

the chairperson of or other individual designated by the Council acting on behalf of and at the direction of the Council. A copy of this review shall be provided to the Administrator.

(i) Adverse actions

If the director of the designated State unit proposes to take a significant adverse action against a center for independent living, the center may seek mediation and conciliation to be provided by an individual or individuals who are free of conflicts of interest identified by the chairperson of or other individual designated by the Council. If the issue is not resolved through the mediation and conciliation, the center may appeal the proposed adverse action to the Administrator for a final decision.

(Pub. L. 93-112, title VII, §723, as added Pub. L. 105-220, title IV, §410, Aug. 7, 1998, 112 Stat. 1231; amended Pub. L. 113-128, title IV, §482(b), July 22, 2014, 128 Stat. 1693.)

PRIOR PROVISIONS

A prior section 796f-2, Pub. L. 93-112, title VII, §723, as added Pub. L. 102-569, title VII, §701(2), Oct. 29, 1992, 106 Stat. 4458; amended Pub. L. 103-73, title I, §114(j), Aug. 11, 1993, 107 Stat. 731, related to grants to centers for independent living in States in which State funding equals or exceeds Federal funding, prior to the general amendment of this subchapter by Pub. L. 105-220.

AMENDMENTS

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

Subsec. (a)(1)(A)(ii). Pub. L. 113-128, §482(b)(2)(A), inserted “of a designated State unit” after “director”.

Subsec. (a)(3). Pub. L. 113-128, §482(b)(2)(B), substituted “Administrator” for “Commissioner” in heading.

Subsec. (b). Pub. L. 113-128, §482(b)(1), substituted “Administrator” for “Commissioner” in introductory provisions.

Subsec. (c). Pub. L. 113-128, §482(b)(3), substituted “grants for a fiscal year” for “grants” and “for the preceding fiscal year” for “by September 30, 1997”.

Subsecs. (g)(2), (h), (i). Pub. L. 113-128, §482(b)(1), substituted “Administrator” for “Commissioner”.

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

Pub. L. 111-213, §2(b), July 29, 2010, 124 Stat. 2344, provided that: “In awarding funds to existing centers for independent living (described in section 723(c) of the Rehabilitation Act of 1973 (29 U.S.C. 796f-2(c))) in a State, the director of the designated State unit that has approval to make such awards—

“(1) in fiscal year 2010—

“(A) may 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 [Pub. L. 111-5] in the same proportion as such funds were distributed among such centers in the State in fiscal year 2009, notwithstanding section 723(e) of the Rehabilitation Act of 1973 (29 U.S.C. 796f-2(e)) and any contrary provision of a State plan submitted under section 704 of such Act (29 U.S.C. 796c); and

“(B) may 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

“(2) in fiscal year 2011 and subsequent fiscal years, may 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.)”

§ 796f-3. Centers operated by State agencies

A State that receives assistance for fiscal year 2015 with respect to a center in accordance with subsection (a) of this section (as in effect on the day before July 22, 2014) may continue to receive assistance under this subpart for fiscal year 2015 or a succeeding fiscal year if, for such fiscal year—

(1) no nonprofit private agency—

(A) submits an acceptable application to operate a center for independent living for the fiscal year before a date specified by the Administrator; and

(B) obtains approval of the application under section 796f-1 or 796f-2 of this title; or

(2) after funding all applications so submitted and approved, the Administrator determines that funds remain available to provide such assistance.

(Pub. L. 93-112, title VII, §724, as added Pub. L. 105-220, title IV, §410, Aug. 7, 1998, 112 Stat. 1234; amended Pub. L. 113-128, title IV, §482(c), July 22, 2014, 128 Stat. 1693.)

PRIOR PROVISIONS

A prior section 796f-3, Pub. L. 93-112, title VII, §724, as added Pub. L. 102-569, title VII, §701(2), Oct. 29, 1992, 106 Stat. 4461; amended Pub. L. 103-73, title I, §114(k), Aug. 11, 1993, 107 Stat. 731, related to centers operated by State agencies, prior to the general amendment of this subchapter by Pub. L. 105-220.

AMENDMENTS

2014—Pub. L. 113-128, §482(c)(1), in introductory provisions, substituted “2015” for “1993” in two places and “July 22, 2014” for “August 7, 1998”.

Pars. (1)(A), (2). Pub. L. 113-128, §482(c)(2), substituted “Administrator” for “Commissioner”.

§ 796f-4. Standards and assurances for centers for independent living

(a) In general

Each center for independent living that receives assistance under this subpart shall comply with the standards set out in subsection (b) and provide and comply with the assurances set out in subsection (c) in order to ensure that all programs and activities under this subpart are planned, conducted, administered, and evaluated in a manner consistent with the purposes of this part and the objective of providing assistance effectively and efficiently.

(b) Standards

(1) Philosophy

The center shall promote and practice the independent living philosophy of—

(A) consumer control of the center regarding decisionmaking, service delivery, management, and establishment of the policy and direction of the center;

(B) self-help and self-advocacy;

(C) development of peer relationships and peer role models; and

(D) equal access for individuals with significant disabilities, within their communities, to all services, programs, activities, resources, and facilities, whether public or private and regardless of the funding source.

