

(A) the total amounts of aid that should have been but were erroneously not paid for the fiscal year to recipients of aid under the State plan approved under this part; to

(B) the total amount of aid paid under such plan for the fiscal year.

(3) National average underpayment rate

The term “national average underpayment rate” for a fiscal year means the ratio of—

(A) the total amounts of aid that should have been but were erroneously not paid for a fiscal year to all recipients of aid under State plans approved under this part; to

(B) the total amount of aid paid for the fiscal year under all State plans approved under this part.

(4) Child support collection rate

The term “child support collection rate”, with respect to a State for a fiscal year, means the ratio of—

(A) the sum of the number of cases reported by the agency administering the State plan approved under part D of this subchapter for each quarter in the fiscal year for which—

(i) an assignment was made under section 602(a)(26) of this title; and

(ii) a collection was made under the State’s plan approved under part D of this subchapter; to

(B) the sum of the number of cases reported by such agency for each quarter in the fiscal year under which an assignment was made under section 602(a)(26) of this title.

(5) National child support collection rate

The term “national child support collection rate” for a fiscal year means the ratio of—

(A) the sum of the number of cases described in paragraph (4)(A) reported by all States for quarters in the fiscal year; to

(B) the sum of the number of cases described in paragraph (4)(B) reported by all States for quarters in the fiscal year.

(6) Erroneous payments

The term “erroneous payments” means the sum of overpayments to eligible families and payments to ineligible families made in carrying out a plan approved under this part.

(Aug. 14, 1935, ch. 531, title IV, § 408, as added Dec. 19, 1989, Pub. L. 101-239, title VIII, § 8004(a), 103 Stat. 2454; amended Oct. 31, 1994, Pub. L. 103-432, title II, § 265(a), 108 Stat. 4469.)

REFERENCES IN TEXT

Section 6621(a)(1) of the Internal Revenue Code of 1986, referred to in subsec. (i)(3)(A), is classified to section 6621(a)(1) of Title 26, Internal Revenue Code.

Part D of this subchapter, referred to in subsec. (m)(4)(A), is classified to section 651 et seq. of this title.

PRIOR PROVISIONS

A prior section 608, act Aug. 14, 1935, ch. 531, title IV, § 408, as added May 8, 1961, Pub. L. 87-31, § 2, 75 Stat. 76; amended July 25, 1962, Pub. L. 87-543, title I, §§ 101(b)(2)(D), 104(a)(3)(F), (G), 131(b), 135(a)-(d), 155(a), 76 Stat. 180, 185, 193, 196, 197, 207; Jan. 2, 1968, Pub. L. 90-248, title II, §§ 201(e)(4), 205(c), 81 Stat. 880, 892; June 17, 1980, Pub. L. 96-272, title I, §§ 101(a)(5)(A), 102(b), 94

Stat. 513, 515, related to payment to States for foster home care of dependent children, prior to repeal by Pub. L. 96-272, title I, § 101(a)(2), June 17, 1980, 94 Stat. 512, effective, with certain exceptions, to expenditures made after Sept. 30, 1980.

AMENDMENTS

1994—Subsec. (m)(2)(A). Pub. L. 103-432 substituted “the fiscal” for “a fiscal”.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 265(d) of Pub. L. 103-432 provided that: “Each amendment made by this section [amending this section and sections 673 and 675 of this title] shall take effect as if the amendment had been included in the provision of OBRA-1989 [Pub. L. 101-239] to which the amendment relates, at the time the provision became law.”

EFFECTIVE DATE

Section 8004(c) of Pub. L. 101-239 provided that: “The amendment made by subsection (a) [enacting this section] shall apply to erroneous payments made in any fiscal year after fiscal year 1990.”

IMPLEMENTATION OF AMENDMENT BY PUB. L. 101-239

Section 8004(e) of Pub. L. 101-239 provided that: “The Secretary of Health and Human Services shall take all actions necessary to assure that adequate numbers of staff are available to perform the functions required by the amendments made by this section [enacting this section and amending section 603 of this title].”

ANNUAL REPORTS TO CONGRESS

Section 8004(f) of Pub. L. 101-239 provided that: “The Secretary of Health and Human Services shall annually submit to the Committee on Finance of the Senate, and to the Committee on Ways and Means of the House of Representatives a report on whether the time periods contained in the regulations prescribed pursuant to section 408 of the Social Security Act [this section] (as added by subsection (a)) have been or will be met. The first such report shall be submitted not later than January 1, 1992.”

STUDY OF NEGATIVE CASE ACTIONS

Section 8004(g) of Pub. L. 101-239 directed Secretary of Health and Human Services, not later than Oct. 1, 1992, to report and make recommendations to Congress on results of a study of negative case actions under the program of aid to families with dependent children under State plans approved under part A of title IV of the Social Security Act (this part).

§ 609. Exclusion from AFDC unit of child for whom Federal, State, or local foster care maintenance or adoption assistance payments are made

(a) Notwithstanding any other provision of this subchapter (other than subsection (b) of this section)—

(1) a child with respect to whom foster care maintenance payments or adoption assistance payments are made under part E of this subchapter or under State or local law shall not, for the period for which such payments are made, be regarded as a member of a family for purposes of determining the amount of benefits of the family under this part; and

(2) the income and resources of such child shall be excluded from the income and resources of a family under this part.

(b) Subsection (a) of this section shall not apply in the case of a child with respect to whom adoption assistance payments are made

under part E of this subchapter or under State or local law, if application of such subsection would reduce the benefits under this part of the family of which the child would otherwise be regarded as a member.

(Aug. 14, 1935, ch. 531, title IV, §409, as added Nov. 5, 1990, Pub. L. 101-508, title V, §5052(a), 104 Stat. 1388-228.)

