

108TH CONGRESS
1ST SESSION

H. R. 706

To amend part A of title IV of the Social Security Act to promote secure and healthy families under the temporary assistance to needy families program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2003

Mr. STARK (for himself, Ms. WATSON, Mr. KUCINICH, Mr. McDERMOTT, and Mr. GEORGE MILLER of California) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend part A of title IV of the Social Security Act to promote secure and healthy families under the temporary assistance to needy families program, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Building Secure and Healthy Families Act of 2003”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

- Sec. 2. Promoting secure and healthy families fund.
- Sec. 3. Equitable treatment for all families.
- Sec. 4. Improvement of addressing the needs of teen parents.
- Sec. 5. Ensuring safety and self-sufficiency for all TANF recipients.
- Sec. 6. Caring for a child or other relative.
- Sec. 7. Elimination of full-family sanctions.
- Sec. 8. Effective date.

1 **SEC. 2. PROMOTING SECURE AND HEALTHY FAMILIES**
 2 **FUND.**

3 (a) IN GENERAL.—Section 403(a)(2) of the Social
 4 Security Act (42 U.S.C. 603(a)(2)) is amended to read
 5 as follows:

6 “(2) GRANTS TO PROMOTE AND SUPPORT SE-
 7 CURE FAMILIES.—

8 “(A) IN GENERAL.—The Secretary shall
 9 provide grants to States and localities for re-
 10 search, technical assistance, replication, and ad-
 11 aptation of rigorously evaluated programs, and
 12 demonstration programs which are evaluated by
 13 independent entities in accordance with gen-
 14 erally accepted evaluation criteria and methods
 15 (including, to the maximum extent feasible, ran-
 16 dom assignment to service recipient and control
 17 groups) established by the Secretary in the fol-
 18 lowing areas:

19 “(i) Encouraging secure families
 20 through programs designed to strengthen
 21 families through different approaches to
 22 income enhancement (including programs

1 that replicate or adapt the demonstration
2 program known as the ‘Minnesota Family
3 Investment Program’).

4 “(ii) Providing education, opportunity,
5 and support to teens to reduce first and
6 subsequent pregnancies.

7 “(iii) Increasing the ability of low-in-
8 come parents to financially and emotionally
9 support their children by securing and
10 maintaining employment and child care,
11 fulfilling other basic needs such as hous-
12 ing, hunger, and health care, paying child
13 support, and caring for their children inde-
14 pendently or in the context of mutually re-
15 spectful, non-violent, and voluntary co-par-
16 enting relationships.

17 “(B) ALLOCATION OF FUNDS.—

18 “(i) GRANTS IN EACH AREA.—In
19 making grants under this paragraph, the
20 Secretary shall ensure that not less than
21 30 percent of the funds made available
22 pursuant to this paragraph for a fiscal
23 year are used in each of the areas de-
24 scribed in subparagraph (A).

1 “(ii) TECHNICAL ASSISTANCE.—The
2 Secretary may reserve an amount equal to
3 up to 5 percent of the funds appropriated
4 under subparagraph (F) for a fiscal year
5 to provide technical assistance and to con-
6 duct research through the Office of the
7 Secretary regarding the grants made under
8 this paragraph.

9 “(C) GRANTEE REQUIREMENTS.—An enti-
10 ty receiving a grant under this paragraph
11 shall—

12 “(i) consult and coordinate with do-
13 mestic or sexual violence experts and child
14 advocates in developing project policies,
15 procedures, and training necessary to ap-
16 propriately address domestic or sexual vio-
17 lence and child abuse;

18 “(ii) provide notice to individuals,
19 orally and in writing, that participation in
20 a program or activity funded under a grant
21 made under this paragraph is voluntary
22 and that nonparticipation will not affect
23 the individual’s eligibility for assistance or
24 services under needs-based assistance pro-
25 grams;

1 “(iii) offer benefits or services under a
2 program or activity funded under a grant
3 made under this paragraph only to individ-
4 uals who voluntarily elect to receive such
5 benefits or services;

6 “(iv) not—

7 “(I) condition benefits or services
8 on marital status or family structure;

9 “(II) counsel or encourage indi-
10 viduals who have been abused to re-
11 main with an abusive partner;

12 “(III) adopt policies or proce-
13 dures that make it more difficult for
14 an individual to leave an abusive or
15 unhealthy relationship;

16 “(IV) advocate for changes in
17 State divorce or child custody laws; or

18 “(V) provide funding for legal as-
19 sistance in custody and visitation mat-
20 ters; and

21 “(v) not disadvantage or treat individ-
22 uals differently based on marital status or
23 family structure.

