

**§ 796e-1. Payments to States from allotments****(a) Payments**

From the allotment of each State for a fiscal year under section 796e of this title, the State shall be paid the Federal share of the expenditures incurred during such year under its State plan approved under section 796d-1 of this title. Such payments may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions as the Administrator may determine.

**(b) Federal share****(1) In general**

The Federal share with respect to any State for any fiscal year shall be 90 percent of the expenditures incurred by the State during such year under its State plan approved under section 796d-1 of this title.

**(2) Non-Federal share**

The non-Federal share of the cost of any project that receives assistance through an allotment under this subpart may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

(Pub. L. 93-112, title VII, §712, as added Pub. L. 105-220, title IV, §410, Aug. 7, 1998, 112 Stat. 1225; amended Pub. L. 113-128, title IV, §476(c), July 22, 2014, 128 Stat. 1691.)

## PRIOR PROVISIONS

A prior section 796e-1, Pub. L. 93-112, title VII, §712, as added Pub. L. 102-569, title VII, §701(2), Oct. 29, 1992, 106 Stat. 4451; amended Pub. L. 103-73, title I, §114(f), Aug. 11, 1993, 107 Stat. 730, related to payments to States from allotments, prior to the general amendment of this subchapter by Pub. L. 105-220.

## AMENDMENTS

2014—Subsec. (a). Pub. L. 113-128 substituted “Administrator” for “Commissioner”.

**§ 796e-2. Authorized uses of funds****(a) In general**

The State may use funds received under this subpart to provide the resources described in section 796d(e) of this title (but may not use more than 30 percent of the funds paid to the State under section 796e-1 of this title for such resources unless the State specifies that a greater percentage of the funds is needed for such resources in a State plan approved under section 796d-1 of this title), relating to the Statewide Independent Living Council, may retain funds under section 796c(c)(5) of this title, and shall distribute the remainder of the funds received under this subpart in a manner consistent with the approved State plan for the activities described in subsection (b).

**(b) Activities**

The State may use the remainder of the funds described in subsection (a)—

- (1) to provide independent living services to individuals with significant disabilities, particularly those in unserved areas of the State;
- (2) to demonstrate ways to expand and improve independent living services;

(3) to support the operation of centers for independent living that are in compliance with the standards and assurances set forth in subsections (b) and (c) of section 796f-4 of this title;

(4) to support activities to increase the capacities of public or nonprofit agencies and organizations and other entities to develop comprehensive approaches or systems for providing independent living services;

(5) to conduct studies and analyses, gather information, develop model policies and procedures, and present information, approaches, strategies, findings, conclusions, and recommendations to Federal, State, and local policymakers in order to enhance independent living services for individuals with disabilities;

(6) to train individuals with disabilities and individuals providing services to individuals with disabilities and other persons regarding the independent living philosophy; and

(7) to provide outreach to populations that are unserved or underserved by programs under this subchapter, including minority groups and urban and rural populations.

(Pub. L. 93-112, title VII, §713, as added Pub. L. 105-220, title IV, §410, Aug. 7, 1998, 112 Stat. 1226; amended Pub. L. 113-128, title IV, §476(d), July 22, 2014, 128 Stat. 1691.)

## PRIOR PROVISIONS

A prior section 796e-2, Pub. L. 93-112, title VII, §713, as added Pub. L. 102-569, title VII, §701(2), Oct. 29, 1992, 106 Stat. 4451; amended Pub. L. 103-73, title I, §114(g), Aug. 11, 1993, 107 Stat. 730, related to authorized uses of funds, prior to the general amendment of this subchapter by Pub. L. 105-220.

## AMENDMENTS

2014—Pub. L. 113-128 added subsec. (a), redesignated existing provisions as subsec. (b), in introductory provisions, substituted “The State may use the remainder of the funds described in subsection (a)—” for “The State may use funds received under this subpart to provide the resources described in section 796d(e) of this title, relating to the Statewide Independent Living Council, and may use funds received under this subpart—” and, in par. (1), inserted “, particularly those in unserved areas of the State” after “disabilities”.

**§ 796e-3. Authorization of appropriations**

There are authorized to be appropriated to carry out this subpart \$22,878,000 for fiscal year 2015, \$24,645,000 for fiscal year 2016, \$25,156,000 for fiscal year 2017, \$25,714,000 for fiscal year 2018, \$26,319,000 for fiscal year 2019, and \$26,877,000 for fiscal year 2020.

(Pub. L. 93-112, title VII, §714, as added Pub. L. 105-220, title IV, §410, Aug. 7, 1998, 112 Stat. 1226; amended Pub. L. 113-128, title IV, §476(e), July 22, 2014, 128 Stat. 1691.)

