

found by the court to be due to employees under this Act (except sums which employees are barred from recovering, at the time of the commencement of the action to restrain the violations, by virtue of the provisions of section 6 of the Portal-to-Portal Act of 1947).”

61 Stat. 87.
29 USC 255.

STUDY OF AGRICULTURAL HANDLING AND PROCESSING EXEMPTIONS AND RATES OF PAY IN HOTELS, MOTELS, RESTAURANTS, AND OTHER FOOD SERVICE ENTERPRISES

SEC. 13. The Secretary of Labor shall study the complicated system of exemptions now available for the handling and processing of agricultural products under such Act and particularly sections 7(b) (3), 7(c), and 13(a) (10), and the complex problems involving rates of pay of employees in hotels, motels, restaurants, and other food service enterprises who are exempted from the provisions of this Act, and shall submit to the second session of the Eighty-seventh Congress at the time of his report under section 4(d) of such Act a special report containing the results of such study and information, data and recommendations for further legislation designed to simplify and remove the inequities in the application of such exemptions.

Report to Congress.

63 Stat. 912.
Ante, p. 71.
29 USC 207, 213.

52 Stat. 1062.
29 USC 204.

EFFECTIVE DATE

SEC. 14. The amendments made by this Act shall take effect upon the expiration of one hundred and twenty days after the date of its enactment, except as otherwise provided in such amendments and except that the authority to promulgate necessary rules, regulations, or orders with regard to amendments made by this Act, under the Fair Labor Standards Act of 1938 and amendments thereto, including amendments made by this Act, may be exercised by the Secretary on and after the date of enactment of this Act.

52 Stat. 1060.
29 USC 201.

Approved May 5, 1961.

Public Law 87-31

AN ACT

To amend title IV of the Social Security Act to authorize Federal financial participation in aid to dependent children of unemployed parents, and for other purposes.

May 8, 1961
[H. R. 4884]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Social Security Act is amended by adding at the end thereof the following new section:

Social Security.
Aid to dependent children.
49 Stat. 627.
42 USC 601-606.

“DEPENDENT CHILDREN OF UNEMPLOYED PARENTS

“SEC. 407. Effective for the period beginning May 1, 1961, and ending with the close of June 30, 1962, the term ‘dependent child’ shall, notwithstanding section 406(a), include a needy child under the age of eighteen who has been deprived of parental support or care by reason of the unemployment (as defined by the State) of a parent and who is living with any of the relatives specified in section 406(a) in a place of residence maintained by one or more of such relatives as his (or their) own home, but only with respect to a State whose State plan approved under section 402—

42 USC 606.

42 USC 602.

“(1) includes aid for any such child, and

“(2) includes—

“(A) provision for entering into cooperative arrangements with the system of public employment offices in the State looking toward employment of the unemployed parents of such children, including appropriate provision for registration and periodic reregistration of the unemployed parent of any such child and for maximum utilization of the job placement services and other services and facilities of such offices, and

“(B) provisions to assure that aid to dependent children is not provided to any such child or relative if, and for as long as, the unemployed parent refuses without good cause to accept employment, in which he is able to engage, which (i) is offered through such public employment offices, or (ii) is otherwise offered by an employer if the offer is determined by the State or local agency administering the State plan, after notification by such employer, to be a bona fide offer of such employment, and

“(3) includes provision for entering into cooperative arrangements with the State agency responsible for administering or supervising the administration of vocational education in the State, looking toward maximum utilization of available public vocational education services and facilities in the State in order to encourage the retraining of individuals capable of being retrained.

For purposes of the preceding sentence, a State plan may, at the option of the State, provide for the denial of all (or any part) of the aid under the plan to which any child or relative might otherwise be entitled for any month, if the unemployed parent of such child receives unemployment compensation under an unemployment compensation law of a State or of the United States for any week any part of which is included in such month.”

SEC. 2. Title IV of the Social Security Act is further amended by adding after section 407 (added by the first section of this Act) the following new section:

“FEDERAL PAYMENTS FOR FOSTER HOME CARE OF DEPENDENT CHILDREN

“SEC. 408. Effective for the period beginning May 1, 1961, and ending with the close of June 30, 1962—

42 USC 606.

“(a) the term ‘dependent child’ shall, notwithstanding section 406(a), also include a child (1) who would meet the requirements of such section 406(a) or of section 407 except for his removal after April 30, 1961, from the home of a relative (specified in such section 406(a)) as a result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child, (2) for whose placement and care the State or local agency administering the State plan approved under section 402 is responsible, (3) who has been placed in a foster family home as a result of such determination, and (4) who received aid under such State plan in or for the month in which court proceedings leading to such determination were initiated;

42 USC 602.

“(b) the term ‘aid to dependent children’ shall, notwithstanding section 406(b), include also foster care in behalf of a child described in paragraph (a) of this section in the foster family home of any individual;

“(c) the number of individuals counted under clause (A) of section 403(a)(1) for any month shall include individuals (not otherwise included under such clause) with respect to whom expenditures were made in such month as aid to dependent children in the form of foster care; and

42 USC 603.

“(d) services described in paragraph (f)(2) of this section shall be considered as part of the administration of the State plan for purposes of section 403(a)(3); but only with respect to a State whose State plan approved under section 402—

“(e) includes aid for any child described in paragraph (a) of this section, and

“(f) includes provision for (1) development of a plan for each such child (including periodic review of the necessity for the child's being in a foster family home) to assure that he receives proper care and that services are provided which are designed to improve the conditions in the home from which he was removed or to otherwise make possible his being placed in the home of a relative specified in section 406(a), and (2) use by the State or local agency administering the State plan, to the maximum extent practicable, in placing such a child in a foster family home, of the services of employees, of the State public-welfare agency referred to in section 522(a) (relating to allotments to States for child welfare services under part 3 of title V) or of any local agency participating in the administration of the plan referred to in such section, who perform functions in the administration of such plan.