24 “(D) GRANTS SELECTION CRITERIA.—The
25 Secretary shall promulgate for public comment

1 criteria for selecting proposals to be funded
2 with grants made under this paragraph. Such
3 criteria shall include, at a minimum, the re-
4 quirements specified in subparagraph (C) and
5 this subparagraph, including criteria that—

6 “(i) set forth a grant review process
7 that—

8 “(I) includes independent ex-
9 perts, including individuals receiving,
10 or who have ceased to receive, assist-
11 ance under the State program funded
12 under this part and individuals with
13 expertise in programs for low-income
14 families, programs for low-income fa-
15 thers who are participants in a pro-
16 gram funded under this part, pro-
17 grams addressing teen pregnancy pre-
18 vention, programs addressing teen
19 parenting or youth development, pro-
20 grams addressing domestic or sexual
21 violence, research related to such pro-
22 grams, or the administration of such
23 programs; and

24 “(II) provides that an individual
25 shall not be involved in the grant se-

1 lection process if such involvement
2 would pose a conflict of interest for
3 the individual;

4 “(ii) specify grantee qualifications and
5 requirements, including requirements
6 that—

7 “(I) grant applications contain fi-
8 nancial information, including a copy
9 of the applicant’s most recent audit
10 report; and

11 “(II) grantees agree to maintain
12 such records, make such reports, and
13 cooperate with such reviews or audits
14 as the Secretary may find necessary
15 for purposes of oversight of project
16 activities and expenditures;

17 “(iii) require grant projects funded
18 under clause (i) or (iii) of subparagraph
19 (A) to predominantly direct resources to
20 activities serving low-income individuals or
21 groups in low-income communities, cou-
22 ples, or families; and

23 “(iv) specify that proposals which seek
24 to replicate or adapt teen pregnancy pre-
25 vention programs that have been rigorously

1 evaluated and shown to be successful and
2 that provide young women who become
3 pregnant with information about resources
4 and opportunities that are available to
5 them, including the laws prohibiting dis-
6 crimination against pregnancy in education
7 and employment, will be given priority
8 within the allocation made available for
9 such projects.

10 “(E) EVALUATION.—

11 “(i) CRITERIA.—The Secretary shall
12 contract with independent entities to evalu-
13 ate the effectiveness of projects funded
14 under grants made by this paragraph.
15 Such evaluations shall—

16 “(I) include, to the maximum ex-
17 tent feasible, random assignment of
18 clients to service delivery and control
19 groups and other appropriate com-
20 parisons of groups of individuals re-
21 ceiving and not receiving services;

22 “(II) describe and measure the
23 effectiveness of the projects in achiev-
24 ing their specific project goals; and

1 “(III) describe and assess, as ap-
2 propriate, the impact of such projects
3 on marriage, parenting, domestic or
4 sexual violence, employment and earn-
5 ings, payment of child support, child
6 well-being, health, and education.

7 “(ii) REPORTS.—

8 “(I) ANNUAL DESCRIPTION OF
9 USE OF FUNDS.—Not later than 1
10 year after the date of enactment of
11 the Building Secure and Healthy
12 Families Act of 2003 and annually
13 thereafter, the Secretary shall submit
14 a report to Congress describing the
15 uses of the funds awarded under this
16 paragraph.

17 “(II) EVALUATION.—Not later
18 than January 1, 2007, the Secretary
19 shall submit to Congress a report
20 evaluating the effectiveness of pro-
21 grams funded under grants made
22 under this section.

