

## **THE REHABILITATION ACT OF 1973, AS AMENDED (by WIOA in 2014)**

### **Title VII - Independent Living Services and Centers for Independent Living**

#### **Chapter 1 - INDIVIDUALS WITH SIGNIFICANT DISABILITIES**

##### **Subchapter A - General Provisions**

**Sec. 701. Purpose.** – The purpose of this chapter is to promote a philosophy of independent living, including a philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities, and the integration and full inclusion of individuals with disabilities into the mainstream of American society, by:

(1) providing financial assistance to States for providing, expanding, and improving the provision of independent living services;

(2) providing financial assistance to develop and support statewide networks of centers for independent living; and

(3) providing financial assistance to States for improving working relationships among State independent living rehabilitation service programs, centers for independent living, Statewide Independent Living Councils established under section 705, State vocational rehabilitation programs receiving assistance under title I, State programs of supported employment services receiving assistance under title VI, client assistance programs receiving assistance under section 112, programs funded under other titles of this Act, programs funded under other Federal law, and programs funded through non-Federal sources with the goal of improving the independence of individuals with disabilities.

##### **Sec. 701A. Administration Of The Independent Living Program.**

There is established within the Administration for Community Living of the Department of Health and Human Services, an Independent Living Administration. The Independent Living Administration shall be headed by a Director (referred to in this section as the 'Director') appointed by the Secretary of Health and Human Services. The Director shall be an individual with substantial knowledge of independent living services. The Independent Living Administration shall be the principal agency, and the Director shall be the principal officer, to carry out this chapter. In performing the functions of the office, the Director shall be directly responsible to the Administrator of the Administration for Community Living of the Department of Health and Human Services. The Secretary shall ensure that the Independent Living Administration has sufficient resources (including designating at least 1 individual from the Office of General Counsel who is knowledgeable about independent living services) to provide technical assistance and support to, and oversight of, the programs funded under this chapter."

## **Sec. 702. Definitions.**

As used in this chapter:

**(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 7(17).

**(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 management, staffing, decisionmaking, operation, and provision of services, of the center.

## **Sec. 703. Eligibility for Receipt of Services.**

Services may be provided under this chapter to any individual with a significant disability, as defined in section 7(21)(B).

## **Sec. 704. State Plan.**

**(a) In General.** –

**(1) Requirement.** – To be eligible to receive financial assistance under this chapter, 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 jointly –

**(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 through 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, employment, 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 chapter until such time as the State submits such a plan.

**(5) Statewideness.** – 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 705, as well as a plan for funding the administrative costs of the Council.

**(c) Designation of State Entity.** – The plan shall designate a State entity of such State (referred to in this title 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 chapter based on the plan;
- (2) provide administrative support services for a program under part B, and a program under part C in a case in which the program is administered by the State under section 723;
- (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 Part B. 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 chapter.

**(e) Independent Living Services.** – The plan shall provide that the State will provide independent living services under this chapter 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 chapter 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 725.

**(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 part C, as provided in section 723, 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 723.

**(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 chapter 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 chapter, the plan shall set forth steps to be taken regarding outreach to populations that are unserved or underserved by programs under this title, including minority groups and urban and rural populations.

**(m) Requirements.** – The plan shall provide satisfactory assurances that all recipients of financial assistance under this chapter will –

- (1) notify all individuals seeking or receiving services under this chapter about the availability of the client assistance program under section 112, 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 conditions required with respect to the employment of such individuals under the provisions of section 503;
- (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 chapter;
- (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 chapter; 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 –**

**(1) In General.** – The plan shall describe how the State will provide independent living services described in section 7(18) that promote full access to community life for individuals with significant disabilities.

**Sec. 705. Statewide Independent Living Council.**

**(a) Establishment.** – To be eligible to receive financial assistance under this chapter, 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 Act 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.

**(2) Composition.** – The Council shall include

- (A) among its voting members, at least 1 director of a center for independent living chosen by the directors of centers for independent living within the State;
- (B) among its voting members, for a State in which 1 or more centers for independent living are run by, or in conjunction with, the governing bodies of American Indian tribes located on Federal or State reservations, at least 1 representative of the directors of such centers; and
- (C) as ex officio, nonvoting members, a representative from the designated State entity, and representatives from State agencies that provide services for individuals with disabilities;

**(3) Additional members.** – The Council may include:

- (A) other representatives from centers for independent living;
- (B) individuals with disabilities;
- (C) parents and guardians of individuals with disabilities;
- (D) advocates of and for individuals with disabilities;
- (E) representatives from private businesses;
- (F) representatives from organizations that provide services for individuals with disabilities; and
- (G) other appropriate individuals.

