

§ 26(e), Oct. 7, 1991, 105 Stat. 607, provided for submission of State plans for assistance under former part C of this subchapter, prior to repeal by Pub. L. 102-569, § 621(a).

AMENDMENTS

1998—Pub. L. 105-277 made technical amendment in original to section designation and catchline.

§ 795n. Authorization of appropriations

There are authorized to be appropriated to carry out this part such sums as may be necessary for each of fiscal years 1999 through 2003.

(Pub. L. 93-112, title VI, § 628, as added Pub. L. 105-220, title IV, § 409, Aug. 7, 1998, 112 Stat. 1217; amended Pub. L. 105-277, div. A, § 101(f) [title VIII, § 402(b)(19)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-414.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 795q of this title prior to the general amendment of this subchapter by Pub. L. 105-220.

Prior sections 795n to 795r were omitted in the general amendment of this subchapter by Pub. L. 105-220.

Section 795n, Pub. L. 93-112, title VI, § 635, as added Pub. L. 102-569, title VI, § 621(a), Oct. 29, 1992, 106 Stat. 4440, related to State plans. See section 795k of this title.

Another prior section 795n, Pub. L. 93-112, title VI, § 635, as added Pub. L. 99-506, title VII, § 704(a)(1), Oct. 21, 1986, 100 Stat. 1836; amended Pub. L. 100-630, title II, § 207(g), Nov. 7, 1988, 102 Stat. 3314, related to availability and comparability of services under former part C of this subchapter, prior to repeal by Pub. L. 102-569, § 621(a).

Section 795o, Pub. L. 93-112, title VI, § 636, as added Pub. L. 102-569, title VI, § 621(a), Oct. 29, 1992, 106 Stat. 4442, related to collection of client information. See section 795l of this title.

Another prior section 795o, Pub. L. 93-112, title VI, § 636, as added Pub. L. 99-506, title VII, § 704(a)(1), Oct. 21, 1986, 100 Stat. 1836, related to collection of client information, prior to repeal by Pub. L. 102-569, § 621(a).

Section 795p, Pub. L. 93-112, title VI, § 637, as added Pub. L. 102-569, title VI, § 621(a), Oct. 29, 1992, 106 Stat. 4442, contained savings provision. See section 795m of this title.

Another prior section 795p, Pub. L. 93-112, title VI, § 637, as added Pub. L. 99-506, title VII, § 704(a)(1), Oct. 21, 1986, 100 Stat. 1837, contained a savings provision not prohibiting a State from carrying out post-employment services leading to supported employment, prior to repeal by Pub. L. 102-569, § 621(a).

Section 795q, Pub. L. 93-112, title VI, § 638, as added Pub. L. 102-569, title VI, § 621(a), Oct. 29, 1992, 106 Stat. 4442, authorized appropriations.

Another prior section 795q, Pub. L. 93-112, title VI, § 638, as added Pub. L. 99-506, title VII, § 704(a)(1), Oct. 21, 1986, 100 Stat. 1837; amended Pub. L. 100-630, title II, § 207(h), Nov. 7, 1988, 102 Stat. 3314; Pub. L. 102-52, § 7(c), June 6, 1991, 105 Stat. 262, authorized appropriations for fiscal years 1987 to 1992, prior to repeal by Pub. L. 102-569, § 621(a).

Section 795r, Pub. L. 93-112, title VI, § 641, formerly § 622, as added Pub. L. 95-602, title II, § 201, Nov. 6, 1978, 92 Stat. 2994; amended Pub. L. 99-506, title I, § 103(d)(2)(C), Oct. 21, 1986, 100 Stat. 1810; Pub. L. 100-630, title II, § 207(c), Nov. 7, 1988, 102 Stat. 3313; renumbered § 641 and amended Pub. L. 102-569, title I, § 102(p)(39), title VI, § 612(a)(2), (3), (b), Oct. 29, 1992, 106 Stat. 4361, 4438, related to business opportunities for individuals with disabilities.

AMENDMENTS

1998—Pub. L. 105-277 made technical amendment to section designation and catchline in original.

SUBCHAPTER VII—INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

CODIFICATION

Title VII of the Rehabilitation Act of 1973, comprising this subchapter, was originally added to Pub. L. 93-112 by Pub. L. 102-569, title VII, § 701(2), Oct. 29, 1992, 106 Stat. 4443, and amended by Pub. L. 103-73, Aug. 11, 1993, 107 Stat. 718. Title VII is shown herein, however, as having been added by Pub. L. 105-220, title IV, § 410, Aug. 7, 1998, 112 Stat. 1217, without reference to those intervening amendments because of the extensive revision of title VII by Pub. L. 105-220.

PART A—INDIVIDUALS WITH SIGNIFICANT DISABILITIES

SUBPART 1—GENERAL PROVISIONS

§ 796. Purpose

The purpose of this part 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 796d of this title, State vocational rehabilitation programs receiving assistance under subchapter I of this chapter, State programs of supported employment services receiving assistance under part B of subchapter VI of this chapter, client assistance programs receiving assistance under section 732 of this title, programs funded under other subchapters of this chapter, programs funded under other Federal law, and programs funded through non-Federal sources.

