

the administrative proceeding, in accordance with the standards of review prescribed by subparagraphs (A) through (E) of section 706(2) of title 5. The review shall be on the basis of the documents and supporting data submitted to the Board.

(Aug. 14, 1935, ch. 531, title IV, § 410, as added Pub. L. 104-193, title I, § 103(a)(1), Aug. 22, 1996, 110 Stat. 2148; amended Pub. L. 105-33, title V, § 5514(c), Aug. 5, 1997, 111 Stat. 620.)

#### PRIOR PROVISIONS

A prior section 610, act 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, related to food stamp program coupons, prior to repeal by Pub. L. 104-193, § 103(a)(1), as amended by Pub. L. 105-33, title V, § 5514(c), Aug. 5, 1997, 111 Stat. 620.

Another 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

1997—Pub. L. 105-33 made technical amendment to directory language of Pub. L. 104-193, § 103(a)(1), which enacted this section.

#### EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-33 effective as if included in the provision of Pub. L. 104-193 amended at the time the provision became law, see section 5518(d) of Pub. L. 105-33, set out as a note under section 862a of Title 21, Food and Drugs.

#### EFFECTIVE DATE

Section effective July 1, 1997, with transition rules relating to State options to accelerate such date, rules relating to claims, actions, and proceedings commenced before such date, rules relating to closing out of accounts for terminated or substantially modified programs and continuance in office of Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see section 116 of Pub. L. 104-193, as amended, set out as a note under section 601 of this title.

### § 611. Data collection and reporting

#### (a) Quarterly reports by States

##### (1) General reporting requirement

##### (A) Contents of report

Each eligible State shall collect on a monthly basis, and report to the Secretary on a quarterly basis, the following disaggregated case record information on the families receiving assistance under the State program funded under this part (except for information relating to activities carried out under section 603(a)(5) of this title) or any other State program funded with qualified State expenditures (as defined in section 609(a)(7)(B)(i) of this title):

- (i) The county of residence of the family.
- (ii) Whether a child receiving such assistance or an adult in the family is receiving—
  - (I) Federal disability insurance benefits;

- (II) benefits based on Federal disability status;

- (III) aid under a State plan approved under subchapter XIV of this chapter (as in effect without regard to the amendment made by section 301 of the Social Security Amendments of 1972);

- (IV) aid or assistance under a State plan approved under subchapter XVI of this chapter (as in effect without regard to such amendment) by reason of being permanently and totally disabled; or

- (V) supplemental security income benefits under subchapter XVI of this chapter (as in effect pursuant to such amendment) by reason of disability.

- (iii) The ages of the members of such families.

- (iv) The number of individuals in the family, and the relation of each family member to the head of the family.

- (v) The employment status and earnings of the employed adult in the family.

- (vi) The marital status of the adults in the family, including whether such adults have never married, are widowed, or are divorced.

- (vii) The race and educational level of each adult in the family.

- (viii) The race and educational level of each child in the family.

- (ix) Whether the family received subsidized housing, medical assistance under the State plan approved under subchapter XIX of this chapter, supplemental nutrition assistance program benefits, or subsidized child care, and if the latter 2, the amount received.

- (x) The number of months that the family has received each type of assistance under the program.

- (xi) If the adults participated in, and the number of hours per week of participation in, the following activities:

- (I) Education.

- (II) Subsidized private sector employment.

- (III) Unsubsidized employment.

- (IV) Public sector employment, work experience, or community service.

- (V) Job search.

- (VI) Job skills training or on-the-job training.

- (VII) Vocational education.

- (xii) Information necessary to calculate participation rates under section 607 of this title.

- (xiii) The type and amount of assistance received under the program, including the amount of and reason for any reduction of assistance (including sanctions).

- (xiv) Any amount of unearned income received by any member of the family.

- (xv) The citizenship of the members of the family.

- (xvi) From a sample of closed cases, whether the family left the program, and if so, whether the family left due to—

- (I) employment;

- (II) marriage;

(III) the prohibition set forth in section 608(a)(7) of this title;

(IV) sanction; or

(V) State policy.

(xvii) With respect to each individual in the family who has not attained 20 years of age, whether the individual is a parent of a child in the family.

**(B) Use of samples**

**(i) Authority**

A State may comply with subparagraph (A) by submitting disaggregated case record information on a sample of families selected through the use of scientifically acceptable sampling methods approved by the Secretary.

