

Public Law 94-88
94th Congress

An Act

To amend the Tariff Schedules of the United States to provide duty free treatment to watches and watch movements manufactured in any insular possession of the United States if foreign materials do not exceed 70 percent of the total value of such watches and movements, to amend child support provisions of title IV of the Social Security Act, and for other purposes.

Aug. 9, 1975

[H.R. 7710]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That general head-note 3(a) (i) of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after "50 percent of their total value" the following: "(or more than 70 percent of their total value with respect to watches and watch movements)".

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act.

Certain watches and watch movements, duty suspension; Social Security Act, amendments. 19 USC 1202 note.

TITLE II—AMENDMENTS RELATING TO SOCIAL SECURITY ACT

TEMPORARY WAIVERS OF CERTAIN REQUIREMENTS FOR CERTAIN STATES

SEC. 201. (a) If the Governor of any State, which has an approved State plan under part A of title IV of the Social Security Act, submits to the Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary"), a request that any provision of section 402(a) (26) of the Social Security Act or section 402(a) (27) of such Act not be made applicable to such State prior to a date specified in the request (which shall not be later than June 30, 1976) and—

Request, submittal. 42 USC 602 note. 42 USC 601. 42 USC 602.

(1) such request is accompanied by a certification, with respect to such provision, of the Governor that the State cannot implement such provision because of the lack of authority to do so under State law, and

(2) such request fully explains the reasons why such provision cannot be implemented, and sets forth any provision of State law which impedes the implementation thereof,

the Secretary shall, if he is satisfied that such a waiver is justified, grant the waiver so requested.

(b) During any period with respect to which a waiver, obtained under subsection (a) with respect to section 402(a) (26) (A) of the Social Security Act, is in effect with respect to any State, the provisions of section 454 (4) and (5) of such Act shall be applied to such State in like manner as if the phrase "with respect to whom an assignment under section 402(a) (26) of this title is effective" did not appear therein, and the provisions of section 458 of such Act shall be applied to such State in like manner as if the phrase "support rights assigned under section 402(a) (26)" read "child support obligations".

42 USC 654.

42 USC 658.

(c) Section 455 of the Social Security Act is amended to read as follows:

Payments to States. 42 USC 655.

"SEC. 455. From the sums appropriated therefor, the Secretary shall pay to each State for each quarter, beginning with the quarter commencing July 1, 1975, an amount—

42 USC 654. "(1) equal to 75 percent of the total amounts expended by such State during such quarter for the operation of the plan approved under section 454, and

"(2) equal to 50 percent of the total amounts expended by such State during such quarter for the operation of a plan which meets the conditions of section 454 except as is provided by a waiver by the Secretary which is granted pursuant to specific authority set forth in the law;

except that no amount shall be paid to any State on account of furnishing child support collection or paternity determination services (other than the parent locator services) to individuals under section 454(6) during any period beginning after June 30, 1976."

Reports to congressional committees.
42 USC 602 note.

(d) The Secretary shall from time to time, submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, full and complete reports (the first of which shall not be later than September 15, 1975) regarding any requests which he has received for waivers under subsection (a) and any waivers granted by him under such subsection, and such reports shall include copies of all such requests for such waivers and any supporting documents submitted with or in connection with any such requests.

PROTECTION AGAINST DECREASE IN GRANTS BECAUSE OF PAYMENT OF SUPPORT DIRECTLY TO THE STATE

42 USC 602.

SEC. 202. Section 402(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (26);

(2) by striking out the period at the end of paragraph (27) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (27) the following new paragraph:

"(28) provide that, in determining the amount of aid to which an eligible family is entitled, any portion of the amounts collected in any particular month as child support pursuant to a plan approved under part D, and retained by the State under section 457, which (under the State plan approved under this part as in effect both during July 1975 and during that particular month) would not have caused a reduction in the amount of aid paid to the family if such amounts had been paid directly to the family, shall be added to the amount of aid otherwise payable to such family under the State plan approved under this part."

42 USC 651.

42 USC 657.

SUPPORT ASSIGNMENTS BY RECIPIENTS DURING TRANSITIONAL PERIOD

42 USC 602 note.

42 USC 602.

SEC. 203. (a) In the case of any State the law of which on August 1, 1975, meets the requirements of section 402(a)(26)(A) of the Social Security Act, the requirements of such section shall be effective, with respect to individuals who are recipients on August 1, 1975, at such time as may be determined by the State agency, but not later than the time of the first redetermination of eligibility required after August 1, 1975, and in any event not later than February 1, 1976.

42 USC 654.

(b) In the case of any State described in subsection (a), the provisions of section 454(4) and (5) of the Social Security Act shall, during the period beginning August 1, 1975, and ending December 31, 1975, be applied, with respect to all recipients of aid under the State

plan of such State (approved under part A of title IV of such Act) who have not made an assignment pursuant to section 402(a)(26)(A) of such Act, in the case of such State in like manner as if the phrase "with respect to whom an assignment under section 402(a)(26) of this title is effective" did not appear therein, and the provisions of section 458 of such Act shall, during such period, be applied in the case of such State in like manner as if the phrase "support rights assigned under section 402(a)(26)" read "child support obligations".

42 USC 601.

42 USC 602.

REMOVAL OF VENDOR PAYMENT LIMITATION FOR CHILD SUPPORT

SEC. 204. Section 403(a) of the Social Security Act is amended by inserting before the period at the end thereof "or section 402(a)(26)".

42 USC 603.

AUTHORITY FOR QUARTERLY ADVANCES TO STATES FOR CHILD SUPPORT PROGRAMS

SEC. 205. (a) Section 455 of the Social Security Act (as added by the Social Services Amendments of 1974 and amended by section 201(c) of this Act) is amended by inserting "(a)" immediately after "SEC. 455." and by adding at the end thereof the following new subsection:

Estimate of payments.