(2) Provision of services

The center shall provide services to individuals with a range of significant disabilities. The center shall provide services on a cross-disability basis (for individuals with all different types of significant disabilities, including individuals with significant disabilities who are members of populations that are unserved or underserved by programs under this subchapter). Eligibility for services at any center for independent living shall be determined by the center, and shall not be based on the presence of any one or more specific significant disabilities.

(3) Independent living goals

The center shall facilitate the development and achievement of independent living goals selected by individuals with significant disabilities who seek such assistance by the center.

(4) Community options

The center shall work to increase the availability and improve the quality of community options for independent living in order to facilitate the development and achievement of independent living goals by individuals with significant disabilities.

(5) Independent living core services

The center shall provide independent living core services and, as appropriate, a combination of any other independent living services.

(6) Activities to increase community capacity

The center shall conduct activities to increase the capacity of communities within the service area of the center to meet the needs of individuals with significant disabilities.

(7) Resource development activities

The center shall conduct resource development activities to obtain funding from sources other than this part.

(c) Assurances

The eligible agency shall provide at such time and in such manner as the Administrator may require, such satisfactory assurances as the Administrator may require, including satisfactory assurances that—

(1) the applicant is an eligible agency;

(2) the center will be designed and operated within local communities by individuals with disabilities, including an assurance that the center will have a Board that is the principal governing body of the center and a majority of which shall be composed of individuals with significant disabilities;

(3) the applicant will comply with the standards set forth in subsection (b);

(4) the applicant will establish clear priorities through annual and 3-year program and financial planning objectives for the center, including overall goals or a mission for the center, a work plan for achieving the goals or

mission, specific objectives, service priorities, and types of services to be provided, and a description that shall demonstrate how the proposed activities of the applicant are consistent with the most recent 3-year State plan under section 796c of this title;

(5) the applicant will use sound organizational and personnel assignment practices, including taking affirmative action to employ and advance in employment qualified individuals with significant disabilities on the same terms and conditions required with respect to the employment of individuals with disabilities under section 793 of this title;

(6) the applicant will ensure that the majority of the staff, and individuals in decision-making positions, of the applicant are individuals with disabilities;

(7) the applicant will practice sound fiscal management;

(8) the applicant will conduct annual self-evaluations, prepare an annual report, and maintain records adequate to measure performance with respect to the standards, containing information regarding, at a minimum—

(A) the extent to which the center is in compliance with the standards;

(B) the number and types of individuals with significant disabilities receiving services through the center;

(C) the types of services provided through the center and the number of individuals with significant disabilities receiving each type of service;

(D) the sources and amounts of funding for the operation of the center;

(E) the number of individuals with significant disabilities who are employed by, and the number who are in management and decisionmaking positions in, the center; and

(F) a comparison, when appropriate, of the activities of the center in prior years with the activities of the center in the most recent year;

(9) individuals with significant disabilities who are seeking or receiving services at the center will be notified by the center of the existence of, the availability of, and how to contact, the client assistance program;

(10) aggressive outreach regarding services provided through the center will be conducted in an effort to reach populations of individuals with significant disabilities that are unserved or underserved by programs under this subchapter, especially minority groups and urban and rural populations;

(11) staff at centers for independent living will receive training on how to serve such unserved and underserved populations, including minority groups and urban and rural populations;

(12) the center will submit to the Statewide Independent Living Council a copy of its approved grant application and the annual report required under paragraph (8);

(13) the center will prepare and submit a report to the designated State unit or the Administrator, as the case may be, at the end of each fiscal year that contains the information described in paragraph (8) and information re-

garding the extent to which the center is in compliance with the standards set forth in subsection (b); and

(14) an independent living plan described in section 796c(e) of this title will be developed unless the individual who would receive services under the plan signs a waiver stating that such a plan is unnecessary.

(Pub. L. 93-112, title VII, §725, as added Pub. L. 105-220, title IV, §410, Aug. 7, 1998, 112 Stat. 1234; amended Pub. L. 105-332, §5(c), Oct. 31, 1998, 112 Stat. 3127; Pub. L. 113-128, title IV, §483, July 22, 2014, 128 Stat. 1693.)

PRIOR PROVISIONS

A prior section 796f-4, Pub. L. 93-112, title VII, §725, as added Pub. L. 102-569, title VII, §701(2), Oct. 29, 1992, 106 Stat. 4462; amended Pub. L. 103-73, title I, §114(l), Aug. 11, 1993, 107 Stat. 731, related to standards and assurances for centers for independent living, prior to the general amendment of this subchapter by Pub. L. 105-220.

AMENDMENTS

2014—Subsec. (b)(1)(D). Pub. L. 113-128, §483(1), substituted “access for” for “access of” and “, within their communities,” for “to society and”.

Subsec. (c). Pub. L. 113-128, §483(2), substituted “Administrator” for “Commissioner” wherever appearing.

1998—Subsec. (c)(7). Pub. L. 105-332 substituted “management;” for “management, including making arrangements for an annual independent fiscal audit, notwithstanding section 7502(a)(2)(A) of title 31;”.

