

The following is the Law which was enacted in 1978, including changes that are in the Workforce Innovation and Opportunity Act enacted on July 22, 2014.

## Section 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.

## Section 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).

Section 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.



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## **Definition of Law**

The Chapter 2 Program is for individuals who are 55 and older who have significant vision loss who do not necessarily want to go to work but who want to live independently.

## **Program of Grants**

The RSA Commissioner has the authority to make grants to a Designated State Agency. The law provides for the competitive grant process when appropriations are under the \$13 million dollar level and for the formula grant process when it is greater than \$13 million.

## **Purpose**

Funds can only be expended for these purposes: providing independent living services, conducting activities that will improve or expand services for such individuals, and conducting activities to help improve public understanding of the problems of such individuals.

All the services listed in the law under "Services Generally" are allowed to be provided but all are not necessarily required.

## **Financial Requirements**

All programs must have matching funds. In Section 753, funds were appropriated until 2003. The changes in WIOA provide funding to the year 2020.

## **Changes to the Law with the Enactment of WIOA**

Changes with the enactment of WIOA are:

- (1) the Chapter 2 Program will remain in the Department of Education with the Vocational Rehabilitation Program
- (2) that not less than 1.8% nor more than 2.0% be reserved to provide training and technical assistance to the Designated State Agencies and other providers of independent living services (Hence, the creation of the OIB-TAC.)
- (3) services to facilitate the transition of individuals from nursing homes and other institutions to home and community based residence with requisite supports and services are core independent living services and as such may be provided by the older independent living blind program (OIB).



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(4) Grantees may also provide services to older individuals who are blind and who are at risk of entering institutions so that they may remain in the community.

(5) the WIOA statute no longer requires the older blind program (OIB) to be included in the State's Plan for Independent Living.

(6) WIOA requires that an OIB grantee inform the Secretary forty-five days before the end of the fiscal year that funds will be available for re-allotment.