

subsection (a) at a subminimum wage, the entity shall review such documentation received by the individual under subsection (d), and provided by the individual to the entity, that indicates that the individual has completed the actions described in subparagraphs (A) and (B) of subsection (a)(2) and the entity shall maintain copies of such documentation.

(2) During employment

(A) In general

In order to continue to employ an individual at a subminimum wage, the entity described in subsection (a) shall verify completion of the requirements of subsection (c), including reviewing any relevant documents provided by the individual, and shall maintain copies of the documentation described in subsection (d).

(B) Review of documentation

The entity described in subsection (a) shall be subject to review of individual documentation described in subsection (d) by a representative working directly for the designated State unit or the Department of Labor at such a time and in such a manner as may be necessary to fulfill the intent of this section, consistent with regulations established by the designated State unit or the Secretary of Labor.

(f) Federal minimum wage

In this section, the term “Federal minimum wage” means the rate applicable under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

(Pub. L. 93-112, title V, §511, as added Pub. L. 113-128, title IV, §458(a), July 22, 2014, 128 Stat. 1676; amended Pub. L. 114-95, title IX, §9215(mmm)(4)(A), Dec. 10, 2015, 129 Stat. 2188.)

Editorial Notes

REFERENCES IN TEXT

The effective date of this section, referred to in subsec. (a)(1), means 2 years after July 22, 2014. See Effective Date note below.

The Individuals with Disabilities Education Act, referred to in subsecs. (a)(2)(A) and (d)(2)(A)(ii), (iii), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§1400 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

The Fair Labor Standards Act of 1938, referred to in subsec. (b)(3), is act June 25, 1938, ch. 676, 52 Stat. 1060, which is classified generally to chapter 8 (§201 et seq.) of this title. For complete classification of this Act to the Code, see section 201 of this title and Tables.

The effective date of this Act, referred to in subsec. (b)(3), may mean the effective date of Pub. L. 93-112 (Sept. 26, 1973), the effective date of Pub. L. 113-128, which added this section (see Effective Date note set out under section 3101 of this title), or the effective date of this section (see Effective Date note below).

AMENDMENTS

2015—Subsec. (b)(2). Pub. L. 114-95 made technical amendment to reference in original act which appears in text as reference to section 7801 of title 20.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114-95, title IX, §9215(mmm)(4)(B), Dec. 10, 2015, 129 Stat. 2188, provided that: “The amendment

made by subparagraph (A) [amending this section] shall take effect on the same date as section 458(a) of the Workforce Innovation and Opportunity Act (Public Law 113-128; 128 Stat. 1676) [enacting this section] takes effect, and as if enacted as part of such section.”

EFFECTIVE DATE

Pub. L. 113-128, title IV, §458(b), July 22, 2014, 128 Stat. 1679, provided that: “This section [enacting this section] takes effect 2 years after the date of enactment of the Workforce Innovation and Opportunity Act [July 22, 2014].”

SUBCHAPTER VI—EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

Editorial Notes

CODIFICATION

Pub. L. 113-128, title IV, §461(1), (2), July 22, 2014, 128 Stat. 1679, amended this subchapter by striking out part A, consisting of sections 795 and 795a, and striking out the heading of part B preceding section 795g.

Title VI of the Rehabilitation Act of 1973, comprising this subchapter, was originally added to Pub. L. 93-112 by Pub. L. 95-602, title II, §201, Nov. 6, 1978, 92 Stat. 2989, and amended by Pub. L. 98-221, Feb. 22, 1984, 98 Stat. 17; Pub. L. 99-506, Oct. 21, 1986, 100 Stat. 1807; Pub. L. 100-630, Nov. 7, 1988, 102 Stat. 3289; Pub. L. 102-52, June 6, 1991, 105 Stat. 260; Pub. L. 102-119, Oct. 7, 1991, 105 Stat. 587; Pub. L. 102-569, Oct. 29, 1992, 106 Stat. 4434; Pub. L. 103-73, Aug. 11, 1993, 107 Stat. 718. Title VI is shown herein, however, as having been added by Pub. L. 105-220, title IV, §409, Aug. 7, 1998, 112 Stat. 1210, without reference to those intervening amendments because of the extensive revision of title VI by Pub. L. 105-220.

§§ 795, 795a. Repealed. Pub. L. 113-128, title IV, §461(1), July 22, 2014, 128 Stat. 1679

Section 795, Pub. L. 93-112, title VI, §611, as added Pub. L. 105-220, title IV, §409, Aug. 7, 1998, 112 Stat. 1210, related to Projects With Industry. Provisions similar to section 795 were contained in section 795g of this title prior to the general amendment of this subchapter by Pub. L. 105-220.

A prior section 795, Pub. L. 93-112, title VI, §611, as added Pub. L. 95-602, title II, §201, Nov. 6, 1978, 92 Stat. 2989; amended Pub. L. 99-506, title I, §103(d)(2)(C), title X, §1002(f), Oct. 21, 1986, 100 Stat. 1810, 1844; Pub. L. 102-569, title I, §102(p)(36), title VI, §601, Oct. 29, 1992, 106 Stat. 4360, 4434, authorized community service employment pilot programs for individuals with disabilities, prior to the general amendment of this subchapter by Pub. L. 105-220.

