

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.

**(e) Authorization of appropriations**

There are authorized to be appropriated to carry out this section \$23,000,000 for each of the fiscal years 2000 through 2011.

(Aug. 14, 1935, ch. 531, title XI, §1149, as added Pub. L. 106-170, title I, §121, Dec. 17, 1999, 113 Stat. 1887; amended Pub. L. 108-203, title IV, §§404(a)(1), 407(a), Mar. 2, 2004, 118 Stat. 525, 527; Pub. L. 111-63, §2, Sept. 18, 2009, 123 Stat. 2001; Pub. L. 111-280, §§2(a), 3(a), (b)(1), Oct. 13, 2010, 124 Stat. 2903; Pub. L. 113-128, title V, §512(dd)(3), July 22, 2014, 128 Stat. 1718.)

**Editorial Notes**

REFERENCES IN TEXT

Section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999, referred to in subsec. (a)(1), is section 101(f) of Pub. L. 106-170, which is set out as a note under section 1320b-19 of this title.

The Individuals with Disabilities Education Act, referred to in subsec. (a)(3), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§1400 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (b)(1)(C)(ii)(D), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355. Title VII of the Act is classified generally to subchapter VII (§796 et seq.) of chapter 16 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

Section 6024 of this title, referred to in subsec. (b)(1)(C)(ii)(L), was repealed by Pub. L. 106-402, title IV, §401(a), Oct. 30, 2000, 114 Stat. 1737. See section 15025 of this title.

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

AMENDMENTS

2014—Subsec. (a)(3). Pub. L. 113-128 substituted “a one-stop delivery system established under section 3151(e) of title 29” for “a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.)”.

2010—Subsec. (b)(4). Pub. L. 111-280, §3(b)(1), substituted “Funding” for “Allocation of costs” in par. (4) heading, designated existing provisions as subpar. (A), inserted subpar. (A) heading, and added subpar. (B).

Subsec. (c). Pub. L. 111-280, §3(a), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 111-280, §3(a), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Pub. L. 111-280, §2(a), substituted “2011” for “2010”.

Subsec. (e). Pub. L. 111-280, §3(a), redesignated subsec. (d) as (e).

2009—Subsec. (d). Pub. L. 111-63 substituted “2009” for “2004”.

2004—Subsec. (c)(2). Pub. L. 108-203, §404(a)(1), reenacted heading without change and amended text gen-

erally. 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. (d). Pub. L. 108-203, §407(a), substituted “2009” for “2004”.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of Title 29, Labor.

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

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

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.

(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.)

**Editorial Notes**

REFERENCES IN TEXT

The Developmental Disabilities Assistance and Bill of Rights Act, referred to in subsecs. (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 subsec. (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 subsec. (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”.

**Statutory Notes and Related Subsidiaries**

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 “Sec-