ment account, or extended unemployment compensation account, is insufficient to meet the anticipated payments from the account, (2) such insufficiency may cause such account to borrow from the general fund of the Treasury, and (3) the amount in any other such account exceeds the amount necessary to meet the anticipated payments from such other account, the Secretary shall transfer to the account referred to in paragraph (1) from the account referred to in paragraph (3) an amount equal to the insufficiency determined under paragraph (1) or, if less, the excess determined under paragraph (3).

(b) Treatment of advance
Any amount transferred under subsection (a) of this section—
(1) shall be treated as a noninterest-bearing repayable advance, and
(2) shall not be considered in computing the amount in any account for purposes of the application of sections 1101(f)(2), 1102(b), and 1105(b) of this title.

(c) Repayment
Whenever the Secretary of the Treasury (after consultation with the Secretary of Labor) determines that the amount in the account to which an advance is made under subsection (a) of this section exceeds the amount necessary to meet the anticipated payments from the account, the Secretary shall transfer from the account to the account from which the advance was made an amount equal to the lesser of the amount so advanced or such excess.


SUBCHAPTER X—GRANTS TO STATES FOR AID TO BLIND

REPEAL OF SUBCHAPTER X OF THIS CHAPTER; INAPPLICABILITY OF REPEAL TO PUERTO RICO, GUAM, AND VIRGIN ISLANDS
Pub. L. 92–603, title III, §303(a), (b), Oct. 30, 1972, 86 Stat. 1484, provided that this subchapter is repealed effective Jan. 1, 1974, except with respect to Puerto Rico, Guam, and the Virgin Islands.

§1201. Authorization of appropriations
For the purpose of enabling each State to furnish financial assistance, as far as practicable under the conditions in such State, to needy individuals who are blind, there is hereby authorized to be appropriated for each fiscal year a sum sufficient to carry out the purposes of this subchapter. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Secretary of Health and Human Services, State plans for aid to the blind.


REPEAL OF SECTION
Pub. L. 92–603, title III, §303(a), (b), Oct. 30, 1972, 86 Stat. 1484, provided that this section is repealed effective Jan. 1, 1974, except with respect to Puerto Rico, Guam, and the Virgin Islands.

AMENDMENTS
1981—Pub. L. 97–35 struck out “and of encouraging each State, as far as practicable under such conditions, to furnish rehabilitation and other services to help such individuals attain or retain capability for self-support and self-care” after “who are blind”.

1962—Pub. L. 87–543 inserted “to furnish rehabilitation and other services” before “to help such individuals” and “or retain capability for” after “attain”.

1956—Act Aug. 1, 1956, restated purpose to include assistance to individuals to attain self-support or self-care.


TRANSFER OF FUNCTIONS
Functions of Federal Security Administrator transferred to Secretary of Health, Education, and Welfare and all agencies of Federal Security Agency transferred to Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953, set out as a note under section 3501 of this title. Federal Security Agency and office of Administrator abolished by section 8 of Reorg. Plan No. 1 of 1953. Secretary and Department of Health, Education, and Welfare redesignated Secretary and Department of Health and Human Services by section 508(b) of Pub. L. 96–88 which is classified to section 3508(b) of Title 20, Education.

§1202. State plans for aid to blind
(a) A State plan for aid to the blind must (1) except to the extent permitted by the Secretary with respect to services, provide that it shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them; (2) provide for financial participation by the State; (3) either provide for the establishment or designation of a single State agency to administer the plan, or provide for the establishment or designation of a single State agency to supervise the administration of the plan; (4) provide (A) for granting an opportunity for a fair hearing before the State agency to any individual whose claim for aid to the blind is denied or is not acted upon with reasonable promptness, and (B) that if the State plan is administered in each of the political subdivisions of the State by a local agency and such local agency provides a hearing at which evidence may be presented prior to a hearing before the State agency, such local agency may put into effect immediately upon issuance its decision upon the matter considered at such hearing; (5) provide (A) such methods of administration (including after January 1, 1940, methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in ac-

1So in original. Probably should be “to in”.