**(4) Qualifications.** –

**(A) In general.** – The Council shall be composed of members--

- (i) who provide statewide representation;
- (ii) who represent a broad range of individuals with disabilities from diverse backgrounds;
- (iii) who are knowledgeable about centers for independent living and independent living services; and
- (iv) a majority of whom are persons who are-
  - (I) individuals with disabilities described in section 7(20)(B); and
  - (II) not employed by any State agency or center for independent living.

**(B) Voting members.** – A majority of the voting members of the Council shall be –

- (i) individuals with disabilities described in section 7(20)(B); and
- (ii) not employed by any State agency or center for independent living.

**(5) Chairperson. –**

**(A) In General.** Except as provided in subparagraph (B), the Council shall select a chairperson from among the voting membership of the Council.

**(B) Designation by Governor.** In States in which the Governor does not have veto power pursuant to State law, the appointing authority described in paragraph (1) shall designate a voting member of the Council to serve as the chairperson of the Council or shall require the Council to so designate such a voting member.

**(6) Terms of Appointment. –**

**(A) Length of term. –** Each member of the Council shall serve for a term of 3 years, except that –

**(i)** a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

**(ii)** the terms of service of the members initially appointed shall be (as specified by the Governor) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

**(B) Number of terms. –** No member of the Council, other than a representative described in paragraph (2)(A) if there is only one center for independent living within the State, may serve more than two consecutive full terms.

**(7) Vacancies. –**

**(A) In general. –** Except as provided in subparagraph (B), any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

**(B) Delegation. –** The Governor may delegate the authority to fill such a vacancy to the remaining voting members of the Council after making the original appointment.

**(c) Functions.**

**(1) Duties. –** The Council shall

**(A)** develop the State plan as provided in section 704(a)(2);

**(B)** monitor, review, and evaluate the implementation of the State plan;

**(C)** meet regularly, and ensure that such meetings of the Council are open to the public and sufficient advance notice of such meetings is provided;



**(D)** submit to the Administrator such periodic reports as the Administrator may reasonably request, and keep such records, and afford such access to such records, as the Administrator finds necessary to verify the information in such reports; and

**(E)** as appropriate, coordinate activities with other entities in the State that provide services similar to or complimentary to independent living services, such as entities that facilitate the provision of or provide long-term community-based services and supports.

**(2) Authorities.** – The Council may, consistent with the State plan described in section 704, unless prohibited by State law –

**(A)** in order to improve services provided to individuals with disabilities, work with centers for independent living to coordinate services with public and private entities;

**(B)** conduct resource development activities to support the activities described in this subsection or to support the provision of independent living services by centers for independent living; and

**(C)** perform such other functions, consistent with the purpose of this chapter and comparable to other functions described in this subsection, as the Council determines to be appropriate.

**(3) Limitation.** – The Council shall not provide independent living services directly to individuals with significant disabilities or manage such services.

**(d) Hearings and Forums.** – The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

**(e) Plan.** –

**(1) In General.** –The Council shall prepare, in conjunction with the designated State entity, a plan for the provision of such resources, including such staff and personnel, as may be necessary and sufficient to carry out the functions of the Council under this section, with funds made available under this chapter, and under section 110 (consistent with section 101(a)(18), and from other public and private sources. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

**(2) Supervision and Evaluation.** – Each Council shall, consistent with State law, supervise and evaluate such staff and other personnel as may be necessary to carry out the functions of the Council under this section.

**(3) Conflict of Interest.** – While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the designated State agency or any other agency or office of the State, that would create a conflict of interest.

**(f) Compensation and Expenses.** – The Council may use available resources to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (such as personal assistance services), and to pay reasonable compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing Council duties.

### **Section. 706. Responsibilities of the Administrator.**

#### **(a) Approval of State Plans. –**

**(1) In general.** – The Administrator shall approve any State plan submitted under section 704 that the Administrator determines meets the requirements of section 704, and shall disapprove any such plan that does not meet such requirements, as soon as practicable after receiving the plan. Prior to such disapproval, the Administrator shall notify the State of the intention to disapprove the plan, and shall afford such State reasonable notice and opportunity for a hearing.