(Pub. L. 93-112, title VII, § 701, as added Pub. L. 105-220, title IV, § 410, Aug. 7, 1998, 112 Stat. 1217.)

PRIOR PROVISIONS

A prior section 796, Pub. L. 93-112, title VII, § 701, as added Pub. L. 102-569, title VII, § 701(2), Oct. 29, 1992, 106 Stat. 4443; amended Pub. L. 103-73, title I, § 114(a), Aug. 11, 1993, 107 Stat. 728, related to purpose of program to provide assistance for independent living for individuals with severe disabilities, prior to the general amendment of this subchapter by Pub. L. 105-220.

Another prior section 796, Pub. L. 93-112, title VII, § 701, as added Pub. L. 95-602, title III, § 301, Nov. 6, 1978, 92 Stat. 2995, provided Congressional statement of purpose of former subchapter VII, prior to repeal by Pub. L. 102-569, § 701(1).

§ 796a. Definitions

As used in this part:

(1) Center for independent living

The term “center for independent living” means a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency that—

(A) is designed and operated within a local community by individuals with disabilities; and

(B) provides an array of independent living services.

(2) 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.

(Pub. L. 93-112, title VII, §702, as added Pub. L. 105-220, title IV, §410, Aug. 7, 1998, 112 Stat. 1218.)

PRIOR PROVISIONS

A prior section 796a, Pub. L. 93-112, title VII, §702, as added Pub. L. 102-569, title VII, §701(2), Oct. 29, 1992, 106 Stat. 4443, defined terms “center for independent living” and “consumer control”, prior to the general amendment of this subchapter by Pub. L. 105-220.

Another prior section 796a, Pub. L. 93-112, title VII, §702, as added Pub. L. 95-602, title III, §301, Nov. 6, 1978, 92 Stat. 2995; amended Pub. L. 99-506, title I, §103(d)(2)(A), (C), title VIII, §801, title X, §§1001(g)(1), 1002(h), Oct. 21, 1986, 100 Stat. 1810, 1837, 1843, 1844; Pub. L. 100-630, title II, §208(a), Nov. 7, 1988, 102 Stat. 3314, provided eligibility requirements and definition of “comprehensive services for independent living”, prior to repeal by Pub. L. 102-569, §701(1).

§ 796b. Eligibility for receipt of services

Services may be provided under this part to any individual with a significant disability, as defined in section 705(21)(B) of this title.

(Pub. L. 93-112, title VII, §703, as added Pub. L. 105-220, title IV, §410, Aug. 7, 1998, 112 Stat. 1218.)

PRIOR PROVISIONS

A prior section 796b, Pub. L. 93-112, title VII, §703, as added Pub. L. 102-569, title VII, §701(2), Oct. 29, 1992, 106 Stat. 4444, related to eligibility for receipt of services, prior to the general amendment of this subchapter by Pub. L. 105-220.

Another prior section 796b, Pub. L. 93-112, title VII, §703, as added Pub. L. 95-602, title III, §301, Nov. 6, 1978, 92 Stat. 2996; amended Pub. L. 99-506, title X, §1001(g)(2), Oct. 21, 1986, 100 Stat. 1843; Pub. L. 100-630, title II, §208(b), Nov. 7, 1988, 102 Stat. 3314, related to State allotments for comprehensive services for independent living, prior to repeal by Pub. L. 102-569, §701(1).

§ 796c. State plan**(a) In general****(1) Requirement**

To be eligible to receive financial assistance under this part, a State shall submit to the Commissioner, and obtain approval of, a State plan containing such provisions as the Commissioner may require, including, at a minimum, the provisions required in this section.

(2) Joint development

The plan under paragraph (1) shall be jointly developed and signed by—

(A) the director of the designated State unit; and

(B) the chairperson of the Statewide Independent Living Council, acting on behalf of and at the direction of the Council.

(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 State independent living services;

(B) the development and support of a statewide network of centers for independent living; and

(C) working relationships between—

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

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

(4) Date of submission

The State shall submit the plan to the Commissioner 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 Commissioner may withhold financial assistance under this part until such time as the State submits such a plan.

(b) Statewide Independent Living Council

The plan shall provide for the establishment of a Statewide Independent Living Council in accordance with section 796d of this title.

(c) Designation of State unit

The plan shall designate the designated State unit of such State as the agency that, on behalf of the State, shall—

(1) receive, account for, and disburse funds received by the State under this part based on the plan;

(2) provide administrative support services for a program under subpart 2, and a program under subpart 3 in a case in which the program is administered by the State under section 796f-2 of this title;

(3) keep such records and afford such access to such records as the Commissioner finds to be necessary with respect to the programs; and

(4) submit such additional information or provide such assurances as the Commissioner may require with respect to the programs.

(d) Objectives

The plan shall—

(1) specify the objectives to be achieved under the plan and establish timelines for the achievement of the objectives; and

(2) explain how such objectives are consistent with and further the purpose of this part.

(e) Independent living services

The plan shall provide that the State will provide independent living services under this part to individuals with significant disabilities, and will provide the services to such an individual in