

106TH CONGRESS  
1ST SESSION

# S. 1317

To reauthorize the Welfare-To-Work Program to provide additional resources and flexibility to improve the administration of the program.

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IN THE SENATE OF THE UNITED STATES

JULY 1, 1999

Mr. AKAKA (for himself, Mr. MOYNIHAN, Mrs. FEINSTEIN, Mr. WELLSTONE, Mrs. MURRAY, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To reauthorize the Welfare-To-Work Program to provide additional resources and flexibility to improve the administration of the program.

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-to-Work  
5 Amendments of 1999”.

6 **SEC. 2. APPROPRIATIONS FOR FISCAL YEAR 2000.**

7 (a) IN GENERAL.—Section 403(a)(5)(I)(i) of the So-  
8 cial Security Act (42 U.S.C. 603(a)(5)(I)(i)) is amended

1 by inserting “, and \$1,000,000,000 for fiscal year 2000,”  
 2 after “1999”.

3 (b) COMPETITIVE GRANTS.—Section 403(a)(5)(B)(i)  
 4 of such Act (42 U.S.C. 603(a)(5)(B)(i)) is amended by  
 5 striking “and 1999” and inserting “, 1999, and 2000”.

6 **SEC. 3. ELIGIBILITY FOR SERVICES.**

7 (a) HARD-TO-EMPLOY LONG-TERM RECIPIENTS.—  
 8 Section 403(a)(5)(C)(ii) of the Social Security Act (42  
 9 U.S.C. 603(a)(5)(C)(ii)) is amended—

10 (1) by striking “REQUIRED BENEFICIARIES.—”

11 and inserting “HARD-TO-EMPLOY RECIPIENTS.—”;

12 (2) in the matter preceding subclause (I)—

13 (A) by striking “shall expend at least 70  
 14 percent of all” and inserting “may expend”;

15 and

16 (B) by striking “, or for the benefit of non-  
 17 custodial parents,”;

18 (3) in the matter preceding item (aa) of sub-  
 19 clause (I)—

20 (A) by striking “At least 2” and inserting  
 21 “Any”;

22 (B) by striking “apply” and inserting “ap-  
 23 plies”; and

24 (C) by striking “or the noncustodial par-  
 25 ent”;

1           (4) in item (aa) of subclause (I), by striking “,  
2           and has low skills in reading or mathematics”;

3           (5) by adding at the end of subclause (I) the  
4           following:

5                               “(dd) The individual has  
6                               English reading, writing, or com-  
7                               puting skills at or below the 8th  
8                               grade level.

9                               “(ee) The individual is  
10                              homeless.

11                             “(ff) The individual has a  
12                             disability.

13                            “(gg) The individual has  
14                            been a victim of domestic vio-  
15                            lence.”; and

16           (6) in the matter preceding item (aa) of sub-  
17           clause (II), by striking “or the minor children of the  
18           non-custodial parent”.

19           (b)           NONCUSTODIAL           PARENTS.—Section  
20   403(a)(5)(C) of such Act (42 U.S.C. 603(a)(5)(C)) is  
21   amended—

22           (1) by redesignating clauses (iii) through (viii)  
23           as clauses (iv) through (ix), respectively; and

24           (2) by inserting after clause (ii) the following:

1           “(iii) NONCUSTODIAL PARENTS.—An  
2           entity that operates a project with funds  
3           provided under this paragraph may use the  
4           funds to provide services in a form de-  
5           scribed in clause (i) to noncustodial par-  
6           ents with respect to whom the require-  
7           ments of the following subclauses are met:

8                   “(I) The noncustodial parent is  
9                   unemployed, underemployed, or hav-  
10                  ing difficulty in paying child support  
11                  obligations.

12                  “(II) At least 1 of the following  
13                  applies to a minor child of the non-  
14                  custodial parent (with preference in  
15                  the determination of the noncustodial  
16                  parents to be provided services under  
17                  this paragraph to be provided by the  
18                  entity to those noncustodial parents  
19                  with minor children who meet, or who  
20                  have custodial parents who meet, the  
21                  requirements of item (aa)):

22                          “(aa) The minor child or the  
23                          custodial parent of the minor  
24                          child meets the requirements of  
25                          clause (ii)(II).

