

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 under paragraph (1)(A) not less than  $\frac{1}{8}$  of 1 percent of the remainder for the fiscal year for which the allotment is made.

**(3) Adjustment for inflation**

For any fiscal year, beginning in fiscal year 1999, in which the total amount appropriated to carry out this subpart exceeds the total amount appropriated to carry out this subpart for the preceding fiscal year, the Administrator shall increase the minimum allotment under paragraph (1)(C) by a percentage that shall not exceed the percentage increase in the total amount appropriated to carry out this subpart between the preceding fiscal year and the fiscal year involved.

**(4) Proportional reduction**

To provide allotments to States in accordance with paragraph (1)(B), to provide minimum allotments to States (as increased under paragraph (3)) under paragraph (1)(C), or to provide minimum allotments to States under paragraph (2)(B), the Administrator shall proportionately reduce the allotments of the remaining States under paragraph (1)(A), with such adjustments as may be necessary to prevent the allotment of any such remaining State from being reduced to less than the amount required by paragraph (1)(B).

**(d) Reallocation**

Whenever the Administrator determines that any amount of an allotment to a State for any fiscal year will not be expended by such State for carrying out the provisions of this subpart, the Administrator shall make such amount available for carrying out the provisions of this subpart to one or more of the States that the Administrator 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.

(Pub. L. 93-112, title VII, §721, as added Pub. L. 105-220, title IV, §410, Aug. 7, 1998, 112 Stat. 1226; amended Pub. L. 113-128, title IV, §481, July 22, 2014, 128 Stat. 1691.)

REFERENCES IN TEXT

Part B of this subchapter, as in effect on the day before October 29, 1992, referred to in subsec. (c)(1)(B), (C), means former part B (§796e) which was included in the repeal of subchapter VII of this chapter by Pub. L. 102-569, title VII, §701(1), Oct. 29, 1992, 106 Stat. 4443.

PRIOR PROVISIONS

A prior section 796f, Pub. L. 93-112, title VII, §721, as added Pub. L. 102-569, title VII, §701(2), Oct. 29, 1992, 106 Stat. 4452; amended Pub. L. 103-73, title I, §114(h), Aug. 11, 1993, 107 Stat. 730, authorized program to assist centers for independent living, prior to the general amendment of this subchapter by Pub. L. 105-220.

Another prior section 796f, Pub. L. 93-112, title VII, §721, as added Pub. L. 95-602, title III, §301, Nov. 6, 1978, 92 Stat. 2999; amended Pub. L. 99-506, title X, §1001(g)(4), Oct. 21, 1986, 100 Stat. 1843; Pub. L. 100-630, title II, §208(g), Nov. 7, 1988, 102 Stat. 3314, related to establishment of independent living service programs for older blind individuals, prior to repeal by Pub. L. 102-569, §701(1).

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-128, §481(1), substituted “2015” for “1999” and “Administrator shall make available” for “Commissioner shall allot” and inserted “, centers for independent living,” after “States”.

Subsec. (b)(1). Pub. L. 113-128, §481(2)(A), in heading, substituted “cooperative agreements” for “other arrangements”, and in text, substituted “From the funds appropriated to carry out this subpart for any fiscal year, beginning with fiscal year 2015, the Administrator” for “For any fiscal year in which the funds appropriated to carry out this subpart exceed the funds appropriated to carry out this subpart for fiscal year 1993, the Commissioner”, “reserve not less than 1.8 percent and not more than 2 percent of the funds” for “reserve from such excess”, and “centers for independent living and eligible agencies for such fiscal year.” for “eligible agencies, centers for independent living, and Statewide Independent Living Councils for such fiscal year, not less than 1.8 percent, and not more than 2 percent, of the funds appropriated to carry out this subpart for the fiscal year involved.”

Subsec. (b)(2). Pub. L. 113-128, §481(2)(B), substituted “Administrator shall make grants to, or enter into contracts or cooperative agreements with,” for “Commissioner shall make grants to, and enter into contracts and other arrangements with,” and inserted “fiscal management of,” before “planning.”.

Subsec. (b)(3). Pub. L. 113-128, §481(2)(C), (D), substituted “Administrator” for “Commissioner” and struck out “Statewide Independent Living Councils and” before “centers”.

Subsec. (b)(4). Pub. L. 113-128, §481(3), which directed substitution of “cooperative agreement” for “other arrangement” in par. (4), was executed by making the substitution in par. (4) of subsec. (b) to reflect the probable intent of Congress.

Pub. L. 113-128, §481(2)(C), substituted “Administrator” for “Commissioner” wherever appearing.

Subsec. (b)(5). Pub. L. 113-128, §481(2)(C), substituted “Administrator” for “Commissioner”.

Subsec. (c). Pub. L. 113-128, §481(4), substituted “Administrator” for “Commissioner” wherever appearing.

Subsec. (d). Pub. L. 113-128, §481(5), substituted “Administrator” for “Commissioner” wherever appearing.