§ 796f-5. “Eligible agency” defined

As used in this subpart, the term “eligible agency” means a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency.

(Pub. L. 93-112, title VII, §726, as added Pub. L. 105-220, title IV, §410, Aug. 7, 1998, 112 Stat. 1237.)

PRIOR PROVISIONS

A prior section 796f-5, Pub. L. 93-112, title VII, §726, as added Pub. L. 102-569, title VII, §701(2), Oct. 29, 1992, 106 Stat. 4464, defined “eligible agency”, prior to the general amendment of this subchapter by Pub. L. 105-220.

§ 796f-6. Authorization of appropriations

There are authorized to be appropriated to carry out this subpart \$78,305,000 for fiscal year 2015, \$84,353,000 for fiscal year 2016, \$86,104,000 for fiscal year 2017, \$88,013,000 for fiscal year 2018, \$90,083,000 for fiscal year 2019, and \$91,992,000 for fiscal year 2020.

(Pub. L. 93-112, title VII, §727, as added Pub. L. 105-220, title IV, §410, Aug. 7, 1998, 112 Stat. 1237; amended Pub. L. 113-128, title IV, §484, July 22, 2014, 128 Stat. 1693.)

PRIOR PROVISIONS

A prior section 796f-6, Pub. L. 93-112, title VII, §727, as added Pub. L. 102-569, title VII, §701(2), Oct. 29, 1992, 106 Stat. 4464, authorized appropriations, prior to the general amendment of this subchapter by Pub. L. 105-220.

Prior sections 796g to 796i were repealed by Pub. L. 102-569, title VII, §701(1), Oct. 29, 1992, 106 Stat. 4443.

Section 796g, Pub. L. 93-112, title VII, §731, as added Pub. L. 95-602, title III, §301, Nov. 6, 1978, 92 Stat. 3000; amended Pub. L. 99-506, title I, §103(h)(2), Oct. 21, 1986,

100 Stat. 1811; Pub. L. 100-630, title II, §208(h), Nov. 7, 1988, 102 Stat. 3314, provided for grants to States to establish systems to protect and advocate for rights of individuals with severe handicaps.

Section 796h, Pub. L. 93-112, title VII, §732, as added Pub. L. 95-602, title III, §301, Nov. 6, 1978, 92 Stat. 3000; amended Pub. L. 99-506, title I, §103(d)(2)(C), Oct. 21, 1986, 100 Stat. 1810, related to affirmative action on part of recipients of assistance to employ and advance in employment qualified individuals with handicaps.

Section 796i, Pub. L. 93-112, title VII, §741, formerly §731, as added Pub. L. 95-602, title III, §301, Nov. 6, 1978, 92 Stat. 3001; renumbered §741 and amended Pub. L. 98-221, title I, §172(a)(1), (b), Feb. 22, 1984, 98 Stat. 32; Pub. L. 99-506, title VIII, §806, Oct. 21, 1986, 100 Stat. 1840; Pub. L. 100-630, title II, §208(i), Nov. 7, 1988, 102 Stat. 3315; Pub. L. 102-52, §8, June 6, 1991, 105 Stat. 262, provided for appropriations.

AMENDMENTS

2014—Pub. L. 113-128 substituted “\$78,305,000 for fiscal year 2015, \$84,353,000 for fiscal year 2016, \$86,104,000 for fiscal year 2017, \$88,013,000 for fiscal year 2018, \$90,083,000 for fiscal year 2019, and \$91,992,000 for fiscal year 2020.” for “such sums as may be necessary for each of the fiscal years 1999 through 2003.”

PART B—INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

§ 796j. “Older individual who is blind” defined

For purposes of this part, the term “older individual who is blind” means an individual age 55 or older whose significant visual impairment makes competitive employment extremely difficult to attain but for whom independent living goals are feasible.

(Pub. L. 93-112, title VII, §751, as added Pub. L. 105-220, title IV, §410, Aug. 7, 1998, 112 Stat. 1237.)

PRIOR PROVISIONS

A prior section 796j, Pub. L. 93-112, title VII, §751, as added Pub. L. 102-569, title VII, §703(a), Oct. 29, 1992, 106 Stat. 4464, defined “older individual who is blind”, prior to the general amendment of this subchapter by Pub. L. 105-220.

§ 796j-1. Training and technical assistance

(a) In general

From the funds appropriated and made available to carry out this part for any fiscal year, beginning with fiscal year 2015, the Commissioner shall first reserve not less than 1.8 percent and not more than 2 percent of the funds to provide, either directly or through grants, contracts, or cooperative agreements, training and technical assistance to designated State agencies, or other providers of independent living services for older individuals who are blind, that are funded under this part for such fiscal year.

(b) Survey

The Commissioner shall conduct a survey of designated State agencies that receive grants under section 796k of this title regarding training and technical assistance needs in order to determine funding priorities for such training and technical assistance.

(c) Application for grant

To be eligible to receive a grant or enter into a contract or cooperative agreement under this section, an entity shall submit an application to the Commissioner at such time, in such manner,