630, title II, § 207(e), Nov. 7, 1988, 102 Stat. 3313, provided for allotments to States, unused funds, and planning grants, prior to repeal by Pub. L. 102-569, § 621(a).

§ 795m. Savings provision

(a) Supported employment services

Nothing in this chapter shall be construed to prohibit a State from providing supported employment services in accordance with the State plan submitted under section 721 of this title by using funds made available through a State allotment under section 730 of this title.

(b) Postemployment services

Nothing in this subchapter shall be construed to prohibit a State from providing discrete post-employment services in accordance with the State plan submitted under section 721 of this title by using funds made available through a State allotment under section 730 of this title to an individual who is eligible under this subchapter.

(Pub. L. 93-112, title VI, § 608, formerly § 627, as added Pub. L. 105-220, title IV, § 409, Aug. 7, 1998, 112 Stat. 1216; amended Pub. L. 105-277, div. A, § 101(f) [title VIII, § 402(b)(18)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-414; renumbered § 608 and amended Pub. L. 113-128, title IV, § 461(3), (10), July 22, 2014, 128 Stat. 1679, 1682.)

PRIOR PROVISIONS

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

A prior section 795m, Pub. L. 93-112, title VI, § 634, as added Pub. L. 102-569, title VI, § 621(a), Oct. 29, 1992, 106 Stat. 4440, related to eligibility for services, prior to the general amendment of this subchapter by Pub. L. 105-220. See section 795j of this title.

Another prior section 795m, Pub. L. 93-112, title VI, § 634, as added Pub. L. 99-506, title VII, § 704(a)(1), Oct. 21, 1986, 100 Stat. 1835; amended Pub. L. 100-630, title II, § 207(f), Nov. 7, 1988, 102 Stat. 3313; Pub. L. 102-119, § 26(e), Oct. 7, 1991, 105 Stat. 607, provided for submission of State plans for assistance under former part C of this subchapter, prior to repeal by Pub. L. 102-569, § 621(a).

AMENDMENTS

2014—Subsec. (b). Pub. L. 113-128, § 461(10), substituted “this subchapter” for “this part” in two places.

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

§ 795n. Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities

(a) Establishment

Not later than 60 days after July 22, 2014, the Secretary of Labor shall establish an Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (referred to in this section as the “Committee”).

(b) Appointment and vacancies

(1) Appointment

The Secretary of Labor shall appoint the members of the Committee described in subsection (c)(6), in accordance with subsection (c).

(2) Vacancies

Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner, in accordance with the same paragraph of subsection (c), as the original appointment or designation was made.

(c) Composition

The Committee shall be composed of—

(1) the Assistant Secretary for Disability Employment Policy, the Assistant Secretary for Employment and Training, and the Administrator of the Wage and Hour Division, of the Department of Labor;

(2) the Commissioner of the Administration on Intellectual and Developmental Disabilities, or the Commissioner’s designee;

(3) the Director of the Centers for Medicare & Medicaid Services of the Department of Health and Human Services, or the Director’s designee;

(4) the Commissioner of Social Security, or the Commissioner’s designee;

(5) the Commissioner of the Rehabilitation Services Administration, or the Commissioner’s designee; and

(6) representatives from constituencies consisting of—

(A) self-advocates for individuals with intellectual or developmental disabilities;

(B) providers of employment services, including those that employ individuals with intellectual or developmental disabilities in competitive integrated employment;

(C) representatives of national disability advocacy organizations for adults with intellectual or developmental disabilities;

(D) experts with a background in academia or research and expertise in employment and wage policy issues for individuals with intellectual or developmental disabilities;

(E) representatives from the employer community or national employer organizations; and

(F) other individuals or representatives of organizations with expertise on increasing opportunities for competitive integrated employment for individuals with disabilities.

(d) Chairperson

The Committee shall elect a Chairperson of the Committee from among the appointed members of the Committee.

(e) Meetings

The Committee shall meet at the call of the Chairperson, but not less than 8 times.

(f) Duties

The Committee shall study, and prepare findings, conclusions, and recommendations for the Secretary of Labor on—

(1) ways to increase the employment opportunities for individuals with intellectual or developmental disabilities or other individuals with significant disabilities in competitive integrated employment;

(2) the use of the certificate program carried out under section 214(c) of this title for the employment of individuals with intellectual or developmental disabilities, or other individuals with significant disabilities; and

(3) ways to improve oversight of the use of such certificates.

(g) Committee personnel matters

(1) Travel expenses

The members of the Committee shall not receive compensation for the performance of services for the Committee, but shall be allowed reasonable travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the Committee. Notwithstanding section 1342 of title 31, the Secretary may accept the voluntary and uncompensated services of members of the Committee.

(2) Staff

The Secretary of Labor may designate such personnel as may be necessary to enable the Committee to perform its duties.

(3) Detail of Government employees

Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) Facilities, equipment, and services

The Secretary of Labor shall make available to the Committee, under such arrangements as may be appropriate, necessary equipment, supplies, and services.