1972, 86 Stat. 1484, provided that this section is repealed effective Jan. 1, 1974, except with respect to Puerto Rico, Guam, and the Virgin Islands.
cordance with such methods) as are found by the Secretary to be necessary for the proper and efficient operation of the plan, and (B) for the training and effective use of paid subprofessional staff, with particular emphasis on the full-time or part-time employment of recipients and other persons of low-income, as community service aides, in the administration of the plan and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing services to applicants and recipients and in assisting any advisory committees established by the State agency; (6) provide that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time require, and comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports; and (7) provide that no aid will be furnished any individual under the plan with respect to any period with respect to which he is receiving old-age assistance under the State plan approved under section 302 of this title or assistance under a State program funded under part A of subchapter IV of this chapter; (8) provide that the State agency shall, in determining need, take into consideration any other income and resources of the individual claiming aid to the blind; (9) include provision that the State agency (A) shall disregard the first $85 per month of earned income, plus one-half of earned income in excess of $85 per month, (B) shall, for a period not in excess of twelve months, and may, for a period not in excess of thirty-six months, disregard such additional amounts of other income and resources, in the case of an individual who has a plan for achieving self-support approved by the State agency, as may be necessary for the fulfillment of such plan, and (C) may, before disregarding the amounts referred to in clauses (A) and (B), disregard not more than $7.50 of any income; (9) provide safeguards which permit the use or disclosure of information concerning applicants or recipients only (A) to public officials who require such information in connection with their official duties, or (B) to other persons for purposes directly related to the administration of the State plan; (10) provide that, in determining whether an individual is blind, there shall be an examination by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (11) effective July 1, 1951, provide that all individuals wishing to make application for aid to the blind shall have opportunity to do so, and that aid to the blind shall be furnished with reasonable promptness to all eligible individuals; (12) effective July 1, 1953, provide, if the plan includes payments to individuals in private or public institutions, for the establishment or designation of a State authority or authorities which shall be responsible for establishing and maintaining standards for such institutions; (13) provide a description of the services (if any) which the State agency makes available (using whatever internal organizational arrangement it finds appropriate for this purpose) to applicants for and recipients of aid to the blind to help them attain self-support or self-care, including a description of the steps taken to assure, in the provision of such services, maximum utilization of other agencies providing similar services or related services; and (14) provide that information is requested and exchanged for purposes of income and eligibility verification in accordance with a State system which meets the requirements of section 1320b–7 of this title.

(b) The Secretary shall approve any plan which fulfills the conditions specified in subsection (a) of this section, except that he shall not approve any plan which imposes, as a condition of eligibility for aid to the blind under the plan—

(1) Any residence requirement which excludes any resident of the State who has resided therein for five years during the nine years immediately preceding the application for aid and has resided therein continuously for one year immediately preceding the application; or

(2) Any citizenship requirement which excludes any citizen of the United States.

At the option of the State, the plan may provide that manuals and other policy issuances will be furnished to persons without charge for the reasonable cost of such materials, but such provision shall not be required by the Secretary as a condition for the approval of such plan under this subchapter. In the case of any State (other than Puerto Rico and the Virgin Islands) which did not have on January 1, 1949, a State plan for aid to the blind approved under this subchapter, the Secretary shall approve a plan of such State for aid to the blind for purposes of this subchapter, even though it does not meet the requirements of clause (8) of subsection (a) of this section, if it meets all other requirements of this subchapter for an approved plan for aid to the blind; but payments under section 1203 of this title shall be made, in the case of any such plan, only with respect to expenditures thereunder which would be included as expenditures for the purposes of section 1203 of this title under a plan approved under this section without regard to the provisions of this sentence.


1 So in original. The word "and" probably should not appear.
Section 601 et seq. of this title.

**AMENDMENTS**


1972—Subsec. (a)(1). Pub. L. 92–603, § 410(b), inserted ‘‘except to the extent permitted by the Secretary with respect to services,’’ before ‘‘provide’’.

Subsec. (a)(9). Pub. L. 92–603, § 410(b), inserted ‘‘administrative arrangement found appropriate’’.

Subsec. (a)(7). Pub. L. 92–603, § 409(b), designated existing provisions as subcl. (A) and added subcl. (B).

Subsec. (a)(9). Pub. L. 92–603, § 410(b), substituted provisions permitting the use or disclosure of information concerning applicants or recipients to public officials requiring such information in connection with their official duties and to other persons for purposes directly connected with the administration of the State plan, for existing provisions requiring disclosure of such information to public officials and other persons for purposes directly connected with the administration of the aid to blind.

Subsec. (a)(13). Pub. L. 92–603, § 409(b), inserted provision relating to the use of whatever internal organizational arrangement found appropriate.

