



Legislative Summary on H.R. 803: The Workforce Innovation and Opportunity Act

Independent Living Programs

NCIL Summary:

- Elevates the Independent Living Program by establishing an Independent Living Administration (ILA)
- Creates a new Independent Living Administration (ILA) within the department of Health and Human Services (HHS) under the Administration for Community Living (ACL) and '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'.
- The Independent Living Administration Director will be appointed by the Secretary of Health and Human Services and cannot have worked for RSA in the prior year.

Legislative Text:

Subtitle H--Independent Living Services and Centers for Independent Living

CHAPTER 1--INDIVIDUALS WITH SIGNIFICANT DISABILITIES

Subchapter A--General Provisions

SEC. 471. PURPOSE.

Section 701 (29 U.S.C. 796) is amended, in paragraph (3)--

(1) by striking 'part B of title VI' and inserting 'title VI'; and

(2) by inserting before the period the following: ', with the goal of improving the independence of individuals with disabilities'.

Adding to the purpose of the Act:

- to maximize opportunities for individuals with disabilities, including individuals with significant disabilities, for competitive integrated employment

- to increase employment opportunities and employment outcomes for individuals with disabilities, including through encouraging meaningful input by employers and vocational rehabilitation service providers on successful and prospective employment and placement strategies
- to ensure, to the greatest extent possible, that youth with disabilities and students with disabilities who are transitioning from receipt of special education services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et. seq.) and receipt of services under section 504 of this Act are either continuing their education or employed in competitive integrated employment

SEC. 472. ADMINISTRATION OF THE INDEPENDENT LIVING PROGRAM.

Title VII (29 U.S.C. 796 et seq.) is amended by inserting after section 701 the following:

‘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.*’.

State Plan for Independent Living (SPIL)

NCIL Summary:

- 722 states will determine the Designated State Entity (DSE) – purpose of DSE is fiscal intermediary
- Sign off on the SPIL by SILC Chair on behalf of the SILC and at least 51% of CIL directors; DSE will sign only as fiscal intermediary
- 723 states will keep Designated State Unit (DSU)

General Comments – Part B funds will continue to flow to the Designated State Entity, as determined by the SPIL. The SPIL will guide the DSE in distributing the funds.

The SPIL determines everything for the next three years. That is why it is so critical that each state has a very strong and very deliberate State Plan for Independent Living (SPIL). This bill

should not impact any state funding. All funding sources should still be able to come through as long as it is designated in your State Plan. The SPIL is your road map; it describes how funds will be distributed regardless of whether they are part B funds or state funds. Therefore, it is very important that you have all of that depicted in your State Plan for Independent Living.

Legislative Text:

SEC. 473. DEFINITIONS.

SEC. 474. STATE PLAN.

Section 704 (29 U.S.C. 796c) is amended--

‘(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 and other stakeholders throughout 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.’;

(o) Promoting Full Access to Community Life- 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.’.

Statewide Independent Living Councils

NCIL Summary:

- In conjunction with Centers for Independent Living (CILs), and input from people with disabilities develop State Plan for Independent Living (SPIL)
- May conduct resource development activities
- perform other functions consistent with purpose of SILC as Council determines such as advocacy if included in the SPIL
- Standards and Indicators need to be in place for CILs and SILCs no later than 1 year (10/1/15) after the change (10/1/14). There is a 2 year transfer period, but exact dates of all parts are still being determined.

Legislative Text:

SEC. 475. STATEWIDE INDEPENDENT LIVING COUNCIL.

Section 705 (29 U.S.C. 796d) is amended--

'(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 complementary 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.;*

'SEC. 706. RESPONSIBILITIES OF THE ADMINISTRATOR.;

(2) in subsection (a)--

(A) in paragraph (1), by striking 'Commissioner' each place it appears and inserting 'Administrator'; and

(B) in paragraph (2)--

(i) in subparagraph (A), by striking `Commissioner' and inserting `Administrator';
and

(ii) in subparagraph (B)--

(l) in clause (i)--

(3) by striking subsection (b) and inserting the following:

‘(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.’;

Part B Centers

NCIL Summary:

- No more than 5% of Part B Funds can go to the DSE for the fiscal agent. And no more than 30% of the Part B Funds can be used for the costs associated with the State Independent Living Council.
- There is a minimal increase *authorized* for Part B.

Legislative Text:

Subchapter B--Independent Living Services

SEC. 476. ADMINISTRATION.

‘Sec. 711A. (a) From the funds appropriated and made available to carry -

(1) by striking the matter preceding paragraph (1) and inserting the following:

‘(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 is 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 subsection (b).

‘(e) Authorization of Appropriations- Section 714 (29 U.S.C. 796e-3) is amended by striking `such sums as may be necessary for each of the fiscal years 1999 through 2003.’ and inserting ` \$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.’

NCIL Summary:

- 723 states (Mass. And MN) can keep their current arrangement with their DSU.
- Addition of 5th core service – transition
- Adding transition as a fifth core service makes sense because most CILs are already providing these types of services. This can also serve as a way for us to advocate for additional funding through federal appropriations

Legislative Text:

Subchapter C--Centers for Independent Living

SEC. 481. PROGRAM AUTHORIZATION.

SEC. 482. CENTERS.

(i) facilitate the transition of individuals with significant disabilities from nursing homes and other institutions to home and community-based residences, with the requisite supports and services;

(ii) provide assistance to individuals with significant disabilities who are at risk of entering institutions so that the individuals may remain in the community; and

(iii) facilitate the transition of youth (including students) who are individuals with significant disabilities, who were eligible for individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)), and who have completed their secondary education or otherwise left school, to postsecondary life, including employment.

Standards, Assurances, and Appropriations

NCIL Summary:

- There is an *authorized* increase in Part C funding up to 18% over a five year period.

Legislative Text:

SEC. 483. STANDARDS AND ASSURANCES.

Section 725 (29 U.S.C. 796f-4) is amended--

(1) in subsection (b)(1)(D)--

(A) by striking 'access of' and inserting 'access for'; and

(B) by striking 'to society and' and inserting ', within their communities,'; and

(2) in subsection (c), by striking 'Commissioner' each place it appears and inserting 'Administrator'.

SEC. 484. AUTHORIZATION OF APPROPRIATIONS.

Section 727 (29 U.S.C. 796f-6) is amended by striking 'such sums as may be necessary for each of the fiscal years 1999 through 2003.' and inserting '\$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.'

RSA, NIDRR, "Older Blind" Services, and the Assistive Technology Act

NCIL Summary:

CHAPTER 2--INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

- Older blind services remain within RSA.
 - Chapter 2 Independent Living for Older Blind remains with VR and will now be called Older Blind Services
 - Independent Living programs are cross-disability and are not restricted by age. Changing the name of this program and leaving it with VR is a way to ensure that.
- National Institute on Disability and Rehabilitation Research (NIDRR) and Assistive Technology Act
 - moves from the Department of Education to the Administration for Community Living (ACL)
 - changes the name to the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR)

General comments – the inclusion of the words "independent living" are to make it clear that independent living is a critical part of its mission

- Rehabilitation Services Administration
 - Remains at the Department of Education