

(3) providing financial assistance to States for improving working relationships among State independent living rehabilitation service programs, centers for independent living, Statewide Independent Living Councils established under section 796d of this title, State vocational rehabilitation programs receiving assistance under subchapter I, State programs of supported employment services receiving assistance under subchapter VI, client assistance programs receiving assistance under section 732 of this title, programs funded under other subchapters of this chapter, programs funded under other Federal law, and programs funded through non-Federal sources, with the goal of improving the independence of individuals with disabilities.

(Pub. L. 93-112, title VII, § 701, as added Pub. L. 105-220, title IV, § 410, Aug. 7, 1998, 112 Stat. 1217; amended Pub. L. 113-128, title IV, § 471, July 22, 2014, 128 Stat. 1685.)

#### PRIOR PROVISIONS

A prior section 796, Pub. L. 93-112, title VII, § 701, as added Pub. L. 102-569, title VII, § 701(2), Oct. 29, 1992, 106 Stat. 4443; amended Pub. L. 103-73, title I, § 114(a), Aug. 11, 1993, 107 Stat. 728, related to purpose of program to provide assistance for independent living for individuals with severe disabilities, prior to the general amendment of this subchapter by Pub. L. 105-220.

Another prior section 796, Pub. L. 93-112, title VII, § 701, as added Pub. L. 95-602, title III, § 301, Nov. 6, 1978, 92 Stat. 2995, provided Congressional statement of purpose of former subchapter VII, prior to repeal by Pub. L. 102-569, § 701(1).

#### AMENDMENTS

2014—Par. (3). Pub. L. 113-128 substituted “subchapter VI” for “part B of subchapter VI” and inserted before period at end “, with the goal of improving the independence of individuals with disabilities”.

### § 796-1. Administration of the independent living program

There is established within the Administration for Community Living of the Department of Health and Human Services, an Independent Living Administration. The Independent Living Administration shall be headed by a Director (referred to in this section as the “Director”) appointed by the Secretary of Health and Human Services. The Director shall be an individual with substantial knowledge of independent living services. The Independent Living Administration shall be the principal agency, and the Director shall be the principal officer, to carry out this part. In performing the functions of the office, the Director shall be directly responsible to the Administrator of the Administration for Community Living of the Department of Health and Human Services. The Secretary shall ensure that the Independent Living Administration has sufficient resources (including designating at least 1 individual from the Office of General Counsel who is knowledgeable about independent living services) to provide technical assistance and support to, and oversight of, the programs funded under this part.

(Pub. L. 93-112, title VII, § 701A, as added Pub. L. 113-128, title IV, § 472, July 22, 2014, 128 Stat. 1685.)

### § 796a. Definitions

As used in this part:

#### (1) Administrator

The term “Administrator” means the Administrator of the Administration for Community Living of the Department of Health and Human Services.

#### (2) Center for independent living

The term “center for independent living” means a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency for individuals with significant disabilities (regardless of age or income) that—

(A) is designed and operated within a local community by individuals with disabilities; and

(B) provides an array of independent living services, including, at a minimum, independent living core services as defined in section 705(17) of this title.

#### (3) Consumer control

The term “consumer control” means, with respect to a center for independent living, that the center vests power and authority in individuals with disabilities, in terms of the management, staffing, decisionmaking, operation, and provisions of services, of the center.

(Pub. L. 93-112, title VII, § 702, as added Pub. L. 105-220, title IV, § 410, Aug. 7, 1998, 112 Stat. 1218; amended Pub. L. 113-128, title IV, § 473, July 22, 2014, 128 Stat. 1685.)

#### PRIOR PROVISIONS

A prior section 796a, Pub. L. 93-112, title VII, § 702, as added Pub. L. 102-569, title VII, § 701(2), Oct. 29, 1992, 106 Stat. 4443, defined terms “center for independent living” and “consumer control”, prior to the general amendment of this subchapter by Pub. L. 105-220.

Another prior section 796a, Pub. L. 93-112, title VII, § 702, as added Pub. L. 95-602, title III, § 301, Nov. 6, 1978, 92 Stat. 2995; amended Pub. L. 99-506, title I, § 103(d)(2)(A), (C), title VIII, § 801, title X, §§ 1001(g)(1), 1002(h), Oct. 21, 1986, 100 Stat. 1810, 1837, 1843, 1844; Pub. L. 100-630, title II, § 208(a), Nov. 7, 1988, 102 Stat. 3314, provided eligibility requirements and definition of “comprehensive services for independent living”, prior to repeal by Pub. L. 102-569, § 701(1).

#### AMENDMENTS

2014—Par. (1). Pub. L. 113-128, § 473(4), added par. (1). Former par. (1) redesignated (2).

Pub. L. 113-128, § 473(1)(A), inserted “for individuals with significant disabilities (regardless of age or income)” before “that—” in introductory provisions.