**(ii) Sampling and other methods**

The Secretary shall provide the States with such case sampling plans and data collection procedures as the Secretary deems necessary to produce statistically valid estimates of the performance of State programs funded under this part and any other State programs funded with qualified State expenditures (as defined in section 609(a)(7)(B)(i) of this title). The Secretary may develop and implement procedures for verifying the quality of data submitted by the States.

**(2) Report on use of Federal funds to cover administrative costs and overhead**

The report required by paragraph (1) for a fiscal quarter shall include a statement of the percentage of the funds paid to the State under this part for the quarter that are used to cover administrative costs or overhead, with a separate statement of the percentage of such funds that are used to cover administrative costs or overhead incurred for programs operated with funds provided under section 603(a)(5) of this title.

**(3) Report on State expenditures on programs for needy families**

The report required by paragraph (1) for a fiscal quarter shall include a statement of the total amount expended by the State during the quarter on programs for needy families, with a separate statement of the total amount expended by the State during the quarter on programs operated with funds provided under section 603(a)(5) of this title.

**(4) Report on noncustodial parents participating in work activities**

The report required by paragraph (1) for a fiscal quarter shall include the number of non-custodial parents in the State who participated in work activities (as defined in section 607(d) of this title) during the quarter, with a separate statement of the number of such parents who participated in programs operated with funds provided under section 603(a)(5) of this title.

**(5) Report on transitional services**

The report required by paragraph (1) for a fiscal quarter shall include the total amount expended by the State during the quarter to

provide transitional services to a family that has ceased to receive assistance under this part because of employment, along with a description of such services.

**(6) Report on families receiving assistance**

The report required by paragraph (1) for a fiscal quarter shall include for each month in the quarter—

(A) the number of families and individuals receiving assistance under the State program funded under this part (including the number of 2-parent and 1-parent families);

(B) the total dollar value of such assistance received by all families; and

(C) with respect to families and individuals participating in a program operated with funds provided under section 603(a)(5) of this title—

(i) the total number of such families and individuals; and

(ii) the number of such families and individuals whose participation in such a program was terminated during a month.

**(7) Regulations**

The Secretary shall prescribe such regulations as may be necessary to define the data elements with respect to which reports are required by this subsection, and shall consult with the Secretary of Labor in defining the data elements with respect to programs operated with funds provided under section 603(a)(5) of this title.

**(b) Annual reports to Congress by Secretary**

Not later than 6 months after the end of fiscal year 1997, and each fiscal year thereafter, the Secretary shall transmit to the Congress a report describing—

(1) whether the States are meeting—

(A) the participation rates described in section 607(a) of this title; and

(B) the objectives of—

(i) increasing employment and earnings of needy families, and child support collections; and

(ii) decreasing out-of-wedlock pregnancies and child poverty;

(2) the demographic and financial characteristics of families applying for assistance, families receiving assistance, and families that become ineligible to receive assistance;

(3) the characteristics of each State program funded under this part; and

(4) the trends in employment and earnings of needy families with minor children living at home.

**(c) Pre-authorization State-by-State reports on engagement in additional work activities and expenditures for other benefits and services**

**(1) State reporting requirements**

**(A) Reporting periods and deadlines**

Each eligible State shall submit to the Secretary the following reports:

**(i) March 2011 report**

Not later than May 31, 2011, a report for the period that begins on March 1, 2011, and ends on March 31, 2011, that contains the information specified in subparagraphs (B) and (C).

**(ii) April-June, 2011 report**

Not later than August 31, 2011, a report for the period that begins on April 1, 2011, and ends on June 30, 2011, that contains with respect to the 3 months that occur during that period—

(I) the average monthly numbers for the information specified in subparagraph (B); and

(II) the information specified in subparagraph (C).

**(B) Engagement in additional work activities**

(i) With respect to each work-eligible individual in a family receiving assistance during a reporting period specified in subparagraph (A), whether the individual engages in any activities directed toward attaining self-sufficiency during a month occurring in a reporting period, and if so, the specific activities—

(I) that do not qualify as a work activity under section 607(d) of this title but that are otherwise reasonably calculated to help the family move toward self-sufficiency; or

(II) that are of a type that would be counted toward the State participation rates under section 607 of this title but for the fact that—

(aa) the work-eligible individual did not engage in sufficient hours of the activity;

(bb) the work-eligible individual has reached the maximum time limit allowed for having participation in the activity counted toward the State's work participation rate; or

(cc) the number of work-eligible individuals engaged in such activity exceeds a limitation under such section.

(ii) Any other information that the Secretary determines appropriate with respect to the information required under clause (i), including if the individual has no hours of participation, the principal reason or reasons for such non-participation.