REFERENCES IN TEXT

Part E of this subchapter, referred to in text, is classified to section 670 et seq. of this title.

PRIOR PROVISIONS

A prior section 609, act Aug. 14, 1935, ch. 531, title IV, §409, as added and amended July 25, 1962, Pub. L. 87-543, title I, §§101(b)(2)(E), 105(a), 76 Stat. 180, 186; Aug. 13, 1981, Pub. L. 97-35, title XXIII, §2307(a), 95 Stat. 846; Sept. 3, 1982, Pub. L. 97-248, title I, §154(c), 96 Stat. 397; July 18, 1984, Pub. L. 98-369, div. B, title VI, §2627, 2641(a), 2663(c)(5), 98 Stat. 1136, 1146, 1166, related to community work experience programs, prior to repeal by Pub. L. 100-485, title II, §§202(b)(12), 204(a), (b)(1)(A), Oct. 13, 1988, 102 Stat. 2378, 2381, effective Oct. 1, 1990, with provision for earlier effective dates in case of States making certain changes in their State plans and formally notifying the Secretary of Health and Human Services of their desire to become subject to the amendments by title II of Pub. L. 100-485 at such earlier effective dates.

EFFECTIVE DATE

Section 5052(c) of Pub. L. 101-508 provided that: “The amendment made by subsection (a) [enacting this section] and the repeal made by subsection (b) [repealing section 678 of this title] shall apply with respect to benefits for months beginning on or after the first day of the 6th calendar month following the month in which this Act is enacted [November 1990].”

§ 610. Food stamp program coupons

(a) Option to deduct charges from aid

Any State plan for aid and services to needy families with children may (but is not required under this subchapter or any other provision of Federal law to) provide for the institution of procedures, in any or all areas of the State, by the State agency administering or supervising the administration of such plan under which any household participating in the food stamp program established by the Food Stamp Act of 1977, as amended [7 U.S.C. 2011 et seq.], will be entitled, if it so elects, to have the charges, if any, for its coupon allotment under such program deducted from any aid, in the form of money payments, which is (or, except for the deduction of such charge, would be) payable to or with respect to such household (or any member or members thereof) under such plan and have its coupon allotment distributed to it with such aid.

(b) Deductions not considered payment

Any deduction made pursuant to an option provided in accordance with subsection (a) of this section shall not be considered to be a payment described in section 606(b)(2) of this title.

(c) Failure to adopt procedures

Notwithstanding any other provision of law, no agency which is designated as a State agency for any State under or pursuant to the Food Stamp Act of 1977, as amended [7 U.S.C. 2011 et

seq.], shall be regarded as having failed to comply with any requirement imposed by or pursuant to such Act solely because of the failure, of the State agency administering or supervising the administration of the State plan (approved under this part) of such State, to institute or carry out a procedure, described in subsection (a) of this section.

(Aug. 14, 1935, ch. 531, title IV, §410, as added Oct. 21, 1976, Pub. L. 94-585, §1(a), 90 Stat. 2901; amended July 18, 1984, Pub. L. 98-369, div. B, title VI, §2663(c)(6), 98 Stat. 1166.)

REFERENCES IN TEXT

The Food Stamp Act of 1977, as amended, referred to in subsecs. (a) and (c), is Pub. L. 88-525, Aug. 31, 1964, 78 Stat. 703, as amended, which is classified generally to chapter 51 (§2011 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 7 and Tables.

PRIOR PROVISIONS

A prior section 610, act Aug. 14, 1935, ch. 531, title IV, §410, as added Jan. 2, 1968, Pub. L. 90-248, title II, §211(b), 81 Stat. 897, provided for furnishing by Secretary to Secretary of the Treasury the names of parents contained in reports from State agencies, for ascertainment of addresses, and authorization for appropriations for such purpose, prior to repeal by Pub. L. 93-647, §101(c)(8), Jan. 4, 1975, 88 Stat. 2360, eff. July 1, 1975.

AMENDMENTS

1984—Subsecs. (a), (c). Pub. L. 98-369 substituted “Food Stamp Act of 1977” for “Food Stamp Act of 1964”.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-369 effective July 18, 1984, but not to be construed as changing or affecting any right, liability, status, or interpretation which existed (under the provisions of law involved) before that date, see section 2664(b) of Pub. L. 98-369, set out as a note under section 401 of this title.

FUNDS FOR ADMINISTRATIVE COSTS FOR DEDUCTION OF FOOD STAMP COUPONS FROM AMOUNT OF AID

Section 1(b) of Pub. L. 94-585 provided that: “Administrative costs incurred by a State plan for aid and services to needy families with children, approved under Part A of title IV of the Social Security Act [this part], in conducting procedures (described in section 410 of such Act [this section], as added by subsection (a) of this section) in connection with the food stamp program shall be paid from funds appropriated to carry out the Food Stamp Act of 1964, as amended [section 2011 et seq. of Title 7, Agriculture].”

§ 611. Repealed. Pub. L. 98-369, div. B, title VI, §2651(b)(3), July 18, 1984, 98 Stat. 1149

Section, act Aug. 14, 1935, ch. 531, title IV, §411, as added Dec. 20, 1977, Pub. L. 95-216, title IV, §403(a), 91 Stat. 1561, related to availability of wage information to States and political subdivisions. See section 1320b-7 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Apr. 1, 1985, except as otherwise provided, see section 2651(l)(2) of Pub. L. 98-369, set out as an Effective Date note under section 1320b-7 of this title.

§ 612. Prorating shelter allowance of AFDC family living with another household

A State plan for aid and services to needy families with children may provide that, in deter-