

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.)

#### Editorial Notes

##### 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.)

#### Editorial Notes

##### 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

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

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 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  $\frac{1}{3}$  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) Reallotment**

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.)

**Editorial Notes**

**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 per-

cent 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 standards 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 as-