23 “(III) PUBLIC AVAILABILITY.—
24 The Secretary shall ensure that all re-
25 ports submitted to Congress in ac-

1 cordance with this clause are publicly
2 available.

3 “(iii) FUNDING.—Of the amount ap-
4 propriated under subparagraph (F) for a
5 fiscal year, the Secretary shall reserve an
6 amount equal to 5 percent of such amount
7 for each such fiscal year for the purpose of
8 carrying out the evaluations required
9 under this subparagraph.

10 “(F) APPROPRIATION.—Out of any money
11 in the Treasury of the United States not other-
12 wise appropriated, there are appropriated for
13 each of fiscal years 2004 through 2008,
14 \$100,000,000 for grants under this para-
15 graph.”.

16 (b) CONFORMING AMENDMENT.—Section
17 402(a)(1)(A)(v) of the Social Security Act (42 U.S.C.
18 602(a)(1)(A)(v)) is amended by striking “, and establish
19 numerical goals for reducing the illegitimacy ratio of the
20 State (as defined in section 403(a)(2)(C)(iii)) for calendar
21 years 1996 through 2005”.

22 **SEC. 3. EQUITABLE TREATMENT FOR ALL FAMILIES.**

23 Section 408(a) of the Social Security Act (42 U.S.C.
24 608(a) is amended by adding at the end the following:

1 “(12) NONDISCRIMINATION.—A State to which
 2 a grant is made under section 403 shall not dis-
 3 criminate among needy families based on marital
 4 status or family structure and shall not condition as-
 5 sistance upon participation in activities or services
 6 funded under a grant made under section
 7 403(a)(2).”.

8 **SEC. 4. IMPROVEMENT OF ADDRESSING THE NEEDS OF**
 9 **TEEN PARENTS.**

10 (a) AUTHORITY TO PROVIDE ASSISTANCE TO TEEN-
 11 AGE PARENTS IN ORDER FOR THE PARENTS TO COMPLY
 12 WITH PROGRAM REQUIREMENTS.—Section 408(a) of the
 13 Social Security Act (42 U.S.C. 608(a)) is amended—

14 (1) in paragraph (4)—

15 (A) by striking “A State” and inserting
 16 the following:

17 “(A) IN GENERAL.—Subject to subpara-
 18 graph (B), a State”;

19 (B) by striking “participate in” and all
 20 that follows through the period and inserting
 21 “participate in educational activities directed
 22 toward the attainment of a high school diploma
 23 or its equivalent or an alternative educational
 24 or training program that has been approved by
 25 the State.”; and

1 (C) by adding at the end the following:

2 “(B) EXCEPTION.—A State may elect to
3 provide assistance for a period determined by
4 the State (not to exceed the greater of 90 days
5 or until the educational activities in which the
6 parent is enrolled begins) to assist the parent to
7 come into compliance with the requirements of
8 this paragraph.”; and

9 (2) in paragraph (5)—

10 (A) in subparagraph (A)(i), by striking
11 “subparagraph (B)” and inserting “subpara-
12 graphs (B) and (C)”;

13 (B) in subparagraph (B), in the heading,
14 by striking “EXCEPTION” and inserting “Lo-
15 CATING APPROPRIATE LIVING ARRANGEMENTS”;
16 and

17 (C) by adding at the end the following:

18 “(C) EXCEPTION.—A State may elect to
19 provide assistance for a period determined by
20 the State (not to exceed 90 days) to assist the
21 parent to come into compliance with the re-
22 quirements of this paragraph.”.