1           “(bb) The minor child is eli-  
2           gible for, or is receiving, benefits  
3           under the program funded under  
4           this part.

5           “(cc) The minor child re-  
6           ceived benefits under the pro-  
7           gram funded under this part in  
8           the 12-month period preceding  
9           the date of the determination but  
10          no longer receives such benefits.

11          “(dd) The minor child is eli-  
12          gible for, or is receiving, assist-  
13          ance under the Food Stamp Act  
14          of 1977, benefits under the sup-  
15          plemental security income pro-  
16          gram under title XVI of this Act,  
17          medical assistance under title  
18          XIX of this Act, or child health  
19          assistance under title XXI of this  
20          Act.

21          “(III) The noncustodial parent is  
22          in compliance with the terms of a per-  
23          sonal responsibility contract entered  
24          into among the noncustodial parent,  
25          the entity, and the agency responsible

1 for administering the State plan  
2 under part D, which was developed  
3 taking into account the employment  
4 and child support status of the non-  
5 custodial parent, which was entered  
6 into not later than 30 (or, at the op-  
7 tion of the entity, not later than 90)  
8 days after the noncustodial parent  
9 was enrolled in the project and which,  
10 at a minimum, includes the following:

11 “(aa) A commitment by the  
12 noncustodial parent to cooperate,  
13 at the earliest opportunity, in the  
14 establishment of the paternity of  
15 the minor child, through vol-  
16 untary acknowledgement or other  
17 procedures, and in the establish-  
18 ment of a child support order.

19 “(bb) A commitment by the  
20 noncustodial parent to cooperate  
21 in the payment of child support  
22 for the minor child, which may  
23 include a modification of an ex-  
24 isting support order to take into  
25 account the ability of the non-

1           custodial parent to pay such sup-  
2           port and the participation of such  
3           parent in the project.

4                   “(cc) A commitment by the  
5           noncustodial parent to participate  
6           in employment that will enable  
7           the noncustodial parent to make  
8           regular child support payments,  
9           which may include temporary em-  
10          ployment in community service or  
11          work experience provided under  
12          this paragraph to assist in prepa-  
13          ration for unsubsidized employ-  
14          ment, and for such parents who  
15          have not attained 20 years of  
16          age, may include completion of  
17          high school, a general equivalency  
18          degree, or other education di-  
19          rectly related to employment.

20                   “(dd) A description of the  
21          services to be provided under this  
22          paragraph, and a commitment by  
23          the noncustodial parent to par-  
24          ticipate in such services, that are  
25          designated to assist the noncusto-

1 dial parent obtain and retain em-  
2 ployment, increase earnings, and  
3 enhance the financial and emo-  
4 tional contributions to the well-  
5 being of the minor child.

6 In order to protect custodial parents  
7 and children who may be at risk of  
8 domestic violence, the preceding provi-  
9 sions of this subclause shall not be  
10 construed to affect any other provi-  
11 sion of law requiring a custodial par-  
12 ent to cooperate in establishing the  
13 paternity of a child or establishing or  
14 enforcing a support order with respect  
15 to a child, or entitling a custodial par-  
16 ent to refuse, for good cause, to pro-  
17 vide such cooperation as a condition  
18 of assistance or benefit under any  
19 program, shall not be construed to re-  
20 quire such cooperation by the custo-  
21 dial parent as a condition of participa-  
22 tion of either parent in the program  
23 authorized under this paragraph, and  
24 shall not be construed to require a  
25 custodial parent to cooperate with or



participate in any activity under this clause. The entity operating a project under this clause with funds provided under this paragraph shall consult with domestic violence prevention and intervention organizations in the development of the project.”.

(c) RECIPIENTS WITH CHARACTERISTICS OF LONG-TERM DEPENDENCY; CHILDREN AGING OUT OF FOSTER CARE.—

(1) IN GENERAL.—Subclause (II) of section 403(a)(5)(C)(iv) of such Act (42 U.S.C. 603(a)(5)(C)(iv)(II)), as so redesignated by subsection (b)(1) of this section, is amended to read as follows:

“(II) to children—

“(aa) who have attained 18 years of age but not 25 years of age; and

“(bb) who, on the day before attaining 18 years of age were recipients of foster care maintenance payments (as defined in section 475(4)) under part E or

1                                   were in foster care under the re-  
 2                                   sponsibility of a State.”.

