

SUBPART 2—INDEPENDENT LIVING SERVICES

§ 796e. Allotments**(a) In general****(1) States****(A) Population basis**

After the reservation required by section 796e-0 of this title is made, and except as provided in subparagraphs (B) and (C), from the remainder of the sums appropriated for each 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 sums 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 an allotment made to the State for fiscal year 1992 under part A 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), the allotment to any State under subparagraph (A) shall be not less than \$275,000 or $\frac{1}{2}$ 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 \$275,000 or $\frac{1}{2}$ of 1 percent of such sums shall be increased to the greater of the two amounts.

(2) Certain territories**(A) In general**

For the purposes of paragraph (1)(C), Guam, American Samoa, the United States 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 $\frac{1}{2}$ of 1 percent of the remainder described in paragraph (1)(A) 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.

(b) Proportional reduction

To provide allotments to States in accordance with subsection (a)(1)(B), to provide minimum

allotments to States (as increased under subsection (a)(3)) under subsection (a)(1)(C), or to provide minimum allotments to States under subsection (a)(2)(B), the Administrator shall proportionately reduce the allotments of the remaining States under subsection (a)(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 subsection (a)(1)(B).

(c) 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 in 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.

(d) Administration

Funds allotted or made available to a State under this section shall be administered by the designated State entity, in accordance with the approved State plan.

(Pub. L. 93-112, title VII, §711, as added Pub. L. 105-220, title IV, §410, Aug. 7, 1998, 112 Stat. 1224; amended Pub. L. 113-128, title IV, §476(a), July 22, 2014, 128 Stat. 1690.)

Editorial Notes

REFERENCES IN TEXT

Part A of this subchapter, as in effect on the day before October 29, 1992, referred to in subsec. (a)(1)(B), means former part A (§796 et seq.) 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 796e, Pub. L. 93-112, title VII, §711, as added Pub. L. 102-569, title VII, §701(2), Oct. 29, 1992, 106 Stat. 4450; amended Pub. L. 103-73, title I, §114(e), Aug. 11, 1993, 107 Stat. 729, related to allotments to provide independent living services, prior to the general amendment of this subchapter by Pub. L. 105-220.

Another prior section 796e, Pub. L. 93-112, title VII, §711, as added Pub. L. 95-602, title III, §301, Nov. 6, 1978, 92 Stat. 2998; amended Pub. L. 98-221, title I, §171, Feb. 22, 1984, 98 Stat. 30; Pub. L. 99-506, title I, §103(d)(2)(C), title VIII, §§804(a)(1), (b), (c), 805, Oct. 21, 1986, 100 Stat. 1810, 1838, 1839; Pub. L. 100-630, title II, §208(f), Nov. 7, 1988, 102 Stat. 3314, related to establishment and operation of independent living centers, prior to repeal by Pub. L. 102-569, §701(1).

AMENDMENTS

2014—Subsec. (a)(1)(A). Pub. L. 113-128, §476(a)(1)(A), (2), substituted “After the reservation required by section 796e-0 of this title is made, and except” for “Except”, inserted “the remainder of the” before “sums appropriated”, and substituted “Administrator” for “Commissioner”.

Subsec. (a)(2)(B). Pub. L. 113-128, §476(a)(1)(B), substituted “remainder described in paragraph (1)(A)” for “amounts made available for purposes of this subpart”.

Subsecs. (a)(3) to (c). Pub. L. 113–128, §476(a)(2), substituted “Administrator” for “Commissioner” wherever appearing.

Subsec. (d). Pub. L. 113–128, §476(a)(3), added subsec. (d).

§ 796e–0. Training and technical assistance

(a) Reservation of funds for training and technical assistance

From the funds appropriated and made available 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, either directly or through grants, contracts, or cooperative agreements, training and technical assistance to Statewide Independent Living Councils established under section 796d of this title for such fiscal year.

(b) Survey of Statewide Independent Living Councils

The Administrator shall conduct a survey of such Statewide Independent Living Councils regarding training and technical assistance needs in order to determine funding priorities for such training and technical assistance.

(c) Submission of application; peer review

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 Administrator at such time, in such manner, 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 applications by panels that include persons who are not government employees and who have experience in the operation of such Statewide Independent Living Councils.

(Pub. L. 93–112, title VII, §711A, as added Pub. L. 113–128, title IV, §476(b), July 22, 2014, 128 Stat. 1690.)

§ 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.)

Editorial Notes

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