

(b) The Secretary of the Army in making the determination required by subsection (a) of this section shall charge to the owner of any such bridge or structure an amount equal to the net value to such owner of any direct and special benefits accruing to the owner from any improvement or addition to or betterment of the bridge or structure, including any expectable decrease in repair, maintenance, or operating expense.

Short title. SEC. 14. This Act may be cited as the "River Basin Monetary Authorization Act of 1971".
Approved December 23, 1971.

Public Law 92-223

AN ACT

December 28, 1971
[H. R. 10604]

To amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial.

Social Security Act, amendments.
74 Stat. 947.
42 USC 402.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of section 202(i) of the Social Security Act is amended by striking out "or" at the end of clause (2), by renumbering clause (3) as clause (4), and by inserting after clause (2) the following new clause:

Memorial service expenses.

"(3) if the body of such insured individual is not available for burial but expenses were incurred with respect to such individual in connection with a memorial service, a memorial marker, a site for the marker, or any other item of a kind for which expenses are customarily incurred in connection with a death and such expenses have been paid, to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid such expenses; or"

(b) The second sentence of section 202(i) of such Act is further amended by striking out "clauses (1) and (2)" in the clause renumbered as clause (4) by subsection (a) and inserting in lieu thereof "clauses (1), (2), and (3)".

Effective date.

70 Stat. 819.
42 USC 401.

SEC. 2. The amendments made by the first section of this Act shall be effective only in the case of lump-sum death payments under title II of the Social Security Act made with respect to deaths which occur after December 31, 1970.

IMPROVEMENT OF WORK INCENTIVE PROGRAM

SEC. 3. (a)(1) Section 402(a)(15) of the Social Security Act is amended to read as follows: “(15) provide (A) for the development of a program, for each appropriate relative and dependent child receiving aid under the plan and for each appropriate individual (living in the same home as a relative and child receiving such aid) whose needs are taken into account in making the determination under clause (7), for preventing or reducing the incidence of births out of wedlock and otherwise strengthening family life, and for implementing such program by assuring that in all appropriate cases family planning services are offered to them, but acceptance of family planning services provided under the plan shall be voluntary on the part of such members and individuals and shall not be a prerequisite to eligibility for or the receipt of any other service under the plan; and (B) to the extent that services provided under this clause or clause (14) are furnished by the staff of the State agency or the local agency administering the State plan in each of the political subdivisions of the State, for the establishment of a single organizational unit in such State or local agency, as the case may be, responsible for the furnishing of such services.”

81 Stat. 877.
42 USC 602.

81 Stat. 881.

(2) Section 402(a)(19)(A) of such Act is amended to read as follows:

Registration.
81 Stat. 890.

“(A) that every individual, as a condition of eligibility for aid under this part, shall register for manpower services, training, and employment as provided by regulations of the Secretary of Labor, unless such individual is—

“(i) a child who is under age 16 or attending school full time;

“(ii) a person who is ill, incapacitated, or of advanced age;

“(iii) a person so remote from a work incentive project that his effective participation is precluded;

“(iv) a person whose presence in the home is required because of illness or incapacity of another member of the household;

“(v) a mother or other relative of a child under the age of six who is caring for the child; or

“(vi) the mother or other female caretaker of a child, if the father or another adult male relative is in the home and not excluded by clause (i), (ii), (iii), or (iv) of this subparagraph (unless he has failed to register as required by this subparagraph, or has been found by the Secretary of Labor under section 433(g) to have refused without good

81 Stat. 885.
42 USC 633.

81 Stat. 890.
42 USC 602.

cause to participate under a work incentive program or accept employment as described in subparagraph (F) of this paragraph);

and that any individual referred to in clause (v) shall be advised of her option to register, if she so desires, pursuant to this paragraph, and shall be informed of the child care services (if any) which will be available to her in the event she should decide so to register;”

Infra.

(3) Section 402(a)(19)(B) of such Act is amended by striking out “by reason of such referral” and inserting in lieu thereof “by reason of such registration or the individual’s certification to the Secretary of Labor under subparagraph (G) of this paragraph.”

(4) Section 402(a)(19)(C) of such Act is amended by striking out “20 per centum” and inserting in lieu thereof “10 per centum”.

(5) Section 402(a)(19) of such Act is further amended by striking out subparagraph (E).

(6)(i) The parenthetical clause in section 402(a)(19)(F) of such Act is amended by striking out “referred to the Secretary of Labor pursuant to subparagraph (A)(i) and (ii) and section 407(b)(2)” and inserting in lieu thereof “certified to the Secretary of Labor pursuant to subparagraph (G)”.