3                   (2)     CONFORMING     AMENDMENTS.—Section  
 4     403(a)(5)(C)(iv)   of   such   Act   (42   U.S.C.  
 5     603(a)(5)(C)(iv)), as so redesignated by subsection  
 6     (b)(1) of this section, is amended—

7                   (A) in the heading by inserting “HARD TO  
 8                   EMPLOY” before “INDIVIDUALS”; and

9                   (B) in the last sentence by striking “clause  
 10                  (ii)” and inserting “clauses (ii) and (iii)”.

11 **SEC. 4. EXPENDITURE REQUIREMENT FOR SERVICES TO**  
 12 **NONCUSTODIAL PARENTS.**

13     (a) 20 PERCENT MINIMUM.—Section 403(a)(5)(A) of  
 14 the Social Security Act (42 U.S.C. 603(a)(5)(A)) is  
 15 amended by adding at the end the following:

16                   “(x) EXPENDITURES FOR NONCUSTO-  
 17                   DIAL PARENTS IN FISCAL YEAR 2000.—

18                   “(I) 20 PERCENT MINIMUM.—

19                   Subject to subclause (II) of this  
 20                   clause, a State shall expend not less  
 21                   than 20 percent of the funds allotted  
 22                   to the State under this subparagraph  
 23                   in fiscal year 2000 (including the  
 24                   funds allocated to service delivery  
 25                   areas pursuant to clause (vi)(I) of this

subparagraph) to provide services to noncustodial parents meeting the requirements of subparagraph (C)(iii).

“(II) WAIVER OF REQUIREMENT.—The Governor of a State may submit to the Secretary of Labor a request to waive the requirements of subclause (I), which may include a request to reduce or eliminate the minimum percentage of expenditures required under such subclause. If the Secretary of Labor determines there is sufficient justification for the request, the Secretary of Labor may grant the waiver.”.

(b) STATE PLAN ELEMENT.—Section 403(a)(5)(A)(ii)(I) of such Act (42 U.S.C. 603(a)(5)(ii)(I)) is amended—

(1) in item (dd), by striking “and” after the semicolon;

(2) in item (ee), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(ff) contains assurances that the State will meet the ex-

1                   penditure requirements for serv-  
 2                   ices to noncustodial parents  
 3                   under clause (x) with respect to  
 4                   the funds allotted under this sub-  
 5                   paragraph in fiscal year 2000,  
 6                   and describes how the State will  
 7                   meet such requirements and co-  
 8                   ordinate projects carried out with  
 9                   funds allocated to the service de-  
 10                  livery areas in the State under  
 11                  clause (vi)(I) and projects carried  
 12                  out with funds reserved by the  
 13                  Governor under clause (vi)(III)  
 14                  to ensure the required expendi-  
 15                  ture level will be met; and”.

16 **SEC. 5. ADDITIONAL STATE PLAN ELEMENTS.**

17           (a) INTEGRATION WITH WIA STATE PLAN.—Section  
 18 403(a)(5)(A)(ii)(I) of the Social Security Act (42 U.S.C.  
 19 603(a)(5)(A)(ii)(I)) is amended in the matter preceding  
 20 item (aa) by inserting “and, for fiscal year 2000, in addi-  
 21 tion to the addendum as part of the strategic State plan  
 22 submitted under section 112 of the Workforce Investment  
 23 Act of 1998” after “section 402”.