Ante, p. 433.

"(b) (1) Prior to the beginning of each quarter, the Secretary shall estimate the amount to which a State will be entitled under subsection (a) for such quarter, such estimates to be based on (A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of such subsection, and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter, and if such amount is less than the State's proportionate share of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived, and (B) such other investigation as the Secretary may find necessary.

"(2) The Secretary shall then pay, in such installments as he may determine, to the State the amount so estimated, reduced or increased to the extent of any overpayment or underpayment which the Secretary determines was made under this section to such State for any prior quarter and with respect to which adjustment has not already been made under this subsection.

"(3) Upon the making of any estimate by the Secretary under this subsection, any appropriations available for payments under this section shall be deemed obligated."

PAYMENTS TO STATES FOR CERTAIN EXPENSES INCURRED DURING JULY 1975

SEC. 206. Notwithstanding any other provision of law, amounts expended in good faith by any State (or by any of its political subdivisions) during July 1975 in employing and compensating staff personnel, leasing office space, purchasing equipment, or carrying out other organizational or administrative activities, in preparation for or implementation of the child support program under part D of title IV of the Social Security Act, shall be considered for purposes of section 455 of such Act (as amended by this Act), to the extent that payment for the activities involved would be made under such section (as so amended) if section 101 of the Social Services Amendments of 1974 had become effective on July 1, 1975, to have been expended by the State for the operation of the State plan or for the conduct of activities specified in such section (as so amended).

42 USC 655 note.

42 USC 651.

42 USC 655.

88 Stat. 2351.

SAFEGUARDING OF INFORMATION

42 USC 602. SEC. 207. Section 402(a)(9) of the Social Security Act (as amended by the Social Services Amendments of 1974) is amended to read as follows:

42 USC 620, 630, 651. " (9) provide safeguards which restrict the use of disclosure of information concerning applicants or recipients to purposes directly connected with (A) the administration of the plan of the State approved under this part, the plan or program of the State under part B, C, or D of this title or under title I, X, XIV, XVI, XIX, or XX, or the supplemental security income program established by title XVI, (B) any investigation, prosecution, or criminal or civil proceeding, conducted in connection with the administration of any such plan or program, and (C) the administration of any other Federal or federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need; and the safeguards so provided shall prohibit disclosure, to any committee or a legislative body, of any information which identifies by name or address any such applicant or recipient;".

42 USC 301, 1201, 1351, 1381, 1396, 1397.

PROTECTION OF CHILD'S BEST INTEREST

42 USC 602. SEC. 208. (a) Section 402(a)(26)(B) of the Social Security Act (as added by the Social Services Amendments of 1974) is amended by inserting immediately after "such applicant or such child" the following: " , unless (in either case) such applicant or recipient is found to have good cause for refusing to cooperate as determined by the State agency in accordance with standards prescribed by the Secretary, which standards shall take into consideration the best interests of the child on whose behalf aid is claimed;".

42 USC 654. (b) Section 454(4)(A) of such Act (as so added) is amended by inserting after "such child," the following: "unless the agency administering the plan of the State under part A of this title determines in accordance with the standards prescribed by the Secretary pursuant to section 402(a)(26)(B) that it is against the best interests of the child to do so,".

42 USC 601.

(c) Section 454(4)(B) of such Act (as so added) is amended by inserting immediately after "other States" the following: "(unless the agency administering the plan of the State under part A of this title determines in accordance with the standards prescribed by the Secretary pursuant to section 402(a)(26)(B) that it is against the best interests of the child to do so)".

Proposed standards, submittal to Congress.
42 USC 602 note.
Effective date.

(d)(1) The Secretary of Health, Education, and Welfare shall submit to the Congress any proposed standards authorized to be prescribed by him under section 402(a)(26)(B) of the Social Security Act (as added by the Social Services Amendments of 1974 and as amended by subsection (a) of this section). Such standards shall take effect at the end of the period which ends 60 days after such proposed standards are so submitted to such committees unless, within such period, either House of the Congress, adopts a resolution of disapproval.

"Resolution."
only—

(2) For purposes of this subsection, the term "resolution" means

(A) a concurrent resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve the standards (as authorized under

section 402(a)(26)(B) of the Social Security Act) transmitted to the Congress on .”, the blank space being filled with the appropriate date; and 42 USC 602.

(B) a resolution of either House of the Congress, the matter after the resolving clause of which is as follows: “That the does not approve the standards (as authorized under section 402(a)(26)(B) of the Social Security Act) transmitted to the Congress on .”, with the first blank space being filled with the name of the resolving House, and the second blank space being filled with the appropriate date.

(3) The provisions of subsection (b), (c), (d), (e), and (f) of section 152 of the Trade Act of 1974 shall be applicable to resolutions under this subsection, except that the “20 hours” referred to in subsections (d)(2) and (e)(2) of such section shall be deemed to read “4 hours”. 19 USC 2192.

TECHNICAL AMENDMENT

SEC. 209. Section 402(a)(27) is amended by striking out “States have” and inserting in lieu thereof “State has”. 42 USC 602.

EFFECTIVE DATE

SEC. 210. The amendments made by this title shall, unless otherwise specified therein, become effective August 1, 1975. 42 USC 602 note.

Approved August 9, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-298 (Comm. on Ways and Means).

SENATE REPORT No. 94-273 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 121 (1975):

June 24, considered and passed House.

Aug. 1, considered and passed Senate, amended; House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 33:

Aug. 11, Presidential statement.