(ii) Section 402(a)(19)(F) of such Act is further amended by adding “and” after the semicolon at the end of clause (iv) thereof.

(7) Section 402(a)(19) of such Act is amended by adding at the end thereof the following new subparagraph:

“(G) that the State agency will have in effect a special program which (i) will be administered by a separate administrative unit and the employees of which will, to the maximum extent feasible, perform services only in connection with the administration of such program, (ii) will provide (through arrangements with others or otherwise) for individuals who have been registered pursuant to subparagraph (A), in accordance with the order of priority listed in section 433(a), such health, vocational rehabilitation, counseling, child care, and other social and supportive services as are necessary to enable such individuals to accept employment or receive manpower training provided under part C, and will, when arrangements have been made to provide necessary supportive services, including child care, certify to the Secretary of Labor those individuals who are ready for employment or training under part C, (iii) will participate in the development of operational and employability plans under section 433(b); and (iv) provides for purposes of

Ante, p. 803.
Post, p. 806.

42 USC 630.

Post, p. 807.

clause (ii), that, when more than one kind of child care is available, the mother may choose the type, but she may not refuse to accept child care services if they are available;”.

(8) Section 403 of such Act is amended by adding at the end thereof the following new subsection:

Federal assistance, computation.
49 Stat. 628;
81 Stat. 879.
42 USC 603.

“(c) Notwithstanding any other provision of this Act, the Federal share of assistance payments under this part shall be reduced with respect to any State for any fiscal year after June 30, 1973, by one percentage point for each percentage point by which the number of individuals certified, under the program of such State established pursuant to section 402(a) (19) (G), to the local employment office of the State as being ready for employment or training under part C, is less than 15 per centum of the average number of individuals in such State who, during such year, are required to be registered pursuant to section 402(a) (19) (A).”

Ante, p. 804.
42 USC 630.

(9) Section 403 of such Act is amended by adding after subsection (c) the following new subsection:

Ante, p. 803.
Supportive services, appropriation.

“(d) (1) Notwithstanding subparagraph (A) of subsection (a) (3) the rate specified in such subparagraph shall be 90 per centum (rather than 75 per centum) with respect to social and supportive services provided pursuant to section 402(a) (19) (G).

“(2) Of the sums authorized by section 401 to be appropriated for the fiscal year ending June 30, 1973, not more than \$750,000,000 shall be appropriated to the Secretary for payments with respect to services to which paragraph (1) applies.”

70 Stat. 848.
42 USC 601.

(10) Section 407(b) (2) (A) of such Act is amended by striking out “referred” and inserting in lieu thereof “certified”.

81 Stat. 882.
42 USC 607.

(11) Section 407(c) of such Act is amended by striking out “refer such father” and inserting in lieu thereof “certify such father”.

(b) (1) The first sentence of section 430 of the Social Security Act is amended by striking out “special work projects” and inserting in lieu thereof “public service employment”.

81 Stat. 884.
42 USC 630.

(2) Section 431 of such Act is amended (1) by inserting “(a)” immediately after “SEC. 431.”, and (2) by adding at the end thereof the following new subsections:

“(b) Of the amounts expended from funds appropriated pursuant to subsection (a) for any fiscal year (commencing with the fiscal year ending June 30, 1973), not less than 33 $\frac{1}{3}$ per centum thereof shall be expended for carrying out the program of on-the-job training referred to in section 432(b) (1) (B) and for carrying out the program of public service employment referred to in section 432(b) (3).

Post, p. 806.

“(c) Of the sums appropriated pursuant to subsection (a) to carry out the provisions of this part for any fiscal year (commencing with the fiscal year ending June 30, 1973), not less than 50 percent shall be allotted among the States in accordance with a formula under which each State receives (from the total available for such allotment) an amount which bears the same ratio to such total as—

Funds, distribution.

“(1) in the case of the fiscal year ending June 30, 1973, and the fiscal year ending June 30, 1974, the average number of recipients of aid to families with dependent children in such State during the month of January last preceding the commencement of such fiscal year bears to the average number of such recipients during such month in all the States; and

“(2) in the case of the fiscal year ending June 30, 1975, or in the case of any fiscal year thereafter, the average number of individuals in such State who, during the month of January last preceding the commencement of such fiscal year, are registered pursuant to section 402(a) (19) (A) bears to the average number

of individuals in all States who, during such month, are so registered."