24           (b) COORDINATION WITH CHILD SUPPORT EN-  
 25 FORCEMENT AGENCIES.—Section 403(a)(5)(A)(ii)(I) of

1 such Act (42 U.S.C. 603(a)(5)(A)(ii)(I)), as amended by  
2 section 4(b) of this Act, is further amended by adding at  
3 the end the following:

4                                   “(gg) contains assurances  
5                                   that the State agencies admin-  
6                                   istering the programs under this  
7                                   part and part D have been con-  
8                                   sulted in the development of the  
9                                   plan under this subclause, and a  
10                                  certification by the head of the  
11                                  State agency administering the  
12                                  program under part D that the  
13                                  agency will participate in the  
14                                  planning and coordination of  
15                                  services to noncustodial parents  
16                                  described in subparagraph  
17                                  (C)(iii), including the use of the  
18                                  procedures of the agency to de-  
19                                  termine appropriate levels of  
20                                  child support for such noncusto-  
21                                  dial parents and to take appro-  
22                                  priate actions, such as a review  
23                                  and adjustment or suspension of  
24                                  child support orders, if the non-  
25                                  custodial parent participating in

1 activities under this paragraph  
 2 does not have the ability to pay  
 3 the required amounts.”.

4 **SEC. 6. TRANSFER OF UNALLOTTED FORMULA FUNDS TO**  
 5 **COMPETITIVE GRANTS.**

6 (a) TRANSFER OF FUNDS.—Section 403(a)(5)(A)(ix)  
 7 of the Social Security Act (42 U.S.C. 603(a)(5)(A)(ix))  
 8 is amended to read as follows:

9 “(ix) TRANSFER OF UNALLOTTED  
 10 FORMULA FUNDS.—If at the end of fiscal  
 11 year 1999 or 2000 funds available under  
 12 this subparagraph remain unallotted, the  
 13 Secretary shall use such funds in fiscal  
 14 year 2000 or 2001 to award competitive  
 15 grants in accordance with subparagraph  
 16 (B)(vi).”.

17 (b) USE OF TRANSFERRED FORMULA FUNDS.—Sec-  
 18 tion 403(a)(5)(B) of such Act (42 U.S.C. 603(a)(5)(B))  
 19 is amended by adding at the end the following:

20 “(vi) USE OF TRANSFERRED FOR-  
 21 MULA FUNDS.—The Secretary shall use  
 22 any funds available from fiscal year 1999  
 23 or 2000 pursuant to subparagraph (A)(ix)  
 24 to award competitive grants in fiscal year  
 25 2000 or 2001 in accordance with the re-

1           quirements of clauses (i) through (iv) of  
 2           this subparagraph, except that in awarding  
 3           such grants the Secretary shall give a pref-  
 4           erence to applicants, including Indian  
 5           tribes, located in States that were not al-  
 6           lotted funds under subparagraph (A) in  
 7           the fiscal year from which the transfer  
 8           under subparagraph (A)(ix) is made.”.

9   **SEC. 7. ELIGIBLE SERVICE PROVIDERS.**

10       Section 403(a)(5)(C) of the Social Security Act (42  
 11   U.S.C. 603(a)(5)(C)), as amended by section 3(b)(1) of  
 12   this Act, is amended by adding at the end the following:

13                   “(x)   ELIGIBLE   SERVICE   PRO-  
 14                   VIDERS.—The States and private industry  
 15                   councils (or, if applicable, workforce invest-  
 16                   ment boards) or alternate administering  
 17                   entities allocated formula funds under sub-  
 18                   paragraph (A), and the entities awarded  
 19                   competitive grants under subparagraph  
 20                   (B), may enter into agreements and con-  
 21                   tracts with, and award subgrants to, other  
 22                   public and private entities, such as child  
 23                   support enforcement agencies and commu-  
 24                   nity-based organizations, for the provision

1 of services through projects funded under  
 2 this paragraph.”.

3 **SEC. 8. PERFORMANCE BONUSES.**

4 Section 403(a)(5)(E) of the Social Security Act (42  
 5 U.S.C. 603(a)(5)(E)) is amended—

6 (1) in clause (i), by striking “year 2000” and  
 7 inserting “years 2000 and 2001”;

8 (2) in clause (iv)(I)(aa), by inserting “for pur-  
 9 poses of the bonus grants awarded in fiscal year  
 10 2000, and to each State that is a welfare-to-work  
 11 State for fiscal year 2000 for purposes of the bonus  
 12 grants awarded in fiscal year 2001” before the semi-  
 13 colon;

14 (3) in clause (iv)(I)(bb), by inserting “in fiscal  
 15 year 2000, and an amount equal to 7 percent of the  
 16 amount specified in subparagraph (I) for fiscal year  
 17 2000 in fiscal year 2001” before the period; and

18 (4) in clause (vi), by inserting “in fiscal year  
 19 2000. 7 percent of the amount specified in subpara-  
 20 graph (I) for fiscal year 2000 shall be reserved for  
 21 grants under this subparagraph in fiscal year 2001”  
 22 before the period.