Subsec. (b). Pub. L. 92–603, § 409(b), inserted provision relating to the furnishing of manuals and other policy issuance to persons without charge and at the option of the State.


Subsec. (a)(8)(C). Pub. L. 90–248, § 213(a)(2), increased limit on amount of any income which the State may disregard in making its determination of need.


Subsec. (a)(7). Pub. L. 89–350 permitted the State agency, for a period not in excess of thirty-six months to disregard such additional amounts of other income and resources.


Subsec. (a)(8). Pub. L. 87–543, §§ 104(a)(2), 154, inserted ‘‘as well as any expenses reasonably attributable to the earning of any such income’’, and amended the exception provision by striking out ‘‘either (i) the first $50 per month of earned income, or (ii) after ‘disregarding’’.

Subsec. (b). Pub. L. 87–543, § 138(a), provided for approval of certain plans of States, without an approved plan on Jan. 1, 1949, meeting all but income and resources requirements, and payment of certain expenditures under such plans.

1960—Subsec. (a)(8). Pub. L. 86–778, § 710(b), struck out provision that required the State agency to disregard, alternatively, the first $50 per month of earned income in considering claimant’s income and resources in determining need.

Pub. L. 86–778, § 710(a), inserted provision that required the State agency to disregard, alternatively, the first $85 per month of earned income plus one-half of earned income in excess of $85 per month in considering claimant’s income and resources in determining need.


Act Aug. 15, 1950, § 701(a), subtituted ‘‘provide for granting an opportunity for a fair hearing before the State agency to any individual whose claim for aid to the blind is denied or is not acted upon with reasonable promptness’’ for ‘‘provide for granting to any individual, whose claim for aid is denied, an opportunity for a fair hearing before such State agency’’.

Subsec. (a)(7). Act Aug. 28, 1950, § 341(b), inserted ‘‘or aid to dependent children under the State plan approved under section 602 of this title’’.


Subsec. (a)(9). Act Aug. 28, 1950, § 341(d), substituted comma for period at end.

Subsec. (a)(10). Act Aug. 28, 1950, § 341(e), amended cl. (10) generally. Prior to amendment, cl. (10) read as follows: ‘‘provide that, in determining whether an individual is blind, there shall be an examination by a physician skilled in diseases of the eye or by an ophthalmist;’’.

Act Aug. 28, 1950, § 341(d), added cl. (10).

Act Aug. 15, 1950, § 341(d), added cl. (11) and (12).

Subsec. (b). Act Aug. 28, 1950, § 361(c), (d), substituted ‘‘Administrator’’ for ‘‘Board’’ and ‘‘he’’ for ‘‘it’’.

1949—Subsec. (a)(5). Act Aug. 10, 1949, § 701(a), inserted ‘‘(including after January 1, 1949, methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Board shall exercise such discretion as it may deem necessary to the administration of the plan)’’.

Subsec. (a)(7). Act Aug. 10, 1939, § 701(b), added cl. (8) and (9).

**EFFECTIVE DATE**

Amendment by Pub. L. 104–193 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 an Effective Date note under section 601 of this title.

**EFFECTIVE DATE OF 1984 AMENDMENT**

Amendment by Pub. L. 98–369 effective Apr. 1, 1985, except as otherwise provided, see section 2631(h)(2) of Pub. L. 98–369, set out as an Effective Date note under section 1320b–7 of this title.

**EFFECTIVE DATE OF 1968 AMENDMENT**

Amendment by section 210(a)(3) of Pub. L. 90–248 effective July 1, 1969, or, if earlier (with respect to a State’s plan approved under this subchapter on the date as of which the modification of the State plan to comply with such amendment is approved, see section 210(b) of Pub. L. 90–248, set out as a note under section 302 of this title.

**EFFECTIVE DATE OF 1965 AMENDMENT**

Section 403(c) of Pub. L. 89–97 provided that the amendment made by that section is effective Oct. 1, 1965.

**EFFECTIVE DATE OF 1962 AMENDMENT**

Amendment by section 106(a)(2) of Pub. L. 87–543 effective July 1, 1963, see section 202(a) of Pub. L. 87–543, set out as a note under section 302 of this title.

Section 154 of Pub. L. 87–543 provided that the amendment made by that section is effective July 1, 1963.

**EFFECTIVE DATE OF 1960 AMENDMENT**

Section 710(a) of Pub. L. 86–778 provided that the amendment made by that section is effective for the
period beginning with first day of calendar quarter which begins after Sept. 13, 1960, and ending with close of June 30, 1962.

