

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.)

#### Editorial Notes

##### 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Prior sections 796g to 796i were repealed by Pub.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.)

#### Editorial Notes

##### 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, containing a proposal to provide such training and technical assistance, and containing such additional information, as the Commissioner may require. The Commissioner shall provide for peer review of applications by panels that include persons who are not government employees and who have experience in the provision of services to older individuals who are blind.

(Pub. L. 93-112, title VII, § 751A, as added Pub. L. 113-128, title IV, § 486, July 22, 2014, 128 Stat. 1693.)

#### § 796k. Program of grants

##### (a) In general

##### (1) Authority for grants

Subject to subsections (b) and (c), the Commissioner may make grants to States for the purpose of providing the services described in subsection (d) to older individuals who are blind.

##### (2) Designated State agency

The Commissioner may not make a grant under this subsection unless the State involved agrees that the grant will be administered solely by the agency described in section 721(a)(2)(A)(i) of this title.

##### (b) Contingent competitive grants

Beginning with fiscal year 1993, in the case of any fiscal year for which the amount appropriated under section 796l of this title is less than \$13,000,000, grants made under subsection (a) shall be—

(1) discretionary grants made on a competitive basis to States; or

(2) grants made on a noncompetitive basis to pay for the continuation costs of activities for which a grant was awarded—

(A) under this part; or

(B) under part C, as in effect on the day before October 29, 1992.

##### (c) Contingent formula grants

##### (1) In general

In the case of any fiscal year for which the amount appropriated under section 796l of this title is equal to or greater than \$13,000,000,

grants under subsection (a) shall be made only to States and shall be made only from allotments under paragraph (2).

**(2) Allotments**

For grants under subsection (a) for a fiscal year described in paragraph (1), the Commissioner shall make an allotment to each State in an amount determined in accordance with subsection (i), and shall make a grant to the State of the allotment made for the State if the State submits to the Commissioner an application in accordance with subsection (h).

**(d) Services generally**

The Commissioner may not make a grant under subsection (a) unless the State involved agrees that the grant will be expended only for purposes of—

- (1) providing independent living services to older individuals who are blind;
- (2) conducting activities that will improve or expand services for such individuals; and
- (3) conducting activities to help improve public understanding of the problems of such individuals.

**(e) Independent living services**

Independent living services for purposes of subsection (d)(1) include—

- (1) services to help correct blindness, such as—
  - (A) outreach services;
  - (B) visual screening;
  - (C) surgical or therapeutic treatment to prevent, correct, or modify disabling eye conditions; and
  - (D) hospitalization related to such services;
- (2) the provision of eyeglasses and other visual aids;
- (3) the provision of services and equipment to assist an older individual who is blind to become more mobile and more self-sufficient;
- (4) mobility training, braille instruction, and other services and equipment to help an older individual who is blind adjust to blindness;
- (5) guide services, reader services, and transportation;
- (6) any other appropriate service designed to assist an older individual who is blind in coping with daily living activities, including supportive services and rehabilitation teaching services;
- (7) independent living skills training, information and referral services, peer counseling, and individual advocacy training; and
- (8) other independent living services.

**(f) Matching funds**

**(1) In general**

The Commissioner may not make a grant under subsection (a) unless the State involved agrees, with respect to the costs of the program to be carried out by the State pursuant to such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than \$1 for each \$9 of Federal funds provided in the grant.

**(2) Determination of amount contributed**

Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

**(g) Certain expenditures of grants**

A State may expend a grant under subsection (a) to carry out the purposes specified in subsection (d) through grants to, or contracts or cooperative agreements with, public and nonprofit private agencies or organizations.

**(h) Application for grant**

**(1) In general**

The Commissioner may not make a grant under subsection (a) unless an application for the grant is submitted to the Commissioner and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Commissioner determines to be necessary to carry out this section (including agreements, assurances, and information with respect to any grants under subsection (i)(4)).

**(2) Contents**

An application for a grant under this section shall contain—

- (A) an assurance that the agency described in subsection (a)(2) will prepare and submit to the Commissioner a report, at the end of each fiscal year, with respect to each project or program the agency operates or administers under this section, whether directly or through a grant or contract, which report shall contain, at a minimum, information on—
  - (i) the number and types of older individuals who are blind and are receiving services;
  - (ii) the types of services provided and the number of older individuals who are blind and are receiving each type of service;
  - (iii) the sources and amounts of funding for the operation of each project or program;
  - (iv) the amounts and percentages of resources committed to each type of service provided;
  - (v) data on actions taken to employ, and advance in employment, qualified individuals with significant disabilities, including older individuals who are blind; and
  - (vi) a comparison, if appropriate, of prior year activities with the activities of the most recent year; and

(B) an assurance that the agency will—

- (i) provide services that contribute to the maintenance of, or the increased independence of, older individuals who are blind; and
- (ii) engage in—
  - (I) capacity-building activities, including collaboration with other agencies and organizations;
  - (II) activities to promote community awareness, involvement, and assistance; and

(III) outreach efforts.

