

APPLICABILITY OF CERTAIN PROVISIONS TO PUERTO RICO, GUAM, AND THE VIRGIN ISLANDS

For applicability of subsec. (a)(3) of this section to Puerto Rico, Guam, and the Virgin Islands as it applies to the fifty States and the District of Columbia, see section 2353(b)(2) of Pub. L. 97-35, set out as a note under section 602 of this title.

Section 248(b) of Pub. L. 90-248, which designated the rate of payments for Puerto Rico, the Virgin Islands, and Guam, was repealed by Pub. L. 97-35, title XXIII, § 2353(b)(3), Aug. 13, 1981, 95 Stat. 872.

NONDUPLICATION OF PAYMENTS TO STATES: PROHIBITION OF PAYMENTS AFTER DECEMBER 31, 1969

Prohibition of payments under this subchapter to States with respect to aid or assistance in form of medical or other type of remedial care for any period for which States received payments under subchapter XIX of this chapter or for any period after Dec. 31, 1969, see section 121(b) of Pub. L. 89-97, set out as a note under section 1396b of this title.

REPORT TO PRESIDENT AND CONGRESS: RECOMMENDATIONS AS TO CONTINUATION AND MODIFICATION OF AMENDMENT

Section 108(d) of Pub. L. 87-543 provided that the Secretary submit to the President, for transmission to Congress prior to Jan. 1, 1967, a full report of the administration of the provisions of the amendments made by section 108 of Pub. L. 87-543 to this section and section 606 of this title, including the experiences of each of the States in making protective payments under the provisions of their respective State plans which are in accord with amendments to this section and section 606 of this title by section 108 of Pub. L. 87-543, together with his recommendations as to continuation and modification in these amendments.

Provision applicable in the case of expenditures under a State plan approved under this subchapter, made during the period beginning Oct. 1, 1962, and ending with the close of June 30, 1967, see section 202(e) of Pub. L. 87-543, set out as an Effective Date of 1962 Amendment note above.

STATE PLANS IN EFFECT JULY 25, 1962: AUTOMATIC CONFORMITY TO AMENDMENTS

State plans in effect July 25, 1962, deemed to have been conformed to amendment of subsec. (b)(2)(B) of this section by section 104(a) of Pub. L. 87-543, see section 104(b) of Pub. L. 87-543, set out as a note under section 601 of this title.

CROSS REFERENCES

Navajo and Hopi Indians, additional Federal contributions in connection with rehabilitation program, see section 639 of Title 25, Indians.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 602, 603a, 604, 608, 613, 652, 673, 682, 686, 1308, 1315, 1318, 1319 of this title; title 2 section 906; title 25 section 639.

§ 603a. Reimbursement of expenses

For purposes of section 603 of this title, expenses incurred to reimburse State employment offices for furnishing information requested of such offices pursuant to the third sentence of section 49b(a) of title 29, by a State or local agency administering a State plan approved under part A of this subchapter shall be considered to constitute expenses incurred in the administration of such State plan; and for purposes of section 655 of this title, expenses incurred to reimburse State employment offices for furnishing information so requested by a State or local agency charged with the duty of

carrying out a State plan for child support approved under part D of this subchapter shall be considered to constitute expenses incurred in the administration of such State plan.

(Pub. L. 94-566, title V, § 508(b), Oct. 20, 1976, 90 Stat. 2689.)

REFERENCES IN TEXT

Parts A and D of this subchapter, referred to in text, are classified to sections 601 et seq. and 651 et seq. of this title.

CODIFICATION

Section was not enacted as part of the Social Security Act which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 654 of this title.

§ 604. Deviation from plan

(a) Stoppage of payments

In the case of any State plan for aid and services to needy families with children which has been approved by the Secretary, if the Secretary, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of such plan, finds—

(1) that the plan has been so changed as to impose any residence requirement prohibited by section 602(b) of this title, or that in the administration of the plan any such prohibited requirement is imposed, with the knowledge of such State agency, in a substantial number of cases; or

(2) that in the administration of the plan there is a failure to comply substantially with any provision required by section 602(a) of this title to be included in the plan;

the Secretary shall notify such State agency that further payments will not be made to the State (or, in his discretion, that payments will be limited to categories under or parts of the State plan not affected by such failure) until the Secretary is satisfied that such prohibited requirement is no longer so imposed, and that there is no longer any such failure to comply. Until he is so satisfied he shall make no further payments to such State (or shall limit payments to categories under or parts of the State plan not affected by such failure).

(b) Compliance with State statute

No payment to which a State is otherwise entitled under this part for any period before September 1, 1962, shall be withheld by reason of any action taken pursuant to a State statute which requires that aid be denied under the State plan approved under this part with respect to a child because of the conditions in the home in which the child resides; nor shall any such payment be withheld for any period beginning on or after such date by reason of any action taken pursuant to such a statute if provision is otherwise made pursuant to a State statute for adequate care and assistance with respect to such child.

(c) Good faith effort to comply

No State shall be found, prior to January 1, 1977, to have failed substantially to comply with

the requirements of section 602(a)(27) of this title if, in the judgment of the Secretary, such State is making a good faith effort to implement the program required by such section.

