

§ 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 joint—

(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

this part to meet such objectives. If the State makes arrangements, by grant or contract, for providing such services, such arrangements shall be described in the plan.

(g) Network

The plan shall set forth a design for the establishment of a statewide network of centers for independent living that comply with the standards and assurances set forth in section 796f-4 of this title.

(h) Centers

In States in which State funding for centers for independent living equals or exceeds the amount of funds allotted to the State under subpart 3, as provided in section 796f-2 of this title, the plan shall include policies, practices, and procedures governing the awarding of grants to centers for independent living and oversight of such centers consistent with section 796f-2 of this title.

(i) Cooperation, coordination, and working relationships among various entities

The plan shall set forth the steps that will be taken to maximize the cooperation, coordination, and working relationships among—

(1) the Statewide Independent Living Council;

(2) centers for independent living;

(3) the designated State entity; and

(4) other State agencies or entities represented on the Council, other councils that address the needs and issues of specific disability populations, and other public and private entities determined to be appropriate by the Council.

(j) Coordination of services

The plan shall describe how services funded under this part will be coordinated with, and complement, other services, in order to avoid unnecessary duplication with other Federal, State, and local programs.

(k) Coordination between Federal and State sources

The plan shall describe efforts to coordinate Federal and State funding for centers for independent living and independent living services.

(l) Outreach

With respect to services and centers funded under this part, the plan shall set forth steps to be taken regarding outreach to populations that are unserved or underserved by programs under this subchapter, including minority groups and urban and rural populations.

(m) Requirements

The plan shall provide satisfactory assurances that all recipients of financial assistance under this part will—

(1) notify all individuals seeking or receiving services under this part about the availability of the client assistance program under section 732 of this title, the purposes of the services provided under such program, and how to contact such program;

(2) take affirmative action to employ and advance in employment qualified individuals with disabilities on the same terms and condi-

tions required with respect to the employment of such individuals under the provisions of section 793 of this title;

(3) adopt such fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursement of and accounting for funds paid to the State under this part;

(4)(A) maintain records that fully disclose—

(i) the amount and disposition by such recipient of the proceeds of such financial assistance;

(ii) the total cost of the project or undertaking in connection with which such financial assistance is given or used; and

(iii) the amount of that portion of the cost of the project or undertaking supplied by other sources;

(B) maintain such other records as the Administrator determines to be appropriate to facilitate an effective audit;

(C) afford such access to records maintained under subparagraphs (A) and (B) as the Administrator determines to be appropriate; and

(D) submit such reports with respect to such records as the Administrator determines to be appropriate;

(5) provide access to the Administrator and the Comptroller General or any of their duly authorized representatives, for the purpose of conducting audits and examinations, of any books, documents, papers, and records of the recipients that are pertinent to the financial assistance received under this part; and

(6) provide for public hearings regarding the contents of the plan during both the formulation and review of the plan.

(n) Evaluation

The plan shall establish a method for the periodic evaluation of the effectiveness of the plan in meeting the objectives established in subsection (d), including evaluation of satisfaction by individuals with disabilities.

(o) Promoting full access to community life

The plan shall describe how the State will provide independent living services described in section 705(18) of this title that promote full access to community life for individuals with significant disabilities.

(Pub. L. 93-112, title VII, § 704, as added Pub. L. 105-220, title IV, § 410, Aug. 7, 1998, 112 Stat. 1218; amended Pub. L. 113-128, title IV, § 474, July 22, 2014, 128 Stat. 1686.)

PRIOR PROVISIONS

A prior section 796c, Pub. L. 93-112, title VII, § 704, as added Pub. L. 102-569, title VII, § 701(2), Oct. 29, 1992, 106 Stat. 4444; amended Pub. L. 103-73, title I, § 114(b), Aug. 11, 1993, 107 Stat. 728, related to State plans, prior to the general amendment of this subchapter by Pub. L. 105-220.

Another prior section 796c, Pub. L. 93-112, title VII, § 704, as added Pub. L. 95-602, title III, § 301, Nov. 6, 1978, 92 Stat. 2997; amended Pub. L. 100-630, title II, § 208(c), Nov. 7, 1988, 102 Stat. 3314, related to payments to States from allotments to pay Federal share of expenditures, prior to repeal by Pub. L. 102-569, § 701(1).

AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113-128, § 474(1)(A), substituted “Administrator” for “Commissioner” in two

places and inserted “developed and signed in accordance with paragraph (2),” after “State plan”.

Subsec. (a)(2). Pub. L. 113-128, § 474(1)(B), struck out “developed and signed by” after “jointly” in introductory provisions, added subpars. (A) and (B), and struck out former subpars. (A) and (B) which read as follows: “(A) the director of the designated State unit; and “(B) the chairperson of the Statewide Independent Living Council, acting on behalf of and at the direction of the Council.”

Subsec. (a)(3)(A). Pub. L. 113-128, § 474(1)(C)(i), substituted “independent living services in the State” for “State independent living services”.

Subsec. (a)(3)(C). Pub. L. 113-128, § 474(1)(C)(ii), added subpar. (C) and struck out former subpar. (C) which read as follows:

“(C) working relationships between—

“(i) programs providing independent living services and independent living centers; and

“(ii) the vocational rehabilitation program established under subchapter I of this chapter, and other programs providing services for individuals with disabilities.”

Subsec. (a)(4). Pub. L. 113-128, § 474(1)(D), substituted “Administrator” for “Commissioner” in two places.

Subsec. (a)(5). Pub. L. 113-128, § 474(1)(E), added par. (5).

Subsec. (c). Pub. L. 113-128, § 474(2)(A), (B), substituted “entity” for “unit” in heading and “a State entity of such State (referred to in this subchapter as the ‘designated State entity’)” for “the designated State unit of such State” in introductory provisions.

Subsec. (c)(3), (4). Pub. L. 113-128, § 474(2)(C), substituted “Administrator” for “Commissioner”.

Subsec. (c)(5). Pub. L. 113-128, § 474(2)(D)–(F), added par. (5).

Subsec. (i). Pub. L. 113-128, § 474(3), added pars. (1) to (4) and struck out former pars. (1) and (2) which read as follows:

“(1) the independent living rehabilitation service program, the Statewide Independent Living Council, and centers for independent living; and

“(2) the designated State unit, other State agencies represented on such Council, other councils that address the needs of specific disability populations and issues, and other public and private entities determined to be appropriate by the Council.”

Subsec. (m)(4), (5). Pub. L. 113-128, § 474(4), substituted “Administrator” for “Commissioner” wherever appearing.

Subsec. (o). Pub. L. 113-128, § 474(5), added subsec. (o).

§ 796d. Statewide Independent Living Council

(a) Establishment

To be eligible to receive financial assistance under this part, each State shall establish and maintain a Statewide Independent Living Council (referred to in this section as the “Council”). The Council shall not be established as an entity within a State agency.

(b) Composition and appointment

(1) Appointment

Members of the Council shall be appointed by the Governor or, in the case of a State that, under State law, vests authority for the administration of the activities carried out under this chapter in an entity other than the Governor (such as one or more houses of the State legislature or an independent board), the chief officer of that entity. The appointing authority shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities.