

mining the need of any dependent child or relative claiming aid who is living with other individuals (not claiming aid together with such child or relative) as a household (as defined, for purposes of this section, by the Secretary), the amount included in the standard of need, and the payment standard, applied to such child or relative for shelter, utilities, and similar needs may be prorated on a reasonable basis, in such manner and under such circumstances as the State may determine to be appropriate. For purposes of any method of proration used by a State under this section, there shall not be included as a member of a household an individual receiving benefits under subchapter XVI of this chapter in any month to whom the one-third reduction prescribed by section 1382a(a)(2)(A)(i) of this title is applied.

(Aug. 14, 1935, ch. 531, title IV, §412, as added June 17, 1980, Pub. L. 96-272, title III, §303, 94 Stat. 528; amended Aug. 13, 1981, Pub. L. 97-35, title XXIII, §2306(b), 95 Stat. 846; Sept. 3, 1982, Pub. L. 97-248, title I, §155(a), 96 Stat. 397.)

AMENDMENTS

1982—Pub. L. 97-248 substituted provisions relating to prorating shelter allowance of AFDC family living with another household, for provisions relating to eligible children, definition of “closely related family members”, amount of aid, and determination of total income with respect to prorating of shelter allowance in certain cases where child lives with relative not responsible for his support.

1981—Subsec. (b). Pub. L. 97-35 substituted “does not include a stepparent whose income is taken into consideration under section 602(a)(31) of this title (regardless of whether such income exceeds the sum specified in such section) or any other such relative” for “does not include any such relative”.

EFFECTIVE DATE OF 1982 AMENDMENT

Section 155(b) of Pub. L. 97-248 provided that: “The amendment made by this section [amending this section] shall become effective on October 1, 1982.”

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35 effective Oct. 1, 1981, except as otherwise specifically provided, see section 2321 of Pub. L. 97-35, set out as a note under section 602 of this title.

§ 613. Technical assistance for developing management information systems

The Secretary shall provide such technical assistance to States as he determines necessary to assist States to plan, design, develop, or install and provide for the security of, the management information systems referred to in section 603(a)(3)(B)¹ of this title.

(Aug. 14, 1935, ch. 531, title IV, §413, as added June 9, 1980, Pub. L. 96-265, title IV, §406(c), 94 Stat. 467.)

REFERENCES IN TEXT

Section 603(a)(3) of this title, referred to in text, was amended generally by Pub. L. 103-66, title XIII, §13741(a), Aug. 10, 1993, 107 Stat. 663, and, as so amended, no longer contains subpars.

EFFECTIVE DATE

Section 406(d) of Pub. L. 96-265 provided that: “The amendments made by this section [enacting this sec-

tion and amending sections 602 and 603 of this title] shall be effective with respect to expenditures made during calendar quarters beginning on or after July 1, 1981.”

§ 614. Repealed. Pub. L. 100-485, title II, § 202(b)(13), Oct. 13, 1988, 102 Stat. 2378

Section, act Aug. 14, 1935, ch. 531, title IV, §414, as added Aug. 13, 1981, Pub. L. 97-35, title XXIII, §2308, 95 Stat. 848; amended July 18, 1984, Pub. L. 98-369, div. B, title VI, §§2638(a), 2663(c)(7)(A), 98 Stat. 1143, 1166, related to work supplementation program.

EFFECTIVE DATE OF REPEAL

Repeal 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, see section 204(a), (b)(1)(A), of Pub. L. 100-485, set out as an Effective Date note under section 681 of this title.

§ 615. Attribution of income and resources of sponsor and spouse to alien

(a) Applicability; time period

For purposes of determining eligibility for and the amount of benefits under a State plan approved under this part for an individual who is an alien described in clause (B) of section 602(a)(33) of this title, the income and resources of any person who (as a sponsor of such individual's entry into the United States) executed an affidavit of support or similar agreement with respect to such individual, and the income and resources of the sponsor's spouse, shall be deemed to be the unearned income and resources of such individual (in accordance with subsections (b) and (c) of this section) for a period of three years after the individual's entry into the United States, except that this section is not applicable if such individual is a dependent child and such sponsor (or such sponsor's spouse) is the parent of such child.

(b) Computation

(1) The amount of income of a sponsor (and his spouse) which shall be deemed to be the unearned income of an alien for any month shall be determined as follows:

(A) the total amount of earned and unearned income of such sponsor and such sponsor's spouse (if such spouse is living with the sponsor) shall be determined for such month;

(B) the amount determined under subparagraph (A) shall be reduced by an amount equal to the sum of—

(i) the lesser of (I) 20 percent of the total of any amounts received by the sponsor and his spouse in such month as wages or salary or as net earnings from self-employment, plus the full amount of any costs incurred by them in producing self-employment income in such month, or (II) \$175;

(ii) the cash needs standard established by the State under its plan for a family of the same size and composition as the sponsor and those other individuals living in the same household as the sponsor who are claimed by him as dependents for purposes of determining his Federal personal income tax liability but whose needs are not taken

¹ See References in Text note below.

into account in making a determination under section 602(a)(7) of this title;

(iii) any amounts paid by the sponsor (or his spouse) to individuals not living in such household who are claimed by him as dependents for purposes of determining his Federal personal income tax liability; and

(iv) any payments of alimony or child support with respect to individuals not living in such household.

(2) The amount of resources of a sponsor (and his spouse) which shall be deemed to be the resources of an alien for any month shall be determined as follows:

(A) the total amount of the resources (determined as if the sponsor were applying for aid under the State plan approved under this part) of such sponsor and such sponsor's spouse (if such spouse is living with the sponsor) shall be determined; and

(B) the amount determined under subparagraph (A) shall be reduced by \$1,500.

(c) Provision of information by alien concerning his sponsor; receipt of information from Departments of State and Justice

(1) Any individual who is an alien and whose sponsor was a public or private agency shall be ineligible for aid under a State plan approved under this part during the period of three years after his or her entry into the United States, unless the State agency administering such plan determines that such sponsor either no longer exists or has become unable to meet such individual's needs; and such determination shall be made by the State agency based upon such criteria as it may specify in the State plan, and upon such documentary evidence as it may therein require. Any such individual, and any other individual who is an alien (as a condition of his or her eligibility for aid under a State plan approved under this part during the period of three years after his or her entry into the United States), shall be required to provide to the State agency administering such plan such information and documentation with respect to his sponsor as may be necessary in order for the State agency to make any determination required under this section, and to obtain any cooperation from such sponsor necessary for any such determination. Such alien shall also be required to provide to the State agency such information and documentation as it may request and which such alien or his sponsor provided in support of such alien's immigration application.

(2) The Secretary shall enter into agreements with the Secretary of State and the Attorney General whereby any information available to them and required in order to make any determination under this section will be provided by them to the Secretary (who may, in turn, make such information available, upon request, to a concerned State agency), and whereby the Secretary of State and Attorney General will inform any sponsor of an alien, at the time such sponsor executes an affidavit of support or similar agreement, of the requirements imposed by this section.

(d) Joint and several liability of alien and sponsor for overpayment of aid during specified period following entry

Any sponsor of an alien, and such alien, shall be jointly and severally liable for an amount equal to any overpayment of aid under the State plan made to such alien during the period of three years after such alien's entry into the United States, on account of such sponsor's failure to provide correct information under the provisions of this section, except where such sponsor was without fault, or where good cause of such failure existed. Any such overpayment which is not repaid to the State or recovered in accordance with the procedures generally applicable under the State plan to the recoupment of overpayments shall be withheld from any subsequent payment to which such alien or such sponsor is entitled under any provision of this chapter.

(e) Division of income and resources of individual sponsoring two or more aliens living in same home

(1) In any case where a person is the sponsor of two or more alien individuals who are living in the same home, the income and resources of such sponsor (and his spouse), to the extent they would be deemed the income and resources of any one of such individuals under the preceding provisions of this section, shall be divided into two or more equal shares (the number of shares being the same as the number of such alien individuals) and the income and resources of each such individual shall be deemed to include one such share.

(2) Income and resources of a sponsor (and his spouse) which are deemed under this section to be the income and resources of any alien individual in a family shall not be considered in determining the need of other family members except to the extent such income or resources are actually available to such other members.

(f) Aliens not covered

The provisions of this section shall not apply with respect to any alien who is—

(1) admitted to the United States as a result of the application, prior to April 1, 1980, of the provisions of section 1153(a)(7) of title 8;

(2) admitted to the United States as a result of the application, after March 31, 1980, of the provisions of section 1157(c) of title 8;

(3) paroled into the United States as a refugee under section 1182(d)(5) of title 8;

(4) granted political asylum by the Attorney General under section 1158 of title 8; or

(5) a Cuban and Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422).

(Aug. 14, 1935, ch. 531, title IV, §415, as added Aug. 13, 1981, Pub. L. 97-35, title XXIII, §2320(b)(2), 95 Stat. 857; amended July 18, 1984, Pub. L. 98-369, div. B, title VI, §§2635, 2663(c)(7)(B), 98 Stat. 1142, 1166.)

REFERENCES IN TEXT

Section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422), referred to in subsec. (f)(5), is section 501(e) of Pub. L. 96-422, Oct. 10, 1980, 94 Stat. 1799, which is set out as a note under section 1522 of Title 8, Aliens and Nationality.

AMENDMENTS

1984—Subsec. (b)(1)(B)(ii). Pub. L. 98-369, §2663(c)(7)(B), substituted “determining” for “determinig”.

Subsec. (c)(1). Pub. L. 98-369, §2635, substituted “Any individual who is an alien and whose sponsor was a public or private agency shall be ineligible for aid under a State plan approved under this part during the period of three years after his or her entry into the United States, unless the State agency administering such plan determines that such sponsor either no longer exists or has become unable to meet such individual’s needs; and such determination shall be made by the State agency based upon such criteria as it may specify in the State plan, and upon such documentary evidence as it may therein require. Any such individual, and any other individual who is an alien (as a condition of his or her eligibility for aid under a State plan approved under this part during the period of three years after his or her entry into the United States), shall be required to provide” for “Any individual who is an alien shall, during the period of three years after entry into the United States, in order to be eligible for aid under a State plan approved under this part, be required to provide”.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 2635 of Pub. L. 98-369 effective Oct. 1, 1984, except as otherwise specifically provided, see section 2646 of Pub. L. 98-369, set out as a note under section 602 of this title.

Amendment by section 2663(c)(7)(B) of 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.

EFFECTIVE DATE

Section 2320(c) of Pub. L. 97-35 provided that: “The amendments made by subsection (a) [amending section 602 of this title] shall be effective on the date of the enactment of this Act [Aug. 13, 1981]. The amendments made by subsection (b) [enacting this section and amending section 602 of this title] shall be effective with respect to individuals applying for aid to families with dependent children under any approved State plan for the first time after September 30, 1981.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 602 of this title.

§ 616. Fraud control**(a) Election for fraud control program**

Any State, in the administration of its State plan approved under section 602 of this title, may elect to establish and operate a fraud control program in accordance with this section.

(b) Penalty for false or misleading statement or misrepresentation of fact

Under any such program, if an individual who is a member of a family applying for or receiving aid under the State plan approved under section 602 of this title is found by a Federal or State court or pursuant to an administrative hearing meeting requirements determined in regulations of the Secretary, on the basis of a plea of guilty or nolo contendere or otherwise, to have intentionally—

- (1) made a false or misleading statement or misrepresented, concealed, or withheld facts, or
- (2) committed any act intended to mislead, misrepresent, conceal, or withhold facts or propound a falsity,

for the purpose of establishing or maintaining the family’s eligibility for aid under such State plan or of increasing (or preventing a reduction in) the amount of such aid, then the needs of such individual shall not be taken into account in making the determination under section 602(a)(7) of this title with respect to his or her family (A) for a period of 6 months upon the first occasion of any such offense, (B) for a period of 12 months upon the second occasion of any such offense, and (C) permanently upon the third or a subsequent occasion of any such offense.

(c) Proceedings against violators by State agency

The State agency involved shall proceed against any individual alleged to have committed an offense described in subsection (b) of this section either by way of administrative hearing or by referring the matter to the appropriate authorities for civil or criminal action in a court of law. The State agency shall coordinate its actions under this section with any corresponding actions being taken under the food stamp program in any case where the factual issues involved arise from the same or related circumstances.

(d) Duration of period of sanctions; review

Any period for which sanctions are imposed under subsection (b) of this section shall remain in effect, without possibility of administrative stay, unless and until the finding upon which the sanctions were imposed is subsequently reversed by a court of appropriate jurisdiction; but in no event shall the duration of the period for which such sanctions are imposed be subject to review.

(e) Additional sanctions provided by law

The sanctions provided under subsection (b) of this section shall be in addition to, and not in substitution for, any other sanctions which may be provided for by law with respect to the offenses involved.

(f) Written notice of penalties for fraud

Each State which has elected to establish and operate a fraud control program under this section must provide all applicants for aid to families with dependent children under its approved State plan, at the time of their application for such aid, with a written notice of the penalties for fraud which are provided for under this section.

(Aug. 14, 1935, ch. 531, title IV, §416, as added Dec. 22, 1987, Pub. L. 100-203, title IX, §9102(a), 101 Stat. 1330-299.)

EFFECTIVE DATE

Section effective Apr. 1, 1988, see section 9102(d) of Pub. L. 100-203, set out as an Effective Date of 1987 Amendment note under section 602 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 602 of this title.

§ 617. Assistant Secretary for Family Support

The programs under this part, part D of this subchapter, and part F of this subchapter shall be administered by an Assistant Secretary for Family Support within the Department of