Section 710(b) of Pub. L. 86–778 provided that the amendment made by that section is effective July 1, 1962.

**Effective Date of 1956 Amendment**

Amendment by act Aug. 1, 1956, effective July 1, 1957, see section 314 (315) of act Aug. 1, 1956, set out as a note under section 362 of this title.

**Effective and Termination Dates of 1950 Amendment**

Section 341(b)(1) of act Aug. 28, 1950, provided that the amendment made by that section is effective for the period beginning Oct. 1, 1950, and ending June 30, 1952.

Section 341(b)(2) of act Aug. 28, 1950, provided that the amendment made by that section is effective July 1, 1952.

Section 341(e) of act Aug. 28, 1950, provided that the amendment made by that section is effective July 1, 1952.

Section 341(f) of act Aug. 28, 1950, provided that: "The amendments made by subsections (b) and (d) [amending this section] shall take effect October 1, 1950; and the amendment made by subsection (a) [amending this section] shall take effect July 1, 1951."

**Effective Date of 1939 Amendment**

Section 701(b) of act Aug. 10, 1939, provided that the amendment made by that section is effective July 1, 1941.

**Transfer of Functions**


§ 1202a  TIT 42—THE PUBLIC HEALTH AND WELFARE

**1203. Payment to States**

(a) Authorization of payments

From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to the blind, for each quarter, beginning with the quarter commencing October 1, 1956—


(2) In the case of Puerto Rico, the Virgin Islands, and Guam, an amount equal to one-half of the total of the sums expended during such quarter as aid to the blind under the State plan, not counting so much of any expenditure with respect to any month as exceeds $37.50 multiplied by the total number of recipients of aid to the blind for such month; and

(3) In the case of any State, an amount equal to 50 percent of the total amounts expended during such quarter as found necessary by the Secretary for the proper and efficient administration of the State plan.

(b) Computation of amounts

The method of computing and paying such amounts shall be as follows:

(1) The Secretary of Health and Human Services shall, prior to the beginning of each quarter, estimate the amount to be paid to the State for such quarter under the provisions of subsection (a) of this section, such estimate 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 such of such estimated expenditures, the source or sources from which the difference is expected to be derived, (B) records showing the number of blind individuals in the State, and (C) such other investigation as the Secretary may find necessary.

(2) The Secretary of Health and Human Services shall then certify to the Secretary of the Treasury the amount so estimated by the Secretary of Health and Human Services, (A) reduced or increased, as the case may be, by any sum by which he finds that his estimate for any prior quarter was greater or less than the amount which should have been paid to the State under subsection (a) of this section for such quarter, and (B) reduced by a sum equivalent to the pro rata share to which the United States is equitably entitled, as determined by the Secretary of Health and Human Services, of the net amount recovered during a prior quarter by the State or any political subdivision thereof with respect to aid to the blind furnished under the State plan; except that such increases or reductions shall not be made to the extent that such sums have been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the Secretary of Health and Human Services for such prior quarter: Provided, That any part of the amount recovered from the estate of a deceased recipient which

PUBLIC ACCESS TO STATE DISBURSEMENT RECORDS

Public access to State records of disbursements of funds and payments under this subchapter, see note set out under section 302 of this title.


Section, act Aug. 28, 1950, ch. 809, title III, pt. 4, § 344(a), 64 Stat. 554, provided, in the case of any State, an amount equal to 50 percent of the total amounts expended during such quarter as aid to the blind under the State plan, not counting so much of any expenditure with respect to any month as exceeds $37.50 multiplied by the total number of recipients of aid to the blind for such month; and

(3) In the case of any State, an amount equal to 50 percent of the total amounts expended during such quarter as found necessary by the Secretary for the proper and efficient administration of the State plan.

The method of computing and paying such amounts shall be as follows:

(1) The Secretary of Health and Human Services shall, prior to the beginning of each quarter, estimate the amount to be paid to the State for such quarter under the provisions of subsection (a) of this section, such estimate 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 such of such estimated expenditures, the source or sources from which the difference is expected to be derived, (B) records showing the number of blind individuals in the State, and (C) such other investigation as the Secretary may find necessary.