**(C) Expenditures on other benefits and services**

(i) Detailed, disaggregated information regarding the types of, and amounts of, expenditures made by the State during a reporting period specified in subparagraph (A) using—

(I) Federal funds provided under section 603 of this title that are (or will be) reported by the State on Form ACF-196 (or any successor form) under the category of other expenditures or the category of benefits or services provided in accordance with the authority provided under section 604(a)(2) of this title; or

(II) State funds expended to meet the requirements of section 609(a)(7) of this title and reported by the State in the category of other expenditures on Form ACF-196 (or any successor form).

(ii) Any other information that the Secretary determines appropriate with respect to the information required under clause (i).

**(2) Publication of summary and analysis of engagement in additional activities**

Concurrent with the submission of each report required under paragraph (1)(A), an eligible State shall publish on an Internet website maintained by the State agency responsible for administering the State program funded under this part (or such State-maintained website as the Secretary may approve)—

(A) a summary of the information submitted in the report;

(B) an analysis statement regarding the extent to which the information changes measures of total engagement in work activities from what was (or will be) reported by the State in the quarterly report submitted under subsection (a) for the comparable period; and

(C) a narrative describing the most common activities contained in the report that are not countable toward the State participation rates under section 607 of this title.

**(3) Application of authority to use sampling**

Subparagraph (B) of subsection (a)(1) shall apply to the reports required under paragraph (1) of this subsection in the same manner as subparagraph (B) of subsection (a)(1) applies to reports required under subparagraph (A) of subsection (a)(1).

**(4) Secretarial reports to Congress****(A) March 2011 report**

Not later than June 30, 2011, the Secretary shall submit to Congress a report on the information submitted by eligible States for the March 2011 reporting period under paragraph (1)(A)(i). The report shall include a State-by-State summary and analysis of such information, identification of any States with missing or incomplete reports, and recommendations for such administrative or legislative changes as the Secretary determines are necessary to require eligible States to report the information on a recurring basis.

**(B) April-June, 2011 report**

Not later than September 30, 2011, the Secretary shall submit to Congress a report on the information submitted by eligible States for the April-June 2011 reporting period under paragraph (1)(A)(ii). The report shall include a State-by-State summary and analysis of such information, identification of any States with missing or incomplete reports, and recommendations for such administrative or legislative changes as the Secretary determines are necessary to require eligible States to report the information on a recurring basis<sup>1</sup>

**(5) Authority for expeditious implementation**

The requirements of chapter 5 of title 5 (commonly referred to as the "Administrative Procedure Act") or any other law relating to rulemaking or publication in the Federal Register shall not apply to the issuance of guidance or instructions by the Secretary with respect to the implementation of this subsection

<sup>1</sup> So in original. Probably should be followed by a period.

to the extent the Secretary determines that compliance with any such requirement would impede the expeditious implementation of this subsection.

**(d) Data exchange standardization for improved interoperability**

**(1) Data exchange standards**

**(A) Designation**

The Secretary, in consultation with an interagency work group which shall be established by the Office of Management and Budget, and considering State and tribal perspectives, shall, by rule, designate a data exchange standard for any category of information required to be reported under this part.

**(B) Data exchange standards must be non-proprietary and interoperable**

The data exchange standard designated under subparagraph (A) shall, to the extent practicable, be nonproprietary and interoperable.

**(C) Other requirements**

In designating data exchange standards under this section, the Secretary shall, to the extent practicable, incorporate—

(i) interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget, such as the International Organization for Standardization;

(ii) interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and

(iii) interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance, such as the Federal Acquisition Regulatory Council.

**(2) Data exchange standards for reporting**

**(A) Designation**

The Secretary, in consultation with an interagency work group established by the Office of Management and Budget, and considering State and tribal perspectives, shall, by rule, designate data exchange standards to govern the data reporting required under this part.

**(B) Requirements**

The data exchange standards required by subparagraph (A) shall, to the extent practicable—

(i) incorporate a widely-accepted, non-proprietary, searchable, computer-readable format;

(ii) be consistent with and implement applicable accounting principles; and

(iii) be capable of being continually upgraded as necessary.

**(C) Incorporation of nonproprietary standards**

In designating reporting standards under this paragraph, the Secretary shall, to the extent practicable, incorporate existing non-

proprietary standards, such as the eXtensible Markup Language.