81 Stat. 884.
42 USC 632.

(3) (A) (i) Clause (1) of section 432(b) of such Act is amended—
(I) by inserting "(A)" immediately after "(1)"; and
(II) by striking out "and utilizing" and inserting in lieu thereof "and (B) a program utilizing".

(ii) Clause (3) of section 432(b) of such Act is amended by striking out "special work projects" and inserting in lieu thereof "public service employment".

(B) Section 432(d) of such Act is amended to read as follows:

"(d) In providing the manpower training and employment services and opportunities required by this part, the Secretary of Labor shall, to the maximum extent feasible, assure that such services and opportunities are provided by using all authority available to him under this or any other Act. In order to assure that the services and opportunities so required are provided, the Secretary of Labor shall use the funds appropriated to him under this part to provide programs required by this part through such other Act, to the same extent and under the same conditions (except as regards the Federal matching percentage) as if appropriated under such other Act and, in making use of the programs of other Federal, State, or local agencies (public or private), the Secretary of Labor may reimburse such agencies for services rendered to persons under this part to the extent such services and opportunities are not otherwise available on a non-reimbursable basis."

Labor Market
Advisory Council,
establishment.

(C) Section 432 of such Act is further amended by adding at the end thereof the following new subsection:

Ante, p. 803.

"(f)(1) The Secretary of Labor shall establish in each State, municipality, or other appropriate geographic area with a significant number of persons registered pursuant to section 402(a)(19)(A) a Labor Market Advisory Council the function of which will be to identify and advise the Secretary of the types of jobs available or likely to become available in the area served by the Council; except that if there is already located in any area an appropriate body to perform such function, the Secretary may designate such body as the Labor Market Advisory Council for such area.

"(2) Any such Council shall include representatives of industry, labor, and public service employers from the area to be served by the Council.

Restriction.

"(3) The Secretary shall not conduct, in any area, institutional training under any program established pursuant to subsection (b) of any type which is not related to jobs of the type which are or are likely to become available in such area as determined by the Secretary after taking into account information provided by the Labor Market Advisory Council for such area."

81 Stat. 885.
42 USC 633.

(4) (A) Section 433(a) of such Act is amended—

(i) by striking out "referred to him by a State, pursuant to section 402" and inserting in lieu thereof "certified to him by a State, pursuant to section 402(a)(19)(G)"; and

Ante, p. 804.
Priority.

(ii) by adding at the end thereof the following new sentence: "The Secretary, in carrying out such program for individuals certified to him under section 402(a)(19)(G), shall accord priority to such individuals in the following order, taking into account employability potential: first, unemployed fathers; second, mothers, whether or not required to register pursuant to section 402(a)(19)(A), who volunteer for participation under a work incentive program; third, other mothers, and pregnant women, registered pursuant to section 402(a)(19)(A), who are under 19 years of age; fourth, dependent children and relatives who have attained

age 16 and who are not in school or engaged in work or manpower training; and fifth, all other individuals so certified to him.”

(B) Section 433(b) of such Act is amended to read as follows:

“(b)(1) For each State the Secretary shall develop jointly with the administrative unit of such State administering the special program referred to in section 402(a)(19)(G) a statewide operational plan.

Statewide operational plan.
81 Stat. 885.
42 USC 633.
Ante, p. 804.

“(2) The statewide operational plan shall prescribe how the work incentive program established by this part will be operated at the local level, and shall indicate (i) for each area within the State the number and type of positions which will be provided for training, for on-the-job training, and for public service employment, (ii) the manner in which information provided by the Labor Market Advisory Council (established pursuant to section 432(f)) for any such area will be utilized in the operation of such program, and (iii) the particular State agency or administrative unit thereof which will be responsible for each of the various activities and functions to be performed under such program. Any such operational plan for any State must be approved by the Secretary, the administrative unit of such State administering the special program referred to in section 402(a)(19)(G), and the regional joint committee (established pursuant to section 439) for the area in which such State is located.

Ante, p. 806.

“(3) The Secretary shall develop an employability plan for each suitable person certified to him pursuant to section 402(a)(19)(G) which shall describe the education, training, work experience, and orientation which it is determined that such person needs to complete in order to enable him to become self-supporting.”

Post, p. 808.

(C)(i) Section 433(e)(1) of such Act is amended by striking out “special work projects” and inserting in lieu thereof “public service employment”.