(2) The Secretary of Health and Human Services shall then certify to the Secretary of the Treasury the amount so estimated by the Secretary of Health and Human Services, (A) reduced or increased, as the case may be, by any sum by which he finds that his estimate for any prior quarter was greater or less than the amount which should have been paid to the State under subsection (a) of this section for such quarter, and (B) reduced by a sum equivalent to the pro rata share to which the United States is equitably entitled, as determined by the Secretary of Health and Human Services, of the net amount recovered during a prior quarter by the State or any political subdivision thereof with respect to aid to the blind furnished under the State plan; except that such increases or reductions shall not be made to the extent that such sums have been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the Secretary of Health and Human Services for such prior quarter: Provided, That any part of the amount recovered from the estate of a deceased recipient which

**Effective and Termination Dates**


**Effective Date of 1956 Amendment**

Amendment by act Aug. 1, 1956, effective July 1, 1957, see section 314 (315) of act Aug. 1, 1956, set out as a note under section 362 of this title.

**Effective and Termination Dates of 1950 Amendment**

Section 341(b)(1) of act Aug. 28, 1950, provided that the amendment made by that section is effective for the period beginning Oct. 1, 1950, and ending June 30, 1952.

Section 341(b)(2) of act Aug. 28, 1950, provided that the amendment made by that section is effective July 1, 1952.

Section 341(e) of act Aug. 28, 1950, provided that the amendment made by that section is effective July 1, 1952.

Section 341(f) of act Aug. 28, 1950, provided that: "The amendments made by subsections (b) and (d) [amending this section] shall take effect October 1, 1950; and the amendment made by subsection (a) [amending this section] shall take effect July 1, 1951."

**Effective Date of 1939 Amendment**

Section 701(b) of act Aug. 10, 1939, provided that the amendment made by that section is effective July 1, 1941.
is not in excess of the amount expended by the State or any political subdivision thereof for the funeral expenses of the deceased shall not be considered as a basis for reduction under clause (B) of this paragraph.

"The Secretary of the Treasury shall thereupon, through the Fiscal Service of the Treasury Department, and prior to audit or settlement by the Government Accountability Office, pay to the State, at the time or times fixed by the Secretary of Health and Human Services, the amount so certified."

Subsec. (a)(2). Pub. L. 97–35, §2184(c)(2)(B), struck out "(including expenditures for premiums under part B of subchapter XVIII of this chapter for individuals who are recipients of money payments under such plan and other insurance premiums for medical or any other type of remedial care or the cost thereof)" after "under the State plan"

Subsec. (a)(3). Pub. L. 97–35, §2353(c)(1)(A), redesignated subpar. (A)(iv) as subpar. (A), struck out former subpars. (A)(i), which included services prescribed pursuant to subsec. (c)(1) of this section and provided to applicants for or recipients of aid to the blind to help them attain self-support, (A)(ii), which included other services, specified by the Secretary as likely to prevent or reduce dependency, and (A)(iii), which included any of the services in subpars. (A)(i) and (ii) deemed appropriate for individuals likely to become applicants for or recipients of aid to the blind, redesignated former subpar. (C) as (B), and struck out former subpar. (B), which included one-half of so much of the expenditures, not included in subpar. (A), as are for services for applicants for or recipients of aid to the blind or individuals likely to become such applicants or recipients, and subpars. (D) and (E) and provision following subpar. (B), which specified what services were included.

Subsec. (a)(4). Pub. L. 97–35, §2353(c)(1)(B), struck out par. (4) which provided payment, in the case of any State whose plan approved under section 1202 of this title did not meet the requirements of subsec. (c)(1) of this section, of an amount equal to one-half of the total of the sums expended during the quarter as found necessary by the Secretary for the proper and efficient administration of the State plan.

Subsec. (c). Pub. L. 97–35, §2353(e)(2), struck out subsec. (c) which prescribed eligibility requirements for payments.

1975—Subsec. (a). Pub. L. 93–647, §3(e)(2), struck out "subject to section 1320b of this title" after "the Secretary of the Treasury shall".

Subsec. (a)(3)(A)(iv). Pub. L. 93–647, §5(c), inserted "(including both short- and long-term training at educational institutions through grants to such institutions or by direct financial assistance to students enrolled in such institutions)" after "training".


Subsec. (a)(3)(E). Pub. L. 92–512, §301(b), substituted "under conditions which shall be" for "subject to limitations".


