

## EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-280, §3(b)(2), Oct. 13, 2010, 124 Stat. 2904, provided that: “The amendments made by paragraph (1) [amending this section] shall apply with respect to amounts allotted under section 1149 of the Social Security Act [42 U.S.C. 1320b-20] for payment for a fiscal year after fiscal year 2010.”

## EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-203, title IV, §404(a)(2), Mar. 2, 2004, 118 Stat. 526, provided that: “The amendment made by this subsection [amending this section] shall apply with respect to grants, cooperative agreements, or contracts entered into on or after the date of the enactment of this Act [Mar. 2, 2004].”

**§ 1320b-21. State grants for work incentives assistance to disabled beneficiaries**

**(a) In general**

Subject to subsection (c), the Commissioner may make payments in each State to the protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.)<sup>1</sup> for the purpose of providing services to disabled beneficiaries.

**(b) Services provided**

Services provided to disabled beneficiaries pursuant to a payment made under this section may include—

- (1) information and advice about obtaining vocational rehabilitation and employment services; and
- (2) advocacy or other services that a disabled beneficiary may need to secure, maintain, or regain gainful employment.

**(c) Application**

In order to receive payments under this section, a protection and advocacy system shall submit an application to the Commissioner, at such time, in such form and manner, and accompanied by such information and assurances as the Commissioner may require.

**(d) Amount of payments**

**(1) In general**

Subject to the amount appropriated for a fiscal year for making payments under this section, a protection and advocacy system shall not be paid an amount that is less than—

- (A) in the case of a protection and advocacy system located in a State (including the District of Columbia and Puerto Rico) other than Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the greater of—
  - (i) \$100,000; or
  - (ii)  $\frac{1}{3}$  of 1 percent of the amount available for payments under this section; and
- (B) in the case of a protection and advocacy system located in Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, \$50,000.

**(2) Inflation adjustment**

For each fiscal year in which the total amount appropriated to carry out this section

exceeds the total amount appropriated to carry out this section in the preceding fiscal year, the Commissioner shall increase each minimum payment under subparagraphs (A) and (B) of paragraph (1) by a percentage equal to the percentage increase in the total amount so appropriated to carry out this section.

**(e) Annual report**

Each protection and advocacy system that receives a payment under this section shall submit an annual report to the Commissioner and the Ticket to Work and Work Incentives Advisory Panel established under section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 on the services provided to individuals by the system.

**(f) Funding**

**(1) Allocation of payments**

Payments under this section shall be made from amounts made available for the administration of subchapter II and amounts made available for the administration of subchapter XVI, and shall be allocated among those amounts as appropriate.

**(2) Carryover**

Any amounts allotted for payment to a protection and advocacy system under this section for a fiscal year shall remain available for payment to or on behalf of the protection and advocacy system until the end of the succeeding fiscal year.

**(g) Definitions**

In this section:

**(1) Commissioner**

The term “Commissioner” means the Commissioner of Social Security.

**(2) Disabled beneficiary**

The term “disabled beneficiary” means an individual—

- (A) who is a disabled beneficiary as defined in section 1320b-19(k)(2) of this title;
- (B) who is receiving a cash payment described in section 1382e(a) of this title or a supplementary payment described in section 212(a)(3) of Public Law 93-66 (without regard to whether such payment is paid by the Commissioner pursuant to an agreement under section 1382e(a) of this title or under section 212(b) of Public Law 93-66);
- (C) who, pursuant to section 1382h(b) of this title, is considered to be receiving benefits under subchapter XVI of this chapter; or
- (D) who is entitled to benefits under part A of subchapter XVIII of this chapter by reason of the penultimate sentence of section 426(b) of this title.

**(3) Protection and advocacy system**

The term “protection and advocacy system” means a protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.)<sup>1</sup>

**(h) Authorization of appropriations**

There are authorized to be appropriated to carry out this section \$7,000,000 for each of the fiscal years 2000 through 2011.

<sup>1</sup> See References in Text note below.