23 (b) INCLUSION OF TEEN PARENTS ATTENDING
24 SCHOOL IN WORK PARTICIPATION RATES.—Section

1 407(c)(2)(C) of the Social Security Act (42 U.S.C.
2 607(c)(2)(C)) is amended to read as follows:

3 “(C) TEEN HEAD OF HOUSEHOLD WHO
4 MAINTAINS SATISFACTORY SCHOOL ATTEND-
5 ANCE DEEMED TO BE MEETING WORK PARTICI-
6 PATION REQUIREMENTS.—For purposes of de-
7 termining monthly participation rates under
8 subsection (b)(1)(B)(i)—

9 “(i) a recipient who is a head of
10 household and has not yet attained age 20
11 is deemed to be engaged in work for a
12 month in a fiscal year if the recipient—

13 “(I) maintains satisfactory at-
14 tendance at secondary school or the
15 equivalent during the month;

16 “(II) participates in education di-
17 rectly related to employment, includ-
18 ing vocational education and training
19 for nontraditional jobs, for at least 20
20 hours per week; or

21 “(III) participates in post-sec-
22 ondary education, including study
23 time for not less than 1 hour, nor
24 more than 2 hours, per every class

1 hour, for at least 20 hours per week;

2 or

3 “(ii) a recipient who is a head of
4 household is deemed to be engaged in work
5 for a month in a fiscal year if the recipient
6 is participating in a continuous course or
7 program of education or training described
8 in clause (i) that the individual began be-
9 fore attaining age 20.”.

10 (c) EXCLUSION FROM TIME LIMIT FOR RECEIPT OF
11 ASSISTANCE.—Section 408(a)(7) of the Social Security
12 Act (42 U.S.C. 608(a)(7)) is amended by adding at the
13 end the following:

14 “(H) TEEN PARENTS.—In determining the
15 number of months for which an individual has
16 received assistance under the State program
17 funded under this part, the State shall dis-
18 regard any month during which a head of
19 household, who has not yet attained age 20, is
20 satisfactorily participating in a course or pro-
21 gram of education or training, including sec-
22 ondary school or its equivalent, vocational edu-
23 cation, or post-secondary school.”.

1 (d) OPTIONS UNDER MINOR PARENT LIVING AR-
2 RANGEMENT.—Section 408(a)(5)(B) of the Social Secu-
3 rity Act (42 U.S.C. 608(a)(5)(B)) is amended—

4 (1) by striking clause (i) and inserting the fol-
5 lowing:

6 “(i) PROVISION OF LIVING ARRANGE-
7 MENT.—In the case of an individual who is
8 described in clause (ii), the State agency
9 referred to in section 402(a)(4) shall pro-
10 vide or ensure the provision of a second
11 chance home, maternity group home, tran-
12 sitional living youth project, or other ap-
13 propriate living arrangement, taking into
14 consideration the needs, concerns, and re-
15 quests of the individual, unless the State
16 agency determines that the individual’s
17 current living arrangement is appropriate,
18 and therefore, shall require that the indi-
19 vidual and the minor child referred to in
20 subparagraph (A)(ii)(II) reside in such liv-
21 ing arrangement as a condition of the con-
22 tinued receipt of assistance under the
23 State program funded under this part at-
24 tributable to funds provided by the Federal
25 Government (or in an alternative appro-

1 priate arrangement, should circumstances
2 change and the current arrangement cease
3 to be appropriate).”;

4 (2) in clause (ii)—

5 (A) by inserting after subclause (II) the
6 following:

7 “(III) the individual is a home-
8 less youth;

9 “(IV) the individual is a street
10 youth;”; and

11 (B) by redesignating subclauses (III) and
12 (IV) as subclauses (V) and (VI), respectively;
13 and

14 (3) by inserting after clause (ii) the following:

15 “(iii) DISCLOSURE OF LIVING AR-
16 RANGEMENT OPTIONS TO INDIVIDUAL.—
17 The State agency shall ensure that individ-
18 uals described in subparagraph (A)(ii) are
19 fully informed of all living arrangement op-
20 tions that satisfy the requirement of this
21 subsection, and provide the individual the
22 opportunity to request a specific living ar-
23 rangement.”

24 “(iv) DETERMINATION OF LIVING AR-
25 RANGEMENT.—In determining the appro-

1 priateness of the individual’s current living
2 arrangement in subparagraph (B)(i) and
3 considering the individual’s request for a
4 specific living arrangement in subpara-
5 graph (B)(iii), the State agency shall pro-
6 vide a written explanation of the deter-
7 mination, including a statement regarding
8 the right to appeal the determination
9 under clause (v), to the individual, if the
10 determination is other than the living ar-
11 rangement requested by the individual.