**§ 796f-1. Grants to centers for independent living in States in which Federal funding exceeds State funding**

**(a) Establishment**

**(1) In general**

Unless the director of a designated State unit awards grants under section 796f-2 of this title to eligible agencies in a State for a fiscal year, the Administrator shall award grants under this section to such eligible agencies for such fiscal year from the amount of funds allotted to the State under subsection (c) or (d) of section 796f of this title for such year.

**(2) Grants**

The Administrator shall award such grants, from the amount of funds so allotted, to such eligible agencies for the planning, conduct, administration, and evaluation of centers for independent living that comply with the standards and assurances set forth in section 796f-4 of this title.

**(b) Eligible agencies**

In any State in which the Administrator has approved the State plan required by section 796c of this title, the Administrator may make a grant under this section to any eligible agency that—

(1) has the power and authority to carry out the purpose of this subpart and perform the functions set forth in section 796f-4 of this title within a community and to receive and administer funds under this subpart, funds and contributions from private or public sources that may be used in support of a center for independent living, and funds from other public and private programs;

(2) is determined by the Administrator to be able to plan, conduct, administer, and evaluate a center for independent living consistent with the standards and assurances set forth in section 796f-4 of this title; and

(3) submits an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

**(c) Existing eligible agencies**

In the administration of the provisions of this section, the Administrator shall award grants for a fiscal year to any eligible agency that has been awarded a grant under this subpart for the preceding fiscal year, unless the Administrator makes a finding that the agency involved fails to meet program and fiscal standards and assurances set forth in section 796f-4 of this title.

**(d) New centers for independent living****(1) In general**

If there is no center for independent living serving a region of the State or a region is underserved, and the increase in the allotment of the State is sufficient to support an additional center for independent living in the State, the Administrator may award a grant under this section to the most qualified applicant proposing to serve such region. The Administrator's determination of the most qualified applicant shall be consistent with the provisions in the State plan setting forth the design of the State for establishing a statewide network of centers for independent living.

**(2) Selection**

In selecting from among applicants for a grant under this section for a new center for independent living, the Administrator—

(A) shall consider comments regarding the application—

(i) by individuals with disabilities and other interested parties within the new region proposed to be served; and

(ii) if any, by the Statewide Independent Living Council in the State in which the applicant is located;

(B) shall consider the ability of each such applicant to operate a center for independent living based on—

(i) evidence of the need for such a center;

(ii) any past performance of such applicant in providing services comparable to independent living services;

(iii) the plan for satisfying or demonstrated success in satisfying the stand-

ards and the assurances set forth in section 796f-4 of this title;

(iv) the quality of key personnel and the involvement of individuals with significant disabilities;

(v) budgets and cost-effectiveness;

(vi) an evaluation plan; and

(vii) the ability of such applicant to carry out the plans; and

(C) shall give priority to applications from applicants proposing to serve geographic areas within each State that are currently unserved or underserved by independent living programs, consistent with the provisions of the State plan submitted under section 796c of this title regarding establishment of a statewide network of centers for independent living.

**(3) Current centers**

Notwithstanding paragraphs (1) and (2), a center for independent living that receives assistance under subpart 2 for a fiscal year shall be eligible for a grant for the subsequent fiscal year under this subsection.

**(e) Order of priorities**

The Administrator shall be guided by the following order of priorities in allocating funds among centers for independent living within a State, to the extent funds are available:

(1) The Administrator shall support existing centers for independent living, as described in subsection (c), that comply with the standards and assurances set forth in section 796f-4 of this title, at the level of funding for the previous year.

(2) The Administrator shall provide for a cost-of-living increase for such existing centers for independent living.

(3) The Administrator shall fund new centers for independent living, as described in subsection (d), that comply with the standards and assurances set forth in section 796f-4 of this title.

**(f) Nonresidential agencies**

A center that provides or manages residential housing after October 1, 1994, shall not be considered to be an eligible agency under this section.

**(g) Review****(1) In general**

The Administrator shall periodically review each center receiving funds under this section to determine whether such center is in compliance with the standards and assurances set forth in section 796f-4 of this title. If the Administrator determines that any center receiving funds under this section is not in compliance with the standards and assurances set forth in section 796f-4 of this title, the Administrator shall immediately notify such center that it is out of compliance.

**(2) Enforcement**

The Administrator shall terminate all funds under this section to such center 90 days after the date of such notification unless the center submits a plan to achieve compliance within 90 days of such notification and such plan is approved by the Administrator.

(Pub. L. 93-112, title VII, §722, as added Pub. L. 105-220, title IV, §410, Aug. 7, 1998, 112 Stat. 1229; amended Pub. L. 113-128, title IV, §482(a), July 22, 2014, 128 Stat. 1692.)

#### PRIOR PROVISIONS

A prior section 796f-1, Pub. L. 93-112, title VII, §722, as added Pub. L. 102-569, title VII, §701(2), Oct. 29, 1992, 106 Stat. 4456; amended Pub. L. 103-73, title I, §114(i), Aug. 11, 1993, 107 Stat. 731, related to grants to centers for independent living in States in which Federal funding exceeds State funding, prior to the general amendment of this subchapter by Pub. L. 105-220.