72 Stat. 1053.
42 USC 722.

For purposes of this section, the term ‘foster family home’ means a foster family home for children which is licensed by the State in which it is situated or has been approved, by the agency of such State responsible for licensing homes of this type, as meeting the standards established for such licensing.”

SEC. 3. (a) Subsection (a) of section 705 of the Social Security Act is amended by striking out “four succeeding fiscal years” and inserting in lieu thereof “five succeeding fiscal years”.

70 Stat. 851.
42 USC 906.

(b) Effective with respect to payments from allotments from appropriations made for fiscal years beginning after June 30, 1961, subsection (c) of such section is amended by striking out “80 per centum of the total of its expenditures in carrying out the purposes of this section” and inserting in lieu thereof “its costs of carrying out the purposes of this section”.

SEC. 4. Section 404 of the Social Security Act is amended by inserting “(a)” after “404.” and by adding at the end thereof the following new subsection:

42 USC 604.

“(b) No payment to which a State is otherwise entitled under this title for any period before September 1, 1962, shall be withheld by reason of any action taken pursuant to a State statute which requires that aid be denied under the State plan approved under this title with respect to a child because of the conditions in the home in which the child resides.”

SEC. 5. (a) Subparagraph (C) of section 3(a)(1) of the Social Security Act is amended by striking out “\$77” and “\$12” and inserting in lieu thereof “\$80” and “\$15”, respectively.

74 Stat. 990.
42 USC 303.

(b) Subparagraph (B) of section 3(a)(2) of such Act is amended by striking out “\$41” and “\$6” and inserting in lieu thereof “\$42.50” and “\$7.50”, respectively.

(c) The amendments made by subsections (a) and (b) shall apply in the case of expenditures made after June 30, 1961, under a State plan approved under title I of the Social Security Act.

49 Stat. 620.
42 USC 301-306.

SEC. 6. (a) The phrase "shall not exceed \$9,000,000" in section 1108 of the Social Security Act is—

- (1) effective only for the fiscal year ending June 30, 1961, amended to read "shall not exceed \$9,075,000";
- (2) effective only for the fiscal year ending June 30, 1962, amended to read "shall not exceed \$9,425,000";
- (3) effective for fiscal years ending after June 30, 1962, amended to read "shall not exceed \$9,125,000".

(b) Effective for fiscal years ending after June 30, 1961, such section 1108 is further amended by striking out "\$500,000", "\$315,000", "\$15,000", "\$420,000", and "\$20,000" and inserting in lieu thereof "\$625,000", "\$318,750", "\$18,750", "\$425,000", and "\$25,000", respectively.

SEC. 7. Section 901(c)(1)(B) of the Social Security Act is amended by adding at the end thereof the following sentence:

"The term 'necessary expenses' as used in this subparagraph (B) shall include the expense of reimbursing a State for salaries and other expenses of employees of such State temporarily assigned or detailed to duty with the Department of Labor and of paying such employees for travel expenses, transportation of household goods, and per diem in lieu of subsistence while away from their regular duty stations in the State, at rates authorized by law for civilian employees of the Federal Government."

Approved May 8, 1961.

Public Law 87-32

AN ACT

To amend the joint resolution providing for observance of the one hundred and seventy-fifth anniversary of the Constitution.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the joint resolution of July 14, 1960, entitled "Joint resolution providing for the preparation and completion of plans for a comprehensive observance of the one hundred and seventy-fifth anniversary of the formation of the Constitution of the United States" (Public Law 86-650, as amended by Public Law 86-788) is amended by striking out "January 3, 1961" and inserting in lieu thereof "June 28, 1961".

Approved May 15, 1961.

Public Law 87-33

AN ACT

To authorize the temporary release and reapportionment of pooled acreage allotments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 378(a) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the last sentence and inserting in lieu thereof the following: "During any year of the 3-year period the allotment from a farm may remain in the allotment pool, the displaced owner may, in accordance with regulations of the Secretary, release for one year at a time any part or all of such farm allotment to the county committee for reapportionment to other farms in the county having allotments for such commodity on the basis of the past acreage of the commodity, land, labor, equipment available for the production of

74 Stat. 992.
42 USC 1308.

74 Stat. 971.
42 USC 1101.

May 15, 1961
[H. R. 1723]

U.S. Constitution anniversary, report on arrangements, extension.

74 Stat. 508,
1027.

May 16, 1961
[S. 1372]

Agriculture. Pooled acreage allotments.
72 Stat. 995; 74 Stat. 41.
7 USC 1378.