#### **(2) Procedures. –**

**(A) In general.** – Except as provided in subparagraph (B), the provisions of subsections (c) and (d) of section 107 shall apply to any State plan submitted to the Administrator under section 704.

**(B) Application.** – For purposes of the application described in subparagraph (A), all references in such provisions--

**(i)** to the Secretary or the Commissioner shall be deemed to be references to the Administrator; and

**(ii)** to the State agency shall be deemed to be references to the designate State entity: and

**(iii)** to section 101 shall be deemed to be references to section 704.

**(b) Indicators.** – Not later than 1 year after the date of enactment of the Workforce Innovation and Opportunity Act, the Administrator shall develop and publish in the Federal Register indicators of minimum compliance for centers for independent living (consistent with the standards set forth in section 725), and indicators of minimum compliance for Statewide Independent Living Councils.

#### **(c) Onsite Compliance Reviews. –**

**(1) Reviews.** – The Administrator shall annually conduct onsite compliance reviews of at least 15 percent of the centers for independent living that receive funds under section 722 and shall periodically conduct such a review of each such center. The Administrator shall annually conduct onsite compliance reviews of at least one-third of the designated State units that receive funding under section 723, and, to the extent necessary to determine the compliance of such a State unit with subsections (f) and (g) of section 723, centers that receive funding under section 723 in such State.

**(2) Qualifications of employees conducting reviews.** – The Administrator shall--

**(A)** to the maximum extent practicable, carry out a review described in paragraph (1) by using employees of the Department of Health and Human Services who are knowledgeable about the provision of independent living services;

**(B)** ensure that the employee of the Department of Health and Human Services with responsibility for supervising such a review shall have such knowledge; and

**(C)** ensure that at least one member of a team conducting such a review shall be an individual who--

**(i)** is not a government employee; and

**(ii)** has experience in the operation of centers for independent living.

**(d) Reports.** –

**(1) In General.** – The Director described in Section 701A shall provide to the Administrator of the Administration for Community Living and the Administrator shall include, in an annual report, information on the extent to which centers for independent living receiving funds under Part C have complied with the standards and assurances set forth in section 725. The Director may identify individual centers for independent living in the analysis contained in that information. The Director shall include in the report the results on onsite compliance reviews, identifying individual centers for independent living and other recipients of assistance under Part C.

**(2) Public Availability.** – The Director shall ensure that the report described in this subsection is made available in a timely manner, including through electronic means, in order to inform the public about the administration and performance of programs under this Act.

## **Subchapter B – Independent Living Services**

### **Sec. 711. Allotments.**

**(a) In General.** –

**(1) States.** –

**(A) Population basis.** – After the reservation required by section 711A 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 part, the Administrator shall make an allotment to each State whose State plan has been approved under section 706 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 part, 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 title, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992.

**(C) Minimums.** – Subject to the availability of appropriations to carry out this part, and except as provided in subparagraph (B), the allotment to any State under subparagraph (A) shall be not less than \$275,000 or 1/3 of one 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 1/3 of one 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 one-eighth of one percent of the amounts made available for purposes of this part 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 part exceeds the total amount appropriated to carry out this part 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 part 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) 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 in carrying out the provisions of this part, the Administrator shall make such amount available for carrying out the provisions of this part 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.

### **Section 711A. 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 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 705 for such fiscal year.

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

**(c)** 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 Statewide Independent Living Councils

### **Sec. 712. Payments to States from Allotments.**

**(a) Payments.** – From the allotment of each State for a fiscal year under section 711, the State shall be paid the Federal share of the expenditures incurred during such year under its State plan approved under section 706. 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 706.

**(2) Non-Federal Share. –** The non-Federal share of the cost of any project that receives assistance through an allotment under this part may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

**Sec. 713. Authorized Uses of Funds.**

**(a) In General. –** The State may use funds received under this part to provide the resources described in section 705 (e) (but may not use more than 30 percent of the funds paid to the State under section 712 for such resources unless the state specifies that a greater percentage of the funds needed for such resources in a State plan approved under section 706), relating to the Statewide Independent Living Council, may retain funds under section 704 (c)(5), and shall distribute the remainder of the funds received under this part in a manner consistent with the approved State plan for the activities described in subsections (b). shall distribute the remainder of the funds received under this part in a manner consistent with the approved State plan for the activities described in subsections (b).

