

105TH CONGRESS  
1ST SESSION

# H. R. 1709

To permit any State to use nongovernmental personnel in the determination of eligibility under the Medicaid, food stamps, and WIC programs.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1997

Mr. ARCHER (for himself, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Mr. BILLEY, Mr. SMITH of Oregon, Mr. STENHOLM, Mr. HALL of Texas, Mr. COMBEST, Mr. BARTON of Texas, Mr. SAM JOHNSON of Texas, Mr. BONILLA, Mr. BRADY, Mr. SESSIONS, and Ms. GRANGER) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committees on Agriculture, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To permit any State to use nongovernmental personnel in the determination of eligibility under the Medicaid, food stamps, and WIC programs.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Welfare Flexibility Act  
5       of 1997”.

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1 **SEC. 2. AUTHORIZING USE OF NONGOVERNMENTAL PER-**  
2 **SONNEL IN MAKING DETERMINATIONS OF**  
3 **ELIGIBILITY FOR BENEFITS UNDER THE**  
4 **MEDICAID, FOOD STAMP, AND WIC PRO-**  
5 **GRAMS.**

6 (a) IN GENERAL.—Notwithstanding any other provi-  
7 sion of law, no provision of law shall be construed as pre-  
8 venting any State (as defined for purposes of the relevant  
9 program described in subsection (b)) from allowing eligi-  
10 bility determinations described in subsection (b) to be  
11 made by an entity that is not a State or local government,  
12 or by an individual who is not an employee of a State or  
13 local government, which meets such qualifications as the  
14 State determines. For purposes of any Federal law, such  
15 determinations shall be considered to be made by the State  
16 and by a State agency.

17 (b) ELIGIBILITY DETERMINATIONS.—An eligibility  
18 determination described in this subsection is a determina-  
19 tion of eligibility of—

20 (1) individuals to receive—

21 (A) medical assistance under the medicaid  
22 program under title XIX of the Social Security  
23 Act, or

24 (B) assistance under the special supple-  
25 mental nutrition program for women, infants,  
26 and children (WIC) under section 17 of the

1           Child Nutrition Act of 1966 (42 U.S.C. 1786),  
2           or

3           (2) households to receive benefits under the  
4           food stamp program as defined in section 3(h) of the  
5           Food Stamp Act of 1977 (7 U.S.C. 2012(h)).

6           (c) CONSTRUCTION.—Nothing in this section shall be  
7   construed as affecting—

8           (1) the conditions for eligibility for benefits (in-  
9           cluding any conditions relating to income or re-  
10          sources); and

11          (2) the rights to challenge determinations re-  
12          garding eligibility or rights to benefits; and

13          (3) determinations regarding quality control or  
14          error rates.

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