(Aug. 14, 1935, ch. 531, title IV, §411, as added Pub. L. 104-193, title I, §103(a)(1), Aug. 22, 1996, 110 Stat. 2148; amended Pub. L. 105-33, title V, §§5001(e), 5507, 5514(c), Aug. 5, 1997, 111 Stat. 591, 616, 620; Pub. L. 106-113, div. B, §1000(a)(4) [title VIII, §804(a)], Nov. 29, 1999, 113 Stat. 1535, 1501A-284; Pub. L. 109-171, title VII, §7102(b)(2), Feb. 8, 2006, 120 Stat. 136; Pub. L. 110-234, title IV, §4002(b)(1)(E), (2)(V), May 22, 2008, 122 Stat. 1096, 1097; Pub. L. 110-246, §4(a), title IV, §4002(b)(1)(E), (2)(V), June 18, 2008, 122 Stat. 1664, 1857, 1858; Pub. L. 111-291, title VIII, §812(a), Dec. 8, 2010, 124 Stat. 3160; Pub. L. 112-96, title IV, §§4003(a), 4005(e), Feb. 22, 2012, 126 Stat. 195, 198.)

REFERENCES IN TEXT

Section 301 of the Social Security Amendments of 1972, referred to in subsec. (a)(1)(A)(ii)(III), is section 301 of Pub. L. 92-603, title III, Oct. 30, 1972, 86 Stat. 1465, which enacted sections 1381 to 1382e and 1383 to 1383c of this title.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

PRIOR PROVISIONS

A prior section 611, 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, prior to repeal by Pub. L. 98-369, div. B, title VI, §2651(b)(3), (I)(2), July 18, 1984, 98 Stat. 1149, 1151, effective Apr. 1, 1985, except as otherwise provided. See section 1320b-7 of this title.

AMENDMENTS

2012—Subsec. (a)(1)(A)(ii)(III). Pub. L. 112-96, §4005(e), struck out second closing parenthesis after “1972”.

Subsec. (d). Pub. L. 112-96, §4003(a), added subsec. (d). 2010—Subsec. (c). Pub. L. 111-291 added subsec. (c).

2008—Subsec. (a)(1)(A)(ix). Pub. L. 110-246, §4002(b)(1)(E), (2)(V), substituted “supplemental nutrition assistance program benefits” for “food stamps”.

2006—Subsec. (a)(1)(A). Pub. L. 109-171, §7102(b)(2)(A), inserted “or any other State program funded with qualified State expenditures (as defined in section 609(a)(7)(B)(i) of this title)” before colon at end of introductory provisions.

Subsec. (a)(1)(B)(ii). Pub. L. 109-171, §7102(b)(2)(B), inserted “and any other State programs funded with qualified State expenditures (as defined in section 609(a)(7)(B)(i) of this title)” after “this part”.

1999—Subsec. (a)(1)(A). Pub. L. 106-113, §1000(a)(4) [title VIII, §804(a)(1)], in introductory provisions, inserted “(except for information relating to activities carried out under section 603(a)(5) of this title)” after “part”.

Subsec. (a)(1)(A)(xviii). Pub. L. 106-113, §1000(a)(4) [title VIII, §804(a)(2)], struck out cl. (xviii) which related to families participating in a program operated with funds provided under section 603(a)(5) of this title.

1997—Pub. L. 105-33, §5514(c), made technical amendment to directory language of Pub. L. 104-193, §103(a)(1), which enacted this section.

Subsec. (a)(1)(A)(ii). Pub. L. 105-33, §5507(1)(A)(i), added cl. (ii) and struck out former cl. (ii) which read as follows: “Whether a child receiving such assistance or an adult in the family is disabled.”

Subsec. (a)(1)(A)(iv). Pub. L. 105-33, §5507(1)(A)(ii), substituted “head of” for “youngest child in”.

Subsec. (a)(1)(A)(vii), (viii). Pub. L. 105-33, §5507(1)(A)(iii), substituted “level” for “status”.

Subsec. (a)(1)(A)(xvii). Pub. L. 105-33, § 5507(1)(A)(iv), added cl. (xvii).

Subsec. (a)(1)(A)(xviii). Pub. L. 105-33, § 5001(e)(1), added cl. (xviii).

Subsec. (a)(1)(B). Pub. L. 105-33, § 5507(1)(B), substituted “samples” for “estimates” in heading and “disaggregated case record information on a sample of families selected” for “an estimate which is obtained” in cl. (i).

Subsec. (a)(2). Pub. L. 105-33, § 5001(e)(2), inserted before period at end “, with a separate statement of the percentage of such funds that are used to cover administrative costs or overhead incurred for programs operated with funds provided under section 603(a)(5) of this title”.