23 **SEC. 9. GRANTS TO INDIAN TRIBES.**

24 (a) INCREASE IN RESERVE.—Section 403(a)(5)(F) of  
 25 the Social Security Act (42 U.S.C. 603(a)(5)(F)) is



1 amended by adding at the end the following: “3 percent  
 2 of the amount specified in subparagraph (I) for fiscal year  
 3 2000 shall be reserved for such grants to Indian tribes.”.

4 (b) ELIGIBILITY FOR COMPETITIVE GRANTS.—Sec-  
 5 tion 403(a)(5)(B)(ii) of such Act (42 U.S.C.  
 6 603(a)(5)(B)(ii)) is amended by inserting “, or an Indian  
 7 tribe that submits a proposal” before the period.

8 (c) REPEAL OF RECAPTURE REQUIREMENTS.—

9 (1) FORMULA GRANTS.—Section  
 10 403(a)(5)(A)(iv)(I) of such Act (42 U.S.C.  
 11 603(a)(5)(A)(iv)(I)) is amended to read as follows:

12 “(I) 75 percent of the sum of the  
 13 amount specified in subparagraph (I)  
 14 for the fiscal year, minus the total of  
 15 the amounts reserved pursuant to  
 16 subparagraphs (E), (F), (G), and (H)  
 17 for the fiscal year; and”.

18 (2) COMPETITIVE GRANTS.—Section  
 19 403(a)(5)(B)(v)(I) of such Act (42 U.S.C.  
 20 603(a)(5)(B)(v)(I)) is amended to read as follows:

21 “(I) 25 percent of the sum of the  
 22 amount specified in subparagraph (I)  
 23 for the fiscal year, minus the total of  
 24 the amounts reserved pursuant to

1                   subparagraphs (E), (F), (G), and (H)  
 2                   for the fiscal year; and”.

3           (3)   PRESERVATION OF AVAILABILITY OF  
 4   FUNDS.—Section 403(a)(5)(F) of such Act (42  
 5   U.S.C. 603(a)(5)(F)), as amended by subsection (a)  
 6   of this section, is amended by adding at the end the  
 7   following: “Amounts so reserved shall remain avail-  
 8   able for obligation for 2 years.”.

9   **SEC. 10. FUNDING FOR EVALUATIONS.**

10   (a)   WELFARE-TO-WORK EVALUATION.—Section  
 11   403(a)(5)(G) of the Social Security Act (42 U.S.C.  
 12   603(a)(5)(G)) is amended by striking “amount so speci-  
 13   fied for fiscal year 1999” and inserting “amounts so speci-  
 14   fied for each of fiscal years 1999 and 2000”.

15   (b)   ABSTINENCE EDUCATION EVALUATION.—Section  
 16   403(a)(5)(H)(i) of such Act (42 U.S.C. 603(a)(5)(H)(i))  
 17   is amended by inserting “, and 0.1 percent of the amount  
 18   so specified for fiscal year 2000,” after “1999”.

19   **SEC. 11. TECHNICAL ASSISTANCE.**

20   (a)   ESTABLISHMENT OF RESERVE.—Section  
 21   403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5))  
 22   is amended by adding at the end the following:

23                   “(K) FUNDING FOR TECHNICAL AS-  
 24                   SISTANCE.—1 percent of the amount speci-  
 25                   fied in subparagraph (I) for fiscal year

1           2000 shall be reserved by the Secretary of  
 2           Labor for technical assistance to States,  
 3           localities, Indian tribes, and other entities  
 4           carrying out projects under this paragraph.  
 5           Such technical assistance shall include the  
 6           dissemination of information regarding in-  
 7           novative and promising practices and ap-  
 8           proaches relating to welfare-to-work activi-  
 9           ties, including strategies for effectively  
 10          serving noncustodial parents. The Sec-  
 11          retary of Labor, in consultation with the  
 12          Secretary of Health and Human Services,  
 13          shall develop a technical assistance strat-  
 14          egy for carrying out this subparagraph  
 15          that ensures coordination and promotes  
 16          partnerships among States and local agen-  
 17          cies carrying out activities under this para-  
 18          graph and under this part, child support  
 19          agencies, and community-based organiza-  
 20          tions serving noncustodial parents.”.