**(i) Amount of formula grant**

**(1) In general**

Subject to the availability of appropriations, the amount of an allotment under subsection (a) for a State for a fiscal year shall be the greater of—

(A) the amount determined under paragraph (2); or

(B) the amount determined under paragraph (3).

**(2) Minimum allotment**

**(A) States**

In the case of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, the amount referred to in subparagraph (A) of paragraph (1) for a fiscal year is the greater of—

(i) \$225,000; or

(ii) an amount equal to  $\frac{1}{3}$  of 1 percent of the amount appropriated under section 796I of this title, and not reserved under section 796j-1 of this title, for the fiscal year and available for allotments under subsection (a).

**(B) Certain territories**

In the case of Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the amount referred to in subparagraph (A) of paragraph (1) for a fiscal year is \$40,000.

**(3) Formula**

The amount referred to in subparagraph (B) of paragraph (1) for a State for a fiscal year is the product of—

(A) the amount appropriated under section 796I of this title, and not reserved under section 796j-1 of this title, and available for allotments under subsection (a); and

(B) a percentage equal to the quotient of—

(i) an amount equal to the number of individuals residing in the State who are not less than 55 years of age; divided by

(ii) an amount equal to the number of individuals residing in the United States who are not less than 55 years of age.

**(4) Disposition of certain amounts**

**(A) Grants**

From the amounts specified in subparagraph (B), the Commissioner may make grants to States whose population of older individuals who are blind has a substantial need for the services specified in subsection (d) relative to the populations in other States of older individuals who are blind.

**(B) Amounts**

The amounts referred to in subparagraph (A) are any amounts that are not paid to States under subsection (a) as a result of—

(i) the failure of any State to submit an application under subsection (h);

(ii) the failure of any State to prepare within a reasonable period of time such application in compliance with such subsection; or

(iii) any State informing the Commissioner that the State does not intend to

expend the full amount of the allotment made for the State under subsection (a).

**(C) Conditions**

The Commissioner may not make a grant under subparagraph (A) unless the State involved agrees that the grant is subject to the same conditions as grants made under subsection (a).

(Pub. L. 93-112, title VII, §752, as added Pub. L. 105-220, title IV, §410, Aug. 7, 1998, 112 Stat. 1237; amended Pub. L. 113-128, title IV, §487, July 22, 2014, 128 Stat. 1694.)

**Editorial Notes**

**REFERENCES IN TEXT**

Part C, as in effect on the day before October 29, 1992, referred to in subsec. (b)(2)(B), means former part C (§796f) 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 796k, Pub. L. 93-112, title VII, §752, as added Pub. L. 102-569, title VII, §703(a), Oct. 29, 1992, 106 Stat. 4465; amended Pub. L. 103-73, title I, §114(m), Aug. 11, 1993, 107 Stat. 732, authorized grants to provide independent living services for older individuals who are blind, prior to the general amendment of this subchapter by Pub. L. 105-220.

**AMENDMENTS**

2014—Subsec. (c)(2). Pub. L. 113-128, §487(3), substituted “subsection (i)” for “subsection (j)” and “subsection (h)” for “subsection (i)”.

Subsec. (g). Pub. L. 113-128, §487(4), inserted “, or contracts or cooperative agreements with,” after “grants to”.

Subsec. (h). Pub. L. 113-128, §487(1), (2), redesignated subsec. (i) as (h) and struck out former subsec. (h). Prior to amendment, text read as follows: “The Commissioner may not make a grant under subsection (a) unless the State involved agrees that, in carrying out subsection (d)(1), the State will seek to incorporate into the State plan under section 796c of this title any new methods and approaches relating to independent living services for older individuals who are blind.”

Subsec. (h)(1). Pub. L. 113-128, §487(5)(A), substituted “subsection (i)(4)” for “subsection (j)(4)”.

Subsec. (h)(2)(A)(vi) to (C). Pub. L. 113-128, §487(5)(B), inserted “and” after semicolon at end of subpar. (A)(vi), substituted a period for “; and” at end of subpar. (B)(ii)(III), and struck out subpar. (C) which read as follows: “an assurance that the application is consistent with the State plan for providing independent living services required by section 796c of this title.”

Subsec. (i). Pub. L. 113-128, §487(2), redesignated subsec. (j) as (i). Former subsec. (i) redesignated (h).

Subsec. (i)(2)(A)(ii), (3)(A). Pub. L. 113-128, §487(6)(A), (B), inserted “, and not reserved under section 796j-1 of this title,” after “section 796I of this title”.

Subsec. (i)(4)(B)(i). Pub. L. 113-128, §487(6)(C), substituted “subsection (h)” for “subsection (i)”.

Subsec. (j). Pub. L. 113-128, §487(2), redesignated subsec. (j) as (i).

**§ 796I. Authorization of appropriations**

There are authorized to be appropriated to carry out this part \$33,317,000 for fiscal year 2015, \$35,890,000 for fiscal year 2016, \$36,635,000 for fiscal year 2017, \$37,448,000 for fiscal year 2018, \$38,328,000 for fiscal year 2019, and \$39,141,000 for fiscal year 2020.

(Pub. L. 93-112, title VII, §753, as added Pub. L. 105-220, title IV, §410, Aug. 7, 1998, 112 Stat. 1241;