**(b) Activities. –** The State may use the remainder of the funds described in subsections

**(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 725;

**(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 under this title, including minority groups and urban and rural populations.

**Sec. 714. Authorization of Appropriations.**

There are authorized to be appropriated to carry out this part \$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.

**Subchapter C – Centers for Independent Living**

**Sec. 721. Program Authorization.**

**(a) In General.** – From the funds appropriated for fiscal year 2015 and for each subsequent fiscal year to carry out this part, 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 part 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 and 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 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 of 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 Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds

appropriated under this chapter are separately identified in such grant or payment and are used for the purposes of this chapter.

**(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 part, the Administrator shall make an allotment to each State whose State plan has been approved under section 706 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 part, the amount 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 title, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992.

**(C) Minimums. –** Subject to the availability of appropriations to carry out this part and except as provided in subparagraph (B), for a fiscal year in which the amounts appropriated to carry out this part exceed the amounts appropriated for fiscal year 1992 to carry out part B of this title, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 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 one-third of one 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 one-third of one percent of such sums shall be increased to the greater of the two 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 one-third of one 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 one-third of one percent of such sums shall be increased to the greater of the two 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 two 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 one-eighth of one 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 part exceeds the total amount appropriated to carry out this part 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 part 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) 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 for carrying out the provisions of this part, the Administrator shall make such amount available for carrying out the provisions of this part 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.

**Sec. 722. 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 723 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 721 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 725.

**(b) Eligible Agencies.** – In any State in which the Administrator has approved the State plan required by section 704, 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 part and perform the functions set forth in section 725 within a community and to receive and administer funds under this part, 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 725; 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 part 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 725.

**(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 725;
- (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 704 regarding establishment of a statewide network of centers for independent living and consistent with the other objectives of this title.

**(3) Current Centers.** – Notwithstanding paragraphs (1) and (2), a center for independent living that receives assistance under part B for a fiscal year shall be eligible for a grant for the subsequent fiscal year under this subsection.

**(e) Order of Priorities.** – The Administrator shall be guided by the following order of priorities in allocating funds among centers for independent living within a State, to the extent funds are available:

**(1)** The Administrator shall support existing centers for independent living, as described in subsection (c), that comply with the standards and assurances set forth in section 725, at the level of funding for the previous year.

**(2)** The Administrator shall provide for a cost-of-living increase for such existing centers for independent living.

**(3)** The Administrator shall fund new centers for independent living, as described in subsection (d), that comply with the standards and assurances set forth in section 725.

**(f) Nonresidential Agencies.** – A center that provides or manages residential housing after October 1, 1994, shall not be considered to be an eligible agency under this section.

**(g) Review. –**

**(1) In General.** – The Administrator shall periodically review each center receiving funds under this section to determine whether such center is in compliance with the standards and assurances set forth in section 725. If the Administrator determines that any center receiving funds under this section is not in compliance with the standards and assurances set forth in section 725, the Administrator shall immediately notify such center that it is out of compliance.

**(2) Enforcement.** – The Administrator shall terminate all funds under this section to such center 90 days after the date of such notification unless the center submits a plan to achieve compliance within 90 days of such notification and such plan is approved by the Administrator.

**Sec. 723. Grants to Centers for Independent Living in States in Which State Funding Equals or Exceeds Federal Funding.**

**(a) Establishment. –**

**(1) In General. –**

**(A) Initial Year. –**

**(i) Determination.** – The director of a designated State unit, as provided in paragraph (2), or the Administrator, as provided in paragraph (3), shall award grants under this section for an initial fiscal year if the Administrator determines that the amount of State funds that were earmarked by a State for a preceding fiscal year to support the general operation of centers for independent living meeting the requirements of this part equaled or exceeded the amount of funds allotted to the State under subsection (c) or (d) of section 721 for such year.

**(ii) Grants.** – The director of a designated State unit or the Administrator, as appropriate, shall award such grants, from the amount of funds so allotted for the initial fiscal year, to eligible agencies in the State for the planning, conduct, administration, and evaluation of centers for independent living that comply with the standards and assurances set forth in section 725.

**(iii) Regulation.** – The Administrator shall by regulation specify the preceding fiscal year with respect to which the Administrator will make the determinations described in clause (i) and subparagraph (B), making such adjustments as may be necessary to accommodate State funding cycles such as 2-year funding cycles or State fiscal years that do not coincide with the Federal fiscal year.