Par. (1)(B). Pub. L. 113-128, § 473(1)(B), inserted “, including, at a minimum, independent living core services as defined in section 705(17) of this title” before period at end.

Par. (2). Pub. L. 113-128, § 473(3), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Pub. L. 113-128, § 473(2), inserted “, in terms of the management, staffing, decisionmaking, operation, and provisions of services, of the center” before period at end.

Par. (3). Pub. L. 113-128, § 473(3), redesignated par. (2) as (3).

### § 796b. Eligibility for receipt of services

Services may be provided under this part to any individual with a significant disability, as defined in section 705(21)(B) of this title.

(Pub. L. 93-112, title VII, § 703, as added Pub. L. 105-220, title IV, § 410, Aug. 7, 1998, 112 Stat. 1218.)

#### PRIOR PROVISIONS

A prior section 796b, Pub. L. 93-112, title VII, § 703, as added Pub. L. 102-569, title VII, § 701(2), Oct. 29, 1992, 106 Stat. 4444, related to eligibility for receipt of services, prior to the general amendment of this subchapter by Pub. L. 105-220.

Another prior section 796b, Pub. L. 93-112, title VII, § 703, as added Pub. L. 95-602, title III, § 301, Nov. 6, 1978, 92 Stat. 2996; amended Pub. L. 99-506, title X, § 1001(g)(2), Oct. 21, 1986, 100 Stat. 1843; Pub. L. 100-630, title II, § 208(b), Nov. 7, 1988, 102 Stat. 3314, related to State allotments for comprehensive services for independent living, prior to repeal by Pub. L. 102-569, § 701(1).

### § 796c. State plan

#### (a) In general

##### (1) Requirement

To be eligible to receive financial assistance under this part, a State shall submit to the Administrator, and obtain approval of, a State plan developed and signed in accordance with paragraph (2), containing such provisions as the Administrator may require, including, at a minimum, the provisions required in this section.

##### (2) Joint development

The plan under paragraph (1) shall be jointly—

(A) developed by the chairperson of the Statewide Independent Living Council, and the directors of the centers for independent living in the State, after receiving public input from individuals with disabilities and other stakeholders throughout the State; and

(B) signed by—

(i) the chairperson of the Statewide Independent Living Council, acting on behalf of and at the direction of the Council;

(ii) the director of the designated State entity described in subsection (c); and

(iii) not less than 51 percent of the directors of the centers for independent living in the State.

##### (3) Periodic review and revision

The plan shall provide for the review and revision of the plan, not less than once every 3 years, to ensure the existence of appropriate planning, financial support and coordination, and other assistance to appropriately address, on a statewide and comprehensive basis, needs in the State for—

(A) the provision of independent living services in the State;

(B) the development and support of a statewide network of centers for independent living; and

(C) working relationships and collaboration between—

(i) centers for independent living; and

(ii)(I) entities carrying out programs that provide independent living services, including those serving older individuals;

(II) other community-based organizations that provide or coordinate the provision of housing, transportation, employ-

ment, information and referral assistance, services, and supports for individuals with significant disabilities; and

(III) entities carrying out other programs providing services for individuals with disabilities.

##### (4) Date of submission

The State shall submit the plan to the Administrator 90 days before the completion date of the preceding plan. If a State fails to submit such a plan that complies with the requirements of this section, the Administrator may withhold financial assistance under this part until such time as the State submits such a plan.

##### (5) Statewide

The State plan shall describe strategies for providing independent living services on a statewide basis, to the greatest extent possible.

#### (b) Statewide Independent Living Council

The plan shall provide for the establishment of a Statewide Independent Living Council in accordance with section 796d of this title.

#### (c) Designation of State entity

The plan shall designate a State entity of such State (referred to in this subchapter as the “designated State entity”) as the agency that, on behalf of the State, shall—

(1) receive, account for, and disburse funds received by the State under this part based on the plan;

(2) provide administrative support services for a program under subpart 2, and a program under subpart 3 in a case in which the program is administered by the State under section 796f-2 of this title;

(3) keep such records and afford such access to such records as the Administrator finds to be necessary with respect to the programs;

(4) submit such additional information or provide such assurances as the Administrator may require with respect to the programs; and

(5) retain not more than 5 percent of the funds received by the State for any fiscal year under subpart 2, for the performance of the services outlined in paragraphs (1) through (4).

#### (d) Objectives

The plan shall—

(1) specify the objectives to be achieved under the plan and establish timelines for the achievement of the objectives; and

(2) explain how such objectives are consistent with and further the purpose of this part.

#### (e) Independent living services

The plan shall provide that the State will provide independent living services under this part to individuals with significant disabilities, and will provide the services to such an individual in accordance with an independent living plan mutually agreed upon by an appropriate staff member of the service provider and the individual, unless the individual signs a waiver stating that such a plan is unnecessary.

#### (f) Scope and arrangements

The plan shall describe the extent and scope of independent living services to be provided under