1965—Subsec. (a)(1). Pub. L. 89–97, §§122, 401(d), inserted "(subject to section 1320b of this title)" after "the Secretary"

Subsec. (a)(3)(A)(iv). Pub. L. 89–97, §122, 401(d), inserted "(including both short- and long-term training at educational institutions through grants to such institutions or by direct financial assistance to students enrolled in such institutions)" after "training".

1962—Subsec. (a)(1). Pub. L. 87–543, §132(b), substituted "includer" and "$35" for "four-fifths" and "$31", respectively, in subpar. (A) and "$70" for "$66" in subpar. (B).
provided by the staff of the State agency (or of the local agency administering the State plan in the political subdivision) to applicants for and recipients of aid to the blind to help them attain self-support or self-care" for "which amount shall be used for paying the costs of the State plan or for aid to the blind, or both, and for no other purpose".

1946—Subsec. (b)(1). Act Sept. 1, 1946, substituted "the State's proportionate share" for "one-half".

1952—Subsec. (a). Act July 18, 1952, increased the Federal share of the State's average monthly payment to four-fifths of the first $25 and one-half of the remainder within individual maximums of $55, and changed formulas for computing the Federal share of public assistance for Puerto Rico and the Virgin Islands.


1956—Subsec. (b). Act Aug. 28, 1956, § 601(c), (d), substituted "Administrator" for "Board".

1948—Subsec. (a). Act June 14, 1948, substituted "$50" for "$45" and "$320" for "$150".

1946—Subsec. (a). Act Aug. 10, 1946, § 503(a), temporarily increased the maximum monthly State expenditure to which the Federal government will contribute from $40 to $45 and increased the Federal contribution for aid to the blind from one-half the State's expenditure to two-thirds such expenditure up to $16 monthly per individual plus one-half the State's expenditure over $15. See Effective and Termination Date of 1946 Amendment note below.

Subsec. (b). Act Aug. 10, 1946, § 503(b), temporarily substituted "the State's proportionate share" for "one-half" in par. (1). See Effective and Termination Date of 1946 Amendment note below.


**Effective Date of 1993 Amendment**
Amendment by Pub. L. 103–66 effective with respect to calendar quarters beginning on or after Apr. 1, 1994, with special rule for States whose legislature meets biennially, and does not have regular session scheduled in calendar year 1994, see section 13741(c) of Pub. L. 103–66, set out as a note under section 303 of this title.

**Effective Date of 1986 Amendment**

**Effective Date of 1981 Amendment**
Amendment by section 253(e) of Pub. L. 97–35 effective Oct. 1, 1981, except as otherwise explicitly provided, see section 253(d) of Pub. L. 97–35, set out as an Effective Date note under section 1397 of this title.

**Effective Date of 1975 Amendment**
Amendment by section 3(e)(2) of Pub. L. 93–647 effective with respect to payments under sections 603 and 803 of this title for quarters commencing after Sept. 30, 1975, see section 7(b) of Pub. L. 93–647, set out as a note under section 303 of this title.

Amendment by section 5(c) of Pub. L. 93–647 effective with respect to payments for quarters commencing after Sept. 30, 1975, see section 5(a) of Pub. L. 93–647, set out as a note under section 303 of this title.

**Effective Date of 1972 Amendment**
Amendment by section 301(b) of Pub. L. 92–512 effective Jan. 1, 1973, and amendment by section 301(d) of Pub. L. 92–512 effective July 1, 1972, see section 301(e) of Pub. L. 92–512, set out as a note under section 303 of this title.

**Effective Date of 1968 Amendment**
Amendment by Pub. L. 90–248 effective Jan. 1, 1968, see section 212(e) of Pub. L. 90–248, set out as a note under section 303 of this title.
Functions of Federal Security Administrator transferred to Secretary of Health, Education, and Welfare and all agencies of Federal Security Agency transferred to Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953, set out as a note under section 3301 of this title. Federal Security Agency and office of Administrator abolished by section 8 of Reorg. Plan No. 1 of 1953. Secretary and Department of Health, Education, and Welfare redesignated Secretary and Department of Health and Human Services by section 509(b) of Pub. L. 96-88 which is classified to section 3508(b) of Title 20, Education.

"Fiscal Service" substituted for "Division of Disbursement" in subsec. (b)(3), on authority of section 1(a)(1) of Reorg. Plan No. III of 1940, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1251, set out in the Appendix to Title 5, Government Organization and Employees, which consolidated such division into the Fiscal Service of the Treasury Department. See section 306 of Title 31, Money and Finance.