**(B) Subsequent Years.** – For each year subsequent to the initial fiscal year described in subparagraph (A), the director of the designated State unit shall continue to have the authority to award such grants under this section if the Administrator determines that the State continues to earmark the amount of State funds described in subparagraph (A)(i). If the State does not continue to earmark such an amount for a fiscal year, the State shall be ineligible to make grants under this section after a final year following such fiscal year, as defined in accordance with regulations established by the Administrator, and for each subsequent fiscal year.

**(2) Grants by Designated State Units.** – In order for the designated State unit to be eligible to award the grants described in paragraph (1) and carry out this section for a fiscal year with respect to a State, the designated State agency shall submit an application to the Administrator at such time, and in such manner as the Administrator may require, including information about the amount of State funds described in paragraph (1) for the preceding fiscal year. If the Administrator makes a determination described in subparagraph (A)(i) or (B), as appropriate, of paragraph (1), the Administrator shall approve the application and designate the director of the designated State unit to award the grant and carry out this section.

**(3) Grants by Administrator.** – If the designated State agency of a State described in paragraph (1) does not submit and obtain approval of an application under paragraph (2), the Administrator shall award the grant described in paragraph (1) to eligible agencies in the State in accordance with section 722.

**(b) Eligible Agencies.** – In any State in which the Administrator has approved the State plan required by section 704, the director of the designated State unit may award a grant under this section to any eligible agency that –

**(1)** has the power and authority to carry out the purpose of this part and perform the functions set forth in section 725 within a community and to receive and administer funds under this part, 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 director to be able to plan, conduct, administer, and evaluate a center for independent living, consistent with the standards and assurances set forth in section 725; and

**(3)** submits an application to the director at such time, in such manner, and containing such information as the head of the designated State unit may require.

**(c) Existing Eligible Agencies.** – In the administration of the provisions of this section, the director of the designated State unit shall award grants for a fiscal year under this section to any eligible agency that has been awarded a grant under this part for the

preceding fiscal year, unless the director makes a finding that the agency involved fails to comply with the standards and assurances set forth in section 725.

**(d) New Centers for Independent Living. –**

**(1) In General. –** If there is no center for independent living serving a region of the State or the region is unserved or underserved, and the increase in the allotment of the State is sufficient to support an additional center for independent living in the State, the director of the designated State unit may award a grant under this section from among eligible agencies, consistent with the provisions of the State plan under section 704 setting forth the design of the State for establishing a statewide network of centers for independent living.

**(2) Selection. –** In selecting from among eligible agencies in awarding a grant under this part for a new center for independent living:

**(A)** the director of the designated State unit and the chairperson of, or other individual designated by, the Statewide Independent Living Council acting on behalf of and at the direction of the Council, shall jointly appoint a peer review committee that shall rank applications in accordance with the standards and assurances set forth in section 725 and criteria jointly established by such director and such chairperson or individual;

**(B)** the peer review committee shall consider the ability of each such applicant to operate a center for independent living, and shall recommend an applicant to receive a grant under this section, based on:

**(i)** evidence of the need for a center for independent living, consistent with the State plan;

**(ii)** any past performance of such applicant in providing services comparable to independent living services;

**(iii)** the plan for complying with, or demonstrated success in complying with, the standards and the assurances set forth in section 725;

**(iv)** the quality of key personnel of the applicant and the involvement of individuals with significant disabilities by the applicant;

**(v)** the budgets and cost-effectiveness of the applicant;

**(vi)** the evaluation plan of the applicant; and

**(vii)** the ability of such applicant to carry out the plans; and

**(C)** the director of the designated State unit shall award the grant on the basis of the recommendations of the peer review committee if the actions of the committee are consistent with Federal and State law.

**(3) Current Centers.** – Notwithstanding paragraphs (1) and (2), a center for independent living that receives assistance under part B for a fiscal year shall be eligible for a grant for the subsequent fiscal year under this subsection.

**(e) Order of Priorities.** – Unless the director of the designated State unit and the chairperson of the Council or other individual designated by the Council acting on behalf of and at the direction of the Council jointly agree on another order of priority, the director shall be guided by the following order of priorities in allocating funds among centers for independent living within a State, to the extent funds are available:

**(1)** The director of the designated State unit shall support existing centers for independent living, as described in subsection (c), that comply with the standards and assurances set forth in section 725, at the level of funding for the previous year.