## PRIOR PROVISIONS

A prior section 796e-3, Pub. L. 93-112, title VII, §714, as added Pub. L. 102-569, title VII, §701(2), Oct. 29, 1992, 106 Stat. 4452, authorized appropriations, prior to the general amendment of this subchapter by Pub. L. 105-220.

## AMENDMENTS

2014—Pub. L. 113-128 substituted “\$22,878,000 for fiscal year 2015, \$24,645,000 for fiscal year 2016, \$25,156,000 for

fiscal year 2017, \$25,714,000 for fiscal year 2018, \$26,319,000 for fiscal year 2019, and \$26,877,000 for fiscal year 2020.” for “such sums as may be necessary for each of the fiscal years 1999 through 2003.”

SUBPART 3—CENTERS FOR INDEPENDENT LIVING

**§ 796f. Program authorization**

**(a) In general**

From the funds appropriated for fiscal year 2015 and for each subsequent fiscal year to carry out this subpart, the Administrator shall make available such sums as may be necessary to States, centers for independent living, and other entities in accordance with subsections (b) through (d).

**(b) Training**

**(1) Grants; contracts; cooperative agreements**

From the funds appropriated to carry out this subpart for any fiscal year, beginning with fiscal year 2015, the Administrator shall first reserve not less than 1.8 percent and not more than 2 percent of the funds, to provide training and technical assistance to centers for independent living and eligible agencies for such fiscal year.

**(2) Allocation**

From the funds reserved under paragraph (1), the Administrator shall make grants to, or enter into contracts or cooperative agreements with, entities that have experience in the operation of centers for independent living to provide such training and technical assistance with respect to fiscal management of,<sup>1</sup> planning, developing, conducting, administering, and evaluating centers for independent living.

**(3) Funding priorities**

The Administrator shall conduct a survey of centers for independent living regarding training and technical assistance needs in order to determine funding priorities for such grants, contracts, and other arrangements.

**(4) Review**

To be eligible to receive a grant or enter into a contract or cooperative agreement under this subsection, such an entity shall submit an application to the Administrator at such time, in such manner, and containing a proposal to provide such training and technical assistance, and containing such additional information as the Administrator may require. The Administrator shall provide for peer review of grant applications by panels that include persons who are not government employees and who have experience in the operation of centers for independent living.

**(5) Prohibition on combined funds**

No funds reserved by the Administrator under this subsection may be combined with funds appropriated under any other Act or part of this chapter if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this part

are separately identified in such grant or payment and are used for the purposes of this part.

**(c) In general**

**(1) States**

**(A) Population basis**

After the reservation required by subsection (b) has been made, and except as provided in subparagraphs (B) and (C), from the remainder of the amounts appropriated for each such fiscal year to carry out this subpart, the Administrator shall make an allotment to each State whose State plan has been approved under section 796d-1 of this title of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

**(B) Maintenance of 1992 amounts**

Subject to the availability of appropriations to carry out this subpart, the amount of any allotment made under subparagraph (A) to a State for a fiscal year shall not be less than the amount of financial assistance received by centers for independent living in the State for fiscal year 1992 under part B of this subchapter, as in effect on the day before October 29, 1992.

**(C) Minimums**

Subject to the availability of appropriations to carry out this subpart and except as provided in subparagraph (B), for a fiscal year in which the amounts appropriated to carry out this subpart exceed the amounts appropriated for fiscal year 1992 to carry out part B of this subchapter, as in effect on the day before October 29, 1992—

(i) if such excess is not less than \$8,000,000, the allotment to any State under subparagraph (A) shall be not less than \$450,000 or  $\frac{1}{3}$  of 1 percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater, and the allotment of any State under this section for any fiscal year that is less than \$450,000 or  $\frac{1}{3}$  of 1 percent of such sums shall be increased to the greater of the 2 amounts;

(ii) if such excess is not less than \$4,000,000 and is less than \$8,000,000, the allotment to any State under subparagraph (A) shall be not less than \$400,000 or  $\frac{1}{3}$  of 1 percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater, and the allotment of any State under this section for any fiscal year that is less than \$400,000 or  $\frac{1}{3}$  of 1 percent of such sums shall be increased to the greater of the 2 amounts; and

(iii) if such excess is less than \$4,000,000, the allotment to any State under subparagraph (A) shall approach, as nearly as possible, the greater of the 2 amounts described in clause (ii).

**(2) Certain territories**

**(A) In general**

For the purposes of paragraph (1)(C), Guam, American Samoa, the United States

<sup>1</sup> So in original.