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 1396b of Pub. L. 89-97, set out as a note under section 1396b of this title.

Election of Payments Under Combined State Plan Rather Than Separate Plans

Payments to States under combined State plan under subchapter XVI of this chapter as precluding payment under State plan conforming to this subchapter, see section 141(b) of Pub. L. 87-543.

§ 1204. Operation of State plans

In the case of any State plan for aid to the blind which has been approved by the Secretary of Health and Human Services, 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 or citizenship requirement prohibited by section 1202(b) of this title, or

(2) that in the administration of the plan there is a failure to comply substantially with any provision required by section 1202(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).


§ 1205. Omitted

Codification


Repeals

Pub. L. 92–603, title III, §303(a), (b), Oct. 30, 1972, 86 Stat. 1484, provided that this section was repealed effective Jan. 1, 1974, except with respect to Puerto Rico, Guam, and the Virgin Islands.

§ 1206. “Aid to the blind” defined

For the purposes of this subchapter, the term “aid to the blind” means money payments to blind individuals who are needy, but does not include any such payments to or care in behalf of any individual who is an inmate of a public institution (except as a patient in a medical institution) or any individual who is a patient in an institution for tuberculosis or mental diseases. Such term also includes payments which are not included within the meaning of such term under the preceding sentence, but which would be so included except that they are made on behalf of such a needy individual to another individual who (as determined in accordance with standards prescribed by the Secretary) is interested in or concerned with the welfare of such needy individual, but only with respect to a State whose State plan approved under section 1202 of this title includes provision for—

(1) determination by the State agency that such needy individual has, by reason of his physical or mental condition, such inability to manage funds that making payments to him would be contrary to his welfare and, therefore, it is necessary to provide such aid through payments described in this sentence;

(2) making such payments only in cases in which such payments will, under the rules otherwise applicable under the State plan for determining need and the amount of aid to the blind to be paid (and in conjunction with other income and resources), meet all the need of the individuals with respect to whom such payments are made;

(3) undertaking and continuing special efforts to protect the welfare of such individual and to improve, to the extent possible, his capacity for self-care and to manage funds;

(4) periodic review by such State agency of the determination under paragraph (1) of this subsection to ascertain whether conditions justifying such determination still exist, with provision for termination of such payments if they do not and for seeking judicial appointment of a guardian or other legal representative, as described in section 1311 of this title, if and when it appears that such action will best serve the interests of such needy individual; and

(5) opportunity for a fair hearing before the State agency on the determination referred to in paragraph (1) of this subsection for any individual with respect to whom it is made.

At the option of a State (if its plan approved under this subchapter so provides), such term (1) need not include money payments to an individual who has been absent from such State for a period in excess of 90 consecutive days (regardless of whether he has maintained his residence in such State during such period) until he has been present in such State for 30 consecutive days in the case of such an individual who has maintained his residence in such State during such period or 90 consecutive days in the case of any other such individual, and (ii) may include rent payments made directly to a public housing agency on behalf of a recipient or a group or groups of recipients of aid under such plan.


Repeal of Section

Pub. L. 92–603, title III, §303(a), (b), Oct. 30, 1972, 86 Stat. 1484, provided that this section is repealed effective Jan. 1, 1974, except with respect to Puerto Rico, Guam, and the Virgin Islands.

Amendments

1981—Pub. L. 97–35 struck out in provision preceding par. (1) “or (if provided in or after the third month before the month in which the recipient makes applica-
tion for aid) medical care in behalf of or any type of re-
medial care recognized under State law in behalf of," af-
"other than ‘money payments to’.
1952—Pub. L. 82–663 authorized the State, at its op-
tion, to include within term ‘‘aid to the blind’’ provi-
sions relating to money payments to an individual ab-
sent from such State for more than 90 consecutive days,
and provisions relating to rent payments made
directly to a public housing agency.

1965—Pub. L. 89–97 struck out from definition of ‘‘aid to the blind’’ the exclusion of payments to or medical care in behalf of any individual who has been diagnosed as having tuberculosis or psychosis and is a patient in a medical institution as a result thereof; and extended definition of ‘‘aid to the blind’’ to include payments made on behalf of the needy individual to another indi-
vidual who (as determined in accordance with stand-
ards determined by the Secretary) is interested in or concerned with the welfare of such needy individual and enumerated the five characteristics required of State plans under which such payments can be made, including provision for finding of inability to manage funds, payment to meet all needs of the individual, spec-
cial protective welfare, periodic review, and oppor-
tunity for fair hearing, respectively.
1962—Pub. L. 87–543 inserted ‘‘if provided in or after the third month before the month in which the recipi-
ent makes application for aid’’ before ‘‘medical care’’.
1950—Act Aug. 28, 1950, redefined ‘‘aid to the blind’’.
1939—Act Aug. 10, 1939, redefined ‘‘aid to the blind’’ to include those individuals who are needy.

**Effective Date of 1965 Amendment**

Amendment by section 221(b) of Pub. L. 89–97 applica-
ble in the case of expenditures made after Dec. 31, 1965,
under a State plan approved under this subchapter, see sec-
tion 221(e) of Pub. L. 89–97, set out as a note under sec-
ction 302 of this title.

**Effective Date of 1962 Amendment**

Amendment by section 402(c) of Pub. L. 89–97 applica-
ble in the case of expenditures made after December 31,
1965, under a State plan approved under subchapters I,
X, XIV, or XVI of this chapter, see section 402(e) of Pub.
L. 89–97, set out as a note under section 306 of this title.

**Effective Date of 1950 Amendment**

Section 343(b) of act Aug. 28, 1950, provided that: ‘‘The amendment made by subsection (a) [amending this sec-
section] shall take effect October 1, 1950, except that the exclusion of money payments to needy individuals de-
scribed in clause (a) or (b) of section 1006 of the Social Security Act [this section] as so amended shall, in the case of any of such individuals who are not patients in a public institution, be effective July 1, 1952.’’

**Subchapter XI—General Provisions, Peer Review, and Administrative Simplification**

**Part A—General Provisions**

§ 1301. Definitions

(a) When used in this chapter—

(1) The term ‘‘State’’, except where other-
wise provided, includes the District of Colum-
bia and the Commonwealth of Puerto Rico, and
when used in subchapters IV, V, VII, XI, XIX, and XXI of this chapter includes the Vir-
gin Islands and Guam. Such term when used in subchapters III, IX, and XII of this chapter
also includes the Virgin Islands. Such term when used in subchapter V and in part B of
this subchapter of this chapter also includes American Samoa, the Northern Mariana Is-
lands, and the Trust Territory of the Pacific Islands. Such term when used in subchapters
XIX and XXI of this chapter also includes the Northern Mariana Islands and American
Samoa. In the case of Puerto Rico, the Virgin Islands, and Guam, such term when used in
subchapter XX of this chapter also includes the Virgin Islands, Guam, American
Samoa, and the Northern Mariana Islands. Such term when used in subchapter IV of this
chapter also includes American Samoa.

(2) The term ‘‘United States’’ when used in a
geographical sense means, except where other-
wise provided, the States.

(3) The term ‘‘person’’ means an individual,
a trust or estate, a partnership, or a corpora-
tion.

(4) The term ‘‘corporation’’ includes associa-
tions, joint-stock companies, and insurance
companies.

(5) The term ‘‘shareholder’’ includes a mem-
er in an association, joint-stock company, or
insurance company.

(6) The term ‘‘Secretary’’, except when the con-
text otherwise requires, means the Sec-
retary of Health and Human Services.

(7) The terms ‘‘physician’’ and ‘‘medical care’’
and ‘‘hospitalization’’ include osteo-
pathic practitioners and or the services of osteo-
pathic practitioners and hospitals within the
scope of their practice as defined by State law.

(8) The ‘‘Federal percentage’’ for any State
(other than Puerto Rico, the Virgin Islands,
and Guam) shall be 100 per cent less the
State percentage; and the State percent-
age shall be that percentage which bears the
same ratio to 50 per cent as the square of the
per capita income of such State bears to the
square of the per capita income of the
United States; except that the Federal per-
centage shall in no case be less than 50 per
cent or more than 65 per cent.

(9) The Federal percentage for each State
(other than Puerto Rico, the Virgin Islands,
and Guam) shall be promulgated by the Sec-
retary between October 1 and November 30 of
each year, on the basis of the average per cap-
ita income of each State and of the United
States for the three most recent calendar
years for which satisfactory data are available
from the Department of Commerce. Such pro-
mulgation shall be conclusive for each of the
four quarters in the period beginning October
1 next succeeding such promulgation: Provided,
That the Secretary shall promulgate such per-
centages as soon as possible after August 28,
1958, which promulgation shall be conclusive
for each of the eleven quarters in the period