

WESTLAW

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

United States Code Annotated Title 42. The Public Health and Welfare, Effective: October 13, 2010 (Approx. 3 pages)

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

Currentness

(a) In general

Subject to subsection (c) of this section, 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.) 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) 1/2 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 of this chapter and amounts made available for the administration of subchapter XVI of this chapter [42 U.S.C.A. § 1381 et seq.], 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.).

(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.

CREDIT(S)

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

42 U.S.C.A. § 1320b-21, 42 USCA § 1320b-21
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