(Aug. 14, 1935, ch. 531, title XI, §1150, as added Pub. L. 106–170, title I, §122, Dec. 17, 1999, 113 Stat. 1890; amended Pub. L. 108–203, title IV, §§404(b)(1), (2), 407(b), Mar. 2, 2004, 118 Stat. 526, 527; Pub. L. 111–63, §3, Sept. 18, 2009, 123 Stat. 2001; Pub. L. 111–280, §2(b), Oct. 13, 2010, 124 Stat. 2903.)

## REFERENCES IN TEXT

The Developmental Disabilities Assistance and Bill of Rights Act, referred to in subsections (a) and (g)(3), is title I of Pub. L. 88–164, Oct. 31, 1963, 77 Stat. 282, as amended generally by Pub. L. 98–527, §2, Oct. 19, 1984, 98 Stat. 2662, and as further amended, which was repealed by Pub. L. 106–402, title IV, §401(a), Oct. 30, 2000, 114 Stat. 1737. Part C of the Act was classified generally to subchapter III (§6041 et seq.) of chapter 75 of this title. For complete classification of this Act to the Code, see Tables.

Section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999, referred to in subsection (e), is section 101(f) of Pub. L. 106–170, which is set out as a note under section 1320b–19 of this title.

Section 212 of Public Law 93–66, referred to in subsection (g)(2)(B), is set out as a note under section 1382 of this title.

## AMENDMENTS

2010—Subsec. (h). Pub. L. 111–280 substituted “2011” for “2010”.

2009—Subsec. (h). Pub. L. 111–63 substituted “2010” for “2009”.

2004—Subsec. (b)(2). Pub. L. 108–203, §404(b)(2), substituted “secure, maintain, or regain” for “secure or regain”.

Subsec. (g)(2). Pub. L. 108–203, §404(b)(1), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “The term ‘disabled beneficiary’ has the meaning given that term in section 1320b–19(k)(2) of this title.”

Subsec. (h). Pub. L. 108–203, §407(b), substituted “2009” for “2004”.

## EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108–203, title IV, §404(b)(3), Mar. 2, 2004, 118 Stat. 526, provided that: “The amendments made by this subsection [amending this section] shall apply with respect to payments provided after the date of the enactment of this Act [Mar. 2, 2004].”

## § 1320b–22. Grants to develop and establish State infrastructures to support working individuals with disabilities

### (a) Establishment

#### (1) In general

The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall award grants described in subsection (b) to States to support the design, establishment, and operation of State infrastructures that provide items and services to support working individuals with disabilities.

#### (2) Application

In order to be eligible for an award of a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

#### (3) Definition of State

In this section, the term “State” means each of the 50 States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

### (b) Grants for infrastructure and outreach

#### (1) In general

Out of the funds appropriated under subsection (e), the Secretary shall award grants to States to—

(A) support the establishment, implementation, and operation of the State infrastructures described in subsection (a); and

(B) conduct outreach campaigns regarding the existence of such infrastructures.

#### (2) Eligibility for grants

##### (A) In general

No State may receive a grant under this subsection unless the State demonstrates to the satisfaction of the Secretary that the State makes personal assistance services available under the State plan under subchapter XIX of this chapter to the extent necessary to enable individuals with disabilities to remain employed, including individuals described in section 1396a(a)(10)(A)(ii)(XIII) of this title if the State has elected to provide medical assistance under such plan to such individuals.

##### (B) Definitions

In this section:

##### (i) Employed

The term “employed” means—

(I) earning at least the applicable minimum wage requirement under section 206 of title 29 and working at least 40 hours per month; or

(II) being engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined and approved by the Secretary.

##### (ii) Personal assistance services

The term “personal assistance services” means a range of services, provided by 1 or more persons, designed to assist an individual with a disability to perform daily activities on and off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual’s control in life and ability to perform everyday activities on or off the job.

### (3) Determination of awards

#### (A) In general

Subject to subparagraph (B), the Secretary shall develop a methodology for awarding grants to States under this section for a fiscal year in a manner that—

(i) rewards States for their efforts in encouraging individuals described in paragraph (2)(A) to be employed; and

(ii) does not provide a State that has not elected to provide medical assistance under subchapter XIX of this chapter to individuals described in section 1396a(a)(10)(A)(ii)(XIII) of this title with proportionally more funds for a fiscal year than a State that has exercised such election.