21       (b) CONFORMING AMENDMENTS.—

22           (1)           FORMULA           GRANTS.—Section  
 23       403(a)(5)(A)(iv)(I) of such Act (42 U.S.C.  
 24       603(a)(5)(A)(iv)(I)), as amended by section 9(c)(1)

1 of this Act, is amended by striking “and (H)” and  
 2 inserting “(H), and (K)”.

3 (2) COMPETITIVE GRANTS.—Section  
 4 403(a)(5)(B)(v)(I) of such Act (42 U.S.C.  
 5 603(a)(5)(B)(v)(I)), as amended by section 9(c)(2)  
 6 of this Act, is amended by striking “and (H)” and  
 7 inserting “(H), and (K)”.

8 **SEC. 12. SIMPLIFICATION AND COORDINATION OF REPORT-**  
 9 **ING REQUIREMENTS.**

10 (a) ELIMINATION OF CURRENT REQUIREMENTS.—  
 11 Section 411(a)(1)(A) of the Social Security Act (42 U.S.C.  
 12 611(a)(1)(A)) is amended—

13 (1) in the matter preceding clause (i), by insert-  
 14 ing “(except for information relating to activities  
 15 carried out under section 403(a)(5))” after “part”;  
 16 and

17 (2) by striking clause (xviii).

18 (b) ESTABLISHMENT OF REPORTING REQUIRE-  
 19 MENT.—Section 403(a)(5)(C) of the Social Security Act  
 20 (42 U.S.C. 603(a)(5)(C)), as amended by sections 3(b)(1)  
 21 and 7 of this Act, is amended by adding at the end the  
 22 following:

23 “(xi) REPORTING REQUIREMENTS.—  
 24 The Secretary of Labor shall establish re-  
 25 quirements for the collection and mainte-

1 nance of financial and participant informa-  
 2 tion and the reporting of such information  
 3 by entities carrying out activities under  
 4 this paragraph.”.

5 **SEC. 13. REPORT TO CONGRESS.**

6 Section 413(j)(2)(C) of the Social Security Act (42  
 7 U.S.C. 613(j)(2)(C)) is amended—

8 (1) by striking “FINAL REPORT.—” and insert-  
 9 ing “SUBSEQUENT REPORTS.—”;

10 (2) by striking “(or” and inserting “and Janu-  
 11 ary 1, 2002, respectively, (or, in either case,”; and

12 (3) by striking “a final report” and inserting  
 13 “reports”.

14 **SEC. 14. JOB SKILLS TRAINING, VOCATIONAL EDU-**  
 15 **CATIONAL TRAINING, AND BASIC EDUCATION**  
 16 **INCLUDED AS ALLOWABLE ACTIVITIES.**

17 Section 403(a)(5)(C)(i) of the Social Security Act (42  
 18 U.S.C. 603(a)(5)(C)(i)) is amended by inserting after sub-  
 19 clause (VI) the following:

20 “(VII) Job skills training, voca-  
 21 tional educational training, and (in  
 22 the case of recipients who have not  
 23 completed secondary school or re-  
 24 ceived a certificate of general equiva-  
 25 lency) basic education.”.

1 **SEC. 15. EFFECTIVE DATES.**

2 (a) IN GENERAL.—Except as provided in subsection  
3 (b), the amendments made by this Act shall take effect  
4 on October 1, 1999.

5 (b) TRANSFER OF FORMULA FUNDS.—The amend-  
6 ments made by section 6 shall apply with respect to funds  
7 appropriated to carry out section 403(a)(5) of the Social  
8 Security Act (42 U.S.C. 603(a)(5)) for fiscal years 1999  
9 and 2000.

○