#### AMENDMENTS

2014—Subsecs. (a), (b). Pub. L. 113-128, §482(a)(1), substituted “Administrator” for “Commissioner” wherever appearing.

Subsec. (c). Pub. L. 113-128, §482(a)(1), (2), substituted “Administrator” for “Commissioner” in two places, “grants for a fiscal year” for “grants”, and “for the preceding fiscal year” for “by September 30, 1997”.

Subsec. (d)(1). Pub. L. 113-128, §482(a)(3)(A), substituted “Administrator” for “Commissioner” and “region. The Administrator’s determination of the most qualified applicant shall be consistent with the provisions in the State plan setting forth the design of the State for establishing a statewide network of centers for independent living.” for “region, consistent with the provisions in the State plan setting forth the design of the State for establishing a statewide network of centers for independent living.”

Subsec. (d)(2). Pub. L. 113-128, §482(a)(3)(B)(i), substituted “Administrator” for “Commissioner” in introductory provisions.

Subsec. (d)(2)(A). Pub. L. 113-128, §482(a)(3)(B)(ii), added subpar. (A) and struck out former subpar. (A). Prior to amendment, text read as follows: “shall consider comments regarding the application, if any, by the Statewide Independent Living Council in the State in which the applicant is located;”.

Subsecs. (e), (g). Pub. L. 113-128, §482(a)(4), which directed substitution of “Administrator.” for “Commissioner” wherever appearing, was executed by substituting “Administrator” for “Commissioner” wherever appearing, to reflect the probable intent of Congress.

#### GRANTS TO CENTERS FOR INDEPENDENT LIVING IN STATES IN WHICH FEDERAL FUNDING EXCEEDS STATE FUNDING

Pub. L. 111-213, §2(a), July 29, 2010, 124 Stat. 2343, provided that:

“(1) IN GENERAL.—If the conditions described in paragraph (2) are satisfied with respect to a State, in awarding funds to existing centers for independent living (described in section 722(c) of the Rehabilitation Act of 1973 (29 U.S.C. 796f-1(c))) in the State, the Commissioner of the Rehabilitation Services Administration—

“(A) in fiscal year 2010—

“(i) shall distribute among such centers funds appropriated for the centers for independent living program under part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.) by any Act other than the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) in the same proportion as such funds were distributed among such centers in the State in fiscal year 2009, notwithstanding section 722(e) of the Rehabilitation Act of 1973 (29 U.S.C. 796f-1(e)) and any contrary provision of a State plan submitted under section 704 of such Act (29 U.S.C. 796c); and

“(ii) shall disregard any funds provided to such centers from funds appropriated by the American Recovery and Reinvestment Act of 2009 for the centers for independent living program under part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.); and

“(B) in fiscal year 2011 and subsequent fiscal years, shall disregard any funds provided to such centers

from funds appropriated by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) for the centers for independent living program under part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.).

“(2) CONDITIONS.—The conditions described in this paragraph are the following:

“(A) The Commissioner receives a request from the State, not later than August 5, 2010, jointly signed by the State’s designated State unit (referred to in section 704(c) of such Act (29 U.S.C. 796c(c))) and the State’s Statewide Independent Living Council (established under section 705 of such Act (29 U.S.C. 796d)), for the Commissioner to disregard any funds provided to centers for independent living in the State from funds appropriated by the American Recovery and Reinvestment Act of 2009 for the centers for independent living program under part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.).

“(B) The Commissioner is not conducting a competition to establish a new part C center for independent living with funds appropriated by the American Recovery and Reinvestment Act of 2009 in the State.”

#### § 796f-2. Grants to centers for independent living in States in which State funding equals or exceeds Federal funding

##### (a) Establishment

##### (1) In general

##### (A) Initial year

##### (i) Determination

The director of a designated State unit, as provided in paragraph (2), or the Administrator, as provided in paragraph (3), shall award grants under this section for an initial fiscal year if the Administrator determines that the amount of State funds that were earmarked by a State for a preceding fiscal year to support the general operation of centers for independent living meeting the requirements of this subpart equaled or exceeded the amount of funds allotted to the State under subsection (c) or (d) of section 796f of this title for such year.

##### (ii) Grants

The director of a designated State unit or the Administrator, as appropriate, shall award such grants, from the amount of funds so allotted for the initial fiscal year, to eligible agencies in the State for the planning, conduct, administration, and evaluation of centers for independent living that comply with the standards and assurances set forth in section 796f-4 of this title.

##### (iii) Regulation

The Administrator shall by regulation specify the preceding fiscal year with respect to which the Administrator will make the determinations described in clause (i) and subparagraph (B), making such adjustments as may be necessary to accommodate State funding cycles such as 2-year funding cycles or State fiscal years that do not coincide with the Federal fiscal year.

##### (B) Subsequent years

For each year subsequent to the initial fiscal year described in subparagraph (A), the