Subsec. (a)(3). Pub. L. 105-33, § 5001(e)(3), inserted before period at end “, with a separate statement of the total amount expended by the State during the quarter on programs operated with funds provided under section 603(a)(5) of this title”.

Subsec. (a)(4). Pub. L. 105-33, § 5001(e)(4), inserted before period at end “, with a separate statement of the number of such parents who participated in programs operated with funds provided under section 603(a)(5) of this title”.

Subsec. (a)(6). Pub. L. 105-33, § 5507(2), added par. (6). Former par. (6) redesignated (7).

Subsec. (a)(6)(C). Pub. L. 105-33, § 5001(e)(5), added subpar. (C).

Subsec. (a)(7). Pub. L. 105-33, § 5507(2), redesignated par. (6) as (7).

Pub. L. 105-33, § 5001(e)(6), inserted before period at end “, and shall consult with the Secretary of Labor in defining the data elements with respect to programs operated with funds provided under section 603(a)(5) of this title”.

#### EFFECTIVE DATE OF 2012 AMENDMENT; REGULATIONS

Pub. L. 112-96, title IV, § 4003(b), Feb. 22, 2012, 126 Stat. 196, provided that:

“(1) DATA EXCHANGE STANDARDS.—The Secretary of Health and Human Services shall issue a proposed rule under section 411(d)(1) of the Social Security Act [42 U.S.C. 611(d)(1)] within 12 months after the date of the enactment of this section [Feb. 22, 2012], and shall issue a final rule under such section 411(d)(1), after public comment, within 24 months after such date of enactment.

“(2) DATA REPORTING STANDARDS.—The reporting standards required under section 411(d)(2) of such Act [42 U.S.C. 611(d)(2)] shall become effective with respect to reports required in the first reporting period, after the effective date of the final rule referred to in paragraph (1) of this subsection, for which the authority for data collection and reporting is established or renewed under the Paperwork Reduction Act [44 U.S.C. 3501 et seq.]”

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Amendment by section 4002(b)(1)(E), (2)(V) of Pub. L. 110-246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as a note under section 1161 of Title 2, The Congress.

#### EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-171 effective Oct. 1, 2006, see section 7102(d) of Pub. L. 109-171, set out as a note under section 607 of this title.

#### EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by section 5507 of Pub. L. 105-33 effective as if included in section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of

1996, Pub. L. 104-193, at the time such section 103(a) became law, see section 5518(a) of Pub. L. 105-33, set out as a note under section 602 of this title.

Amendment by section 5514(c) of Pub. L. 105-33 effective as if included in the provision of Pub. L. 104-193 amended at the time the provision became law, see section 5518(d) of Pub. L. 105-33, set out as a note under section 862a of Title 21, Food and Drugs.

#### EFFECTIVE DATE

Section effective July 1, 1997, with transition rules relating to State options to accelerate such date, rules relating to claims, actions, and proceedings commenced before such date, rules relating to closing out of accounts for terminated or substantially modified programs and continuance in office of Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see section 116 of Pub. L. 104-193, set out as a note under section 601 of this title.

### § 611a. State required to provide certain information

Each State to which a grant is made under section 603 of this title shall, at least 4 times annually and upon request of the Immigration and Naturalization Service, furnish the Immigration and Naturalization Service with the name and address of, and other identifying information on, any individual who the State knows is unlawfully in the United States.

(Aug. 14, 1935, ch. 531, title IV, § 411A, as added Pub. L. 104-193, title IV, § 404(b), Aug. 22, 1996, 110 Stat. 2267.)

#### ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

### § 612. Direct funding and administration by Indian tribes

#### (a) Grants for Indian tribes

##### (1) Tribal family assistance grant

##### (A) In general

For fiscal year 2012, the Secretary shall pay to each Indian tribe that has an approved tribal family assistance plan a tribal family assistance grant for the fiscal year in an amount equal to the amount determined under subparagraph (B), which shall be reduced for a fiscal year, on a pro rata basis for each quarter, in the case of a tribal family assistance plan approved during a fiscal year for which the plan is to be in effect, and shall reduce the grant payable under section 603(a)(1) of this title to any State in which lies the service area or areas of the Indian tribe by that portion of the amount so determined that is attributable to expenditures by the State.

##### (B) Amount determined

##### (i) In general

The amount determined under this subparagraph is an amount equal to the total amount of the Federal payments to a State or States under section 603 of this title (as in effect during such fiscal year)