(ii) Section 433(e)(2)(A) of such Act is amended to read as follows:

“(A) for the payment by the Secretary to each employer, with respect to public service employment performed by any individual for such employer, of an amount not exceeding 100 percent of the cost of providing such employment to such individual during the first year of such employment, an amount not exceeding 75 percent of the cost of providing such employment to such individual during the second year of such employment, and an amount not exceeding 50 percent of the cost of providing such employment to such individual during the third year of such employment;”.

(iii) Section 433(e)(2)(B) of such Act is amended by striking out “on special work projects of” and inserting in lieu thereof “in public service employment for”.

(iv) Section 433(e)(3) of such Act is hereby repealed.

Repeal.

(D) Section 433(f) of such Act is amended by striking out “any of the programs established by this part” and inserting in lieu thereof “section 432(b)(3)”.

42 USC 632.

(E) Section 433(g) of such Act is amended—

(i) by striking out “referred to the Secretary of Labor pursuant to section 402(a)(19)(A)(i) and (ii)” and inserting in lieu thereof “certified to the Secretary of Labor pursuant to section 402(a)(19)(G)”; and

(ii) by striking out “which referred such individual” and inserting in lieu thereof “which certified such individual”.

(F) Section 433(h) of such Act is amended by striking out “special work projects” and inserting in lieu thereof “public service employment”.

Transportation
allowance.
81 Stat. 887.
42 USC 634.

(G) Section 434 of such Act is amended—

(i) by inserting “(a)” immediately after “SEC. 434.”; and

(ii) by adding at the end thereof the following new subsection:

“(b) The Secretary of Labor is also authorized to pay, to any member of a family participating in manpower training under this part, allowances for transportation and other costs incurred by such member, to the extent such costs are necessary to and directly related to the participation by such member in such training.”

42 USC 635.

(5) (A) Section 435(a) of such Act is amended by striking out “80 per centum” and inserting in lieu thereof “90 per centum”.

(B) Section 435(b) of such Act is amended by striking out “; except that with respect to special work projects under the program established by section 432(b)(3), the costs of carrying out this part shall include only the costs of administration”.

42 USC 636.

(6) Section 436(b) of such Act is amended by striking out “by the Secretary after consultation with” and inserting in lieu thereof “jointly by him and”.

42 USC 638.

(7) Section 438 of such Act is amended by striking out “projects under”.

Regulations.
42 USC 639.

(8) Section 439 of such Act is amended to read as follows:

“SEC. 439. The Secretary and the Secretary of Health, Education, and Welfare shall, not later than July 1, 1972, issue regulations to carry out the purposes of this part. Such regulations shall provide for the establishment, jointly by the Secretary and the Secretary of Health, Education, and Welfare, of (1) a national coordination committee the duty of which shall be to establish uniform reporting and similar requirements for the administration of this part, and (2) a regional coordination committee for each region which shall be responsible for review and approval of statewide operational plans developed pursuant to section 433(b).”

Ante, p. 807.

42 USC 641.

(9) Section 441 of such Act is amended—

(A) by inserting “(a)” immediately after “SEC. 441.”; and

(B) by adding immediately after the last sentence thereof the following sentence: “Nothing in this section shall be construed as authorizing the Secretary to enter into any contract with any organization after June 1, 1970, for the dissemination by such organization of information about programs authorized to be carried on under this part.”

42 USC 642.

(10) Section 442 of such Act is amended to read as follows:

“TECHNICAL ASSISTANCE FOR PROVIDERS OF EMPLOYMENT OR TRAINING

“SEC. 442. The Secretary is authorized to provide technical assistance to providers of employment or training to enable them to participate in the establishment and operation of programs authorized to be established by section 432(b).”

42 USC 632.

42 USC 643.

(11) Section 443 of such Act is amended by striking out “20 per centum” wherever it appears therein and inserting in lieu thereof “10 per centum”.

42 USC 644.

(12) (A) Section 444(a) of such Act is amended by striking out “referred” each place it appears and inserting in lieu thereof “certified”.

(B) Section 444(c)(1) of such Act is amended by striking out “section 402(a)(15) and section 402(a)(19)(F)” and inserting in lieu thereof “section 402(a)(19)”.

Ante, pp. 803,
804.

(C) Section 444(d) of such Act is amended (i) by striking out “a special work project” and inserting in lieu thereof “public service employment”; (ii) by striking out “project” at the end of the first sentence and inserting in lieu thereof “employment”; and (iii) by

striking out "referred to the Secretary by such agency under such section 402(a)(15)" and inserting in lieu thereof "certified to the Secretary by such agency under section 402(a)(19)(G)".

(c) The amendments made by this section shall, except as otherwise specified herein, take effect on July 1, 1972.