Section 795a, Pub. L. 93-112, title VI, §612, as added Pub. L. 105-220, title IV, §409, Aug. 7, 1998, 112 Stat. 1214, related to authorization of appropriations. Provisions similar to section 795a were contained in section 795i of this title prior to the general amendment of this subchapter by Pub. L. 105-220.

Prior sections 795a to 795f were omitted in the general amendment of this subchapter by Pub. L. 105-220.

Section 795a, Pub. L. 93-112, title VI, §612, as added Pub. L. 95-602, title II, §201, Nov. 6, 1978, 92 Stat. 2991; amended Pub. L. 98-221, title I, §165, Feb. 22, 1984, 98 Stat. 30; Pub. L. 100-630, title II, §207(a), Nov. 7, 1988, 102 Stat. 3313, related to administration of community service employment pilot programs for individuals with disabilities.

Section 795b, Pub. L. 93-112, title VI, §613, as added Pub. L. 95-602, title II, §201, Nov. 6, 1978, 92 Stat. 2991; amended Pub. L. 102-569, title VI, §602, Oct. 29, 1992, 106 Stat. 4434, related to employment.

Section 795c, Pub. L. 93-112, title VI, §614, as added Pub. L. 95-602, title II, §201, Nov. 6, 1978, 92 Stat. 2992; amended Pub. L. 98-221, title I, §104(b)(5), Feb. 22, 1984, 98 Stat. 18, related to interagency cooperation.

Section 795d, Pub. L. 93-112, title VI, § 615, as added Pub. L. 95-602, title II, § 201, Nov. 6, 1978, 92 Stat. 2992; amended Pub. L. 99-506, title I, § 103(d)(2)(C), title VII, § 701, Oct. 21, 1986, 100 Stat. 1810, 1831; Pub. L. 102-569, title I, § 102(p)(37), Oct. 29, 1992, 106 Stat. 4360, related to award of grants or contracts.

Section 795e, Pub. L. 93-112, title VI, § 616, as added Pub. L. 95-602, title II, § 201, Nov. 6, 1978, 92 Stat. 2993; amended Pub. L. 99-506, title I, § 103(d)(2)(C), Oct. 21, 1986, 100 Stat. 1810; Pub. L. 102-569, title I, § 102(p)(38), title VI, § 603, Oct. 29, 1992, 106 Stat. 4361, 4434, defined terms “community service” and “pilot program”.

Section 795f, Pub. L. 93-112, title VI, § 617, as added Pub. L. 95-602, title II, § 201, Nov. 6, 1978, 92 Stat. 2993; amended Pub. L. 98-221, title I, § 161, Feb. 22, 1984, 98 Stat. 29; Pub. L. 99-506, title VII, § 702, Oct. 21, 1986, 100 Stat. 1831; Pub. L. 102-52, § 7(a), June 6, 1991, 105 Stat. 262; Pub. L. 102-569, title VI, § 604, Oct. 29, 1992, 106 Stat. 4434, authorized appropriations.

Statutory Notes and Related Subsidiaries

SHORT TITLE

For short title of this subchapter as the “Employment Opportunities for Individuals With Disabilities Act”, see section 601 of Pub. L. 93-112, as amended, set out as a note under section 701 of this title.

§ 795g. Purpose

It is the purpose of this subchapter to authorize allotments, in addition to grants for vocational rehabilitation services under subchapter I, to assist States in developing collaborative programs with appropriate entities to provide supported employment services for individuals with the most significant disabilities, including youth with the most significant disabilities, to enable such individuals to achieve an employment outcome of supported employment in competitive integrated employment.

(Pub. L. 93-112, title VI, § 602, formerly § 621, 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)(12)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-414; renumbered § 602 and amended Pub. L. 113-128, title IV, § 461(3), (4), July 22, 2014, 128 Stat. 1679.)

Editorial Notes

PRIOR PROVISIONS

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

A prior section 795g, Pub. L. 93-112, title VI, § 621, as added Pub. L. 95-602, title II, § 201, Nov. 6, 1978, 92 Stat. 2993; amended Pub. L. 98-221, title I, §§ 162, 163, Feb. 22, 1984, 98 Stat. 29, 30; Pub. L. 99-506, title I, § 103(d)(2)(B), (C), title VII, § 703(a)(1)-(3), (b)-(d), Oct. 21, 1986, 100 Stat. 1810, 1831, 1832; Pub. L. 100-630, title II, § 207(b), Nov. 7, 1988, 102 Stat. 3313; Pub. L. 102-569, title VI, § 611, Oct. 29, 1992, 106 Stat. 4434, related to Projects With Industry, prior to the general amendment of this subchapter by Pub. L. 105-220.

AMENDMENTS

2014—Pub. L. 113-128, § 461(4), substituted “this subchapter” for “this part” and “individuals with the most significant disabilities, including youth with the most significant disabilities, to enable such individuals to achieve an employment outcome of supported employment in competitive integrated employment.” for “individuals with the most significant disabilities to enable such individuals to achieve the employment outcome of supported employment.”

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

§ 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) Reallocation

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