(d) Reduction in amount payable

After December 31, 1976, in the case of any State which is found to have failed substantially to comply with the requirements of section 602(a)(27) of this title, the reduction in any amount payable to such State required to be imposed under section 603(h) of this title shall be imposed in lieu of any reduction, with respect to such failure, which would otherwise be required to be imposed under this section.

(Aug. 14, 1935, ch. 531, title IV, § 404, 49 Stat. 628; Aug. 28, 1950, ch. 809, title III, pt. 6, § 361(c), (d), 64 Stat. 558; May 8, 1961, Pub. L. 87-31, § 4, 75 Stat. 77; July 25, 1962, Pub. L. 87-543, title I, §§ 104(a)(5)(B), 107(b), 76 Stat. 185, 189; Jan. 2, 1968, Pub. L. 90-248, title II, §§ 241(b)(4), 245, 81 Stat. 916, 918; Jan. 4, 1975, Pub. L. 93-647, § 101(c)(6)(B), 88 Stat. 2360; July 18, 1984, Pub. L. 98-369, title VI, § 2663(l)(1), 98 Stat. 1171.)

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-369 substituted “Secretary” for “Administrator”, wherever appearing.

1975—Subsecs. (c), (d). Pub. L. 93-647 added subsecs. (c) and (d).

1968—Subsec. (a). Pub. L. 90-248, § 245, inserted “(or, in his discretion, that payments will be limited to categories under or parts of the State plan not affected by such failure)” after “further payments will not be made to the State” and substituted in last sentence “further payments to such State (or shall limit payments to categories under or parts of the State plan not affected by such failure)” for “further certification to the Secretary of the Treasury with respect to such State”.

Subsec. (b). Pub. L. 90-248, § 241(b)(4), substituted “part” for “subchapter” in two places.

1962—Subsec. (a). Pub. L. 87-543, § 104(a)(5)(B), substituted “aid and services to needy families with children” for “aid to dependent children”.

Subsec. (b). Pub. L. 87-543, § 107(b), prohibited withholding of payments from a State on and after Sept. 1, 1962, by reason of any action taken pursuant to a State statute where provision is made pursuant to a State statute for adequate care and assistance of the child.

1961—Pub. L. 87-31 designated existing provisions as subsec. (a) and added subsec. (b).

1950—Act Aug. 28, 1950, substituted “Administrator” for “Board” and “he”, “him”, or “his” for “it” or “its” wherever appearing.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93-647 effective Aug. 1, 1975, see section 101(f) of Pub. L. 93-647, set out as an Effective Date note under section 651 of this title.

STATE PLANS IN EFFECT JULY 25, 1962: AUTOMATIC CONFORMITY TO AMENDMENTS

State plans in effect July 25, 1962 deemed to have been conformed to amendment of subsec. (a) of this section by section 104(a) of Pub. L. 87-543, see section 104(b) of Pub. L. 87-543, set out as a note under section 601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 605, 1316 of this title.

§ 605. Use of payments for benefit of children

Whenever the State agency has reason to believe that any payments of aid to families with

dependent children made with respect to a child are not being or may not be used in the best interests of the child, the State agency may provide for such counseling and guidance services with respect to the use of such payments and the management of other funds by the relative receiving such payments as it deems advisable in order to assure use of such payments in the best interests of such child, and may provide for advising such relative that continued failure to so use such payments will result in substitution therefor of protective payments as provided under section 606(b)(2) of this title, or in seeking appointment of a guardian or legal representative as provided in section 1311 of this title, or in the imposition of criminal or civil penalties authorized under State law if it is determined by a court of competent jurisdiction that such relative is not using or has not used for the benefit of the child any such payments made for that purpose; and the provision of such services or advice by the State agency (or the taking of the action specified in such advice) shall not serve as a basis for withholding funds from such State under section 604 of this title and shall not prevent such payments with respect to such child from being considered aid to families with dependent children.

(Aug. 14, 1935, ch. 531, title IV, § 405, 49 Stat. 629; July 25, 1962, Pub. L. 87-543, title I, § 107(a), 76 Stat. 188.)

AMENDMENTS

1962—Pub. L. 87-543 substituted provisions relating to use of payments for benefit of children for former provision appropriating \$250,000 for fiscal year ending June 30, 1936, to defray expenses of former Social Security Board under sections 601 to 605 of this title.

§ 606. Definitions

When used in this part—

(a) The term “dependent child” means a needy child (1) who has been deprived of parental support or care by reason of the death, continued absence from the home (other than absence occasioned solely by reason of the performance of active duty in the uniformed services of the United States), or physical or mental incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, step-sister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his or their own home, and (2) who is (A) under the age of eighteen, or (B) at the option of the State, under the age of nineteen and a full-time student in a secondary school (or in the equivalent level of vocational or technical training), if, before he attains age nineteen, he may reasonably be expected to complete the program of such secondary school (or such training);

(b) The term “aid to families with dependent children” means money payments with respect to a dependent child or dependent children, or, at the option of the State, a pregnant woman but only if it has been medically verified that the child is expected to be born in the month such payments are made or within the three-month period following such month of payment, and who, if such child had been born and was liv-