Ante, p. 804.

Effective date.

INCLUSION UNDER MEDICAID OF CARE IN INTERMEDIATE CARE FACILITIES

SEC. 4. (a)(1) Section 1905(a) of the Social Security Act as amended—

79 Stat. 351.

42 USC 1396d.

(A) by striking out "and" at the end of clause (14),

(B) by striking out the semicolon at the end of clause (15) and inserting in lieu thereof "; and", and

(C) by inserting after clause (15) the following new clause:

"(16) intermediate care facility services (other than such services in an institution for tuberculosis or mental diseases) for individuals who are determined, in accordance with section 1902(a)(31)(A), to be in need of such care;"

Infra.

(2) Section 1905 of such Act is amended by adding at the end thereof the following new subsections:

"(c) For purposes of this title the term 'intermediate care facility' means an institution which (1) is licensed under State law to provide, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing home is designed to provide, but who because of their mental or physical condition require care and services (above the level of room and board) which can be made available to them only through institutional facilities, (2) meets such standards prescribed by the Secretary as he finds appropriate for the proper provision of such care, and (3) meets such standards of safety and sanitation as are established under regulation of the Secretary in addition to those applicable to nursing homes under State law. The term 'intermediate care facility' also includes any skilled nursing home or hospital which meets the requirements of the preceding sentence. The term 'intermediate care facility' also includes a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts, but only with respect to institutional services deemed appropriate by the State. With respect to services furnished to individuals under age 65, the term 'intermediate care facility' shall not include, except as provided in subsection (d), any public institution or distinct part thereof for mental diseases or mental defects.

"Intermediate care facility."

"(d) The term 'intermediate care facility services' may include services in a public institution (or distinct part thereof) for the mentally retarded or persons with related conditions if—

"Intermediate care facility services."

"(1) the primary purpose of such institution (or distinct part thereof) is to provide health or rehabilitative services for mentally retarded individuals and which meet such standards as may be prescribed by the Secretary;

"(2) the mentally retarded individual with respect to whom a request for payment is made under a plan approved under this title is receiving active treatment under such a program; and

"(3) the State or political subdivision responsible for the operation of such institution has agreed that the non-Federal expenditures with respect to patients in such institution (or distinct part thereof) will not be reduced because of payments made under this title."

(b) Section 1902(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (29);

(2) by striking out the period at the end of paragraph (30) and inserting in lieu thereof "; and"; and

79 Stat. 344;

81 Stat. 911.

42 USC 1396a.

Independent professional review program.

(3) by inserting after paragraph (30) the following new paragraph:

“(31) provide (A) for a regular program of independent professional review (including medical evaluation of each patient’s need for intermediate care) and a written plan of service prior to admission or authorization of benefits in an intermediate care facility which provides more than a minimum level of health care services as determined under regulations of the Secretary; (B) for periodic on-site inspections to be made in all such intermediate care facilities (if the State plan includes care in such institutions) within the State by one or more independent professional review teams (composed of physicians or registered nurses and other appropriate health and social service personnel) of (i) the care being provided in such intermediate care facilities to persons receiving assistance under the State plan, (ii) with respect to each of the patients receiving such care, the adequacy of the services available in particular intermediate care facilities to meet the current health needs and promote the maximum physical well-being of patients receiving care in such facilities, (iii) the necessity and desirability of the continued placement of such patients in such facilities, and (iv) the feasibility of meeting their health care needs through alternative institutional or non-institutional services; and (C) for the making by such team or teams of full and complete reports of the findings resulting from such inspections, together with any recommendations to the State agency administering or supervising the administration of the State plan.”

Repeal.
81 Stat. 920.
42 USC 1320a.
Effective date.

(c) Section 1121 of such Act is repealed.

(d) The amendments made by this section shall become effective January 1, 1972.

84 Stat. 2038.
42 USC 415 note.

SEC. 5. Section 1007 of the Social Security Amendments of 1969, as amended, is further amended by striking out “1972” where it appears and inserting in lieu thereof “1973”.

Approved December 28, 1971.

Public Law 92-224

AN ACT

December 29, 1971
[H. R. 6065]

To amend section 903(c) (2) of the Social Security Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 903 (c) (2) of the Social Security Act (42 U.S.C. 1103(c)(2)) is amended—

Employment security, funds transfer; emergency unemployment compensation.
82 Stat. 447.

(1) by striking out “fourteen preceding fiscal years,” in subparagraph (D) of the first sentence and inserting in lieu thereof “twenty-four preceding fiscal years;”;