**(2)** The director of the designated State unit shall provide for a cost-of-living increase for such existing centers for independent living.

**(3)** The director of the designated State unit shall fund new centers for independent living, as described in subsection (d), that comply with the standards and assurances set forth in section 725.

**(f) Nonresidential Agencies.** – A center that provides or manages residential housing after October 1, 1994, shall not be considered to be an eligible agency under this section.

**(g) Review.** –

**(1) In General.** – The director of the designated State unit shall periodically review each center receiving funds under this section to determine whether such center is in compliance with the standards and assurances set forth in section 725. If the director of the designated State unit determines that any center receiving funds under this section is not in compliance with the standards and assurances set forth in section 725, the director of the designated State unit shall immediately notify such center that it is out of compliance.

**(2) Enforcement.** – The director of the designated State unit shall terminate all funds under this section to such center 90 days after:

**(A)** the date of such notification; or

**(B)** in the case of a center that requests an appeal under subsection (i), the date of any final decision under subsection (i), unless the center submits a plan to achieve compliance within 90 days and such plan is approved by the director, or if appealed, by the Administrator.

**(h) Onsite Compliance Review.** – The director of the designated State unit shall annually conduct onsite compliance reviews of at least 15 percent of the centers for

independent living that receive funding under this section in the State. Each team that conducts onsite compliance review of centers for independent living shall include at least one person who is not an employee of the designated State agency, who has experience in the operation of centers for independent living, and who is jointly selected by the director of the designated State unit and 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.

#### **Sec. 724. 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 the date of enactment of the Workforce Innovation Opportunity Act) may continue to receive assistance under this part 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 722 or 723; or

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

#### **Sec. 725. Standards and Assurances for Centers for Independent Living**

**(a) In General.** – Each center for independent living that receives assistance under this part 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 part are planned, conducted, administered, and evaluated in a manner consistent with the purposes of this chapter 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 decision making, 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 title). 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 chapter.

**(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 704;

**(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 503;

**(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, including making arrangements for an annual independent fiscal audit, notwithstanding section 7502(a)(2)(A) of title 31, United States Code;

**(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 title, 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 regarding 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 704(e) will be developed unless the individual who would receive services under the plan signs a waiver stating that such a plan is unnecessary.

**Sec. 726. Definitions.** – As used in this part, the term "eligible agency" means a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency.

**Sec. 727. Authorization of Appropriations.** – There are authorized to be appropriated to carry out this , \$78,305,000 for fiscal year 2015, \$84,353,000 for fiscal year 2016, \$86,104,000 for fiscal year 2018, \$88,013,000 for fiscal year 2018, \$90,083,000 for fiscal year 2019, and \$91,992,000 for fiscal year 2020.

## **Chapter 2 – INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND**

### **Sec. 751. Definition.**

For purposes of this chapter, 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.

### **SEC. 751A. Training and Technical Assistance.**

(a) From the funds appropriated and made available to carry out this chapter for fiscal year, 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 chapter for such fiscal year.

**(b)** The Commissioner shall conduct a survey of designated State agency that receive grants under Section 752 regarding training and technical assistance needs in order to determine funding priorities for such training and technical assistance.

**(c)** 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 the applications by panels that include persons who are not government employees and who have experience in provision of services to other individuals who are blind.

## **Sec. 752. 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 subsection (a) unless the State involved agrees that the grant will be administered solely by the agency described in section 101(a)(2)(A)(i).

**(b) Contingent Competitive Grants.** – Beginning with fiscal year 1993, in the case of any fiscal year for which the amount appropriated under section 753 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 chapter; or

**(B)** under part C, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 1992.

### **(c) Contingent Formula Grants. –**

**(1) In General.** – In the case of any fiscal year for which the amount appropriated under section 753 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 (j), 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 (i).

**(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 public and nonprofit private agencies or organizations.

**(h) Requirement Regarding State Plan. –** 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 704 any new methods and approaches relating to independent living services for older individuals who are blind.

**(i) 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 (j)(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;

**(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; and

**(C)** an assurance that the application is consistent with the State plan for providing independent living services required by section 704.

**(j) 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 one-third of one percent of the amount appropriated under section 753 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 753 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 (i);

(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).

**Sec. 753. Authorization of Appropriations.** – There are authorized to be appropriated to carry out this chapter such sums as may be necessary for each of the fiscal years 1999 through 2003.