12 “(v) RIGHT TO APPEAL LIVING AR-
13 RANGEMENT.—If the State agency’s deter-
14 mination of appropriate living arrangement
15 in subparagraph (B)(i) is other than the
16 living arrangement requested by the indi-
17 vidual in subparagraph (B)(iii), the indi-
18 vidual shall have a right to appeal the
19 State agency’s decision through appeal and
20 dispute resolution mechanisms available in
21 the State.

22 “(vii) TRANSITIONAL LIVING YOUTH
23 PROJECT.—For purposes of this section,
24 the term ‘transitional youth living project’
25 has the same meaning as provided in sec-

tion 387(6) of the Juvenile Justice and Delinquency Prevention Act of 1974.

“(viii) HOMELESS YOUTH.—For purposes of this section, the term ‘homeless youth’ has the same meaning as provided in section 387(3) of the Juvenile Justice and Delinquency Prevention Act of 1974.

“(ix) STREET YOUTH.—For purposes of this section, the term ‘street youth’ has the same meaning as provided in section 387(5) of the Juvenile Justice and Delinquency Prevention Act of 1974.”.

(e) REPORTS ON TEEN PREGNANCIES AND TEEN PARENTS.—

(1) ELIMINATION FROM SECRETARIAL REPORT OF OUT-OF-WEDLOCK PREGNANCIES AND INCLUSION OF TEENAGE PREGNANCIES.—Section 411(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 611(b)(1)(B)(ii)) is amended by striking “out-of-wedlock” and inserting “teenage”.

(2) STUDIES ON TEEN PARENTS.—Section 413 of the Social Security Act (42 U.S.C. 613) is amended by adding at the end the following:

“(k) TEEN PARENT STUDY AND REPORT.—

1 “(1) STUDY OF TANF RECIPIENTS.—The Sec-
2 retary shall conduct a study of a representative sam-
3 ple of recipients of assistance under State programs
4 funded under this part who are parents and have
5 not attained age 20 to determine the following:

6 “(A) Whether State data on the number of
7 such recipients is accurately reflected in Fed-
8 eral data, including an examination of the ex-
9 tent to which such recipients who are members
10 of a family are not reflected in the data, and
11 an examination of the extent to which Federal
12 estimation methods do not reflect the number
13 of such recipients in a State.

14 “(B) What assessment procedures are uti-
15 lized with such recipients, and whether there
16 appear to be best practices that consider such
17 issues as whether the recipient has an edu-
18 cational barrier such as a learning disability or
19 mental health problem.

20 “(C) Whether localities appear to have
21 adequate and appropriate services that meet the
22 needs of such recipients in areas such as infant
23 care, education, training, and mental health, for
24 services such as appropriate housing, mental
25 health, and alternative education, whether staff

1 assist teen parents in researching and locating
2 such services including an appropriate living ar-
3 rangement, and the extent to which such recipi-
4 ents who have not completed high school or the
5 equivalent are encouraged to engage in edu-
6 cation or work.

7 “(D) How State rules providing that, in
8 determining the eligibility of such a recipient
9 for such assistance, the income of the recipient
10 is deemed to include the income of any parents
11 with whom the recipient is living, appear to
12 have affected the extent to which such a recipi-
13 ent is able to participate in a State program
14 funded under this part.

15 “(E) Demographic information such as—

16 “(i) the age of such recipients;

17 “(ii) the amount of time such recipi-
18 ents received such assistance in a given
19 year;

20 “(iii) the number of children that
21 such recipients have;

22 “(iv) school attainment by such recipi-
23 ents, by age;

24 “(v) the employment status of such
25 recipients, such as whether a recipient has

1 ever worked or has worked while in school;
2 and

3 “(vi) the child care arrangements of
4 such recipients.

5 “(2) STUDY OF LOW-INCOME TEEN PARENTS
6 WHO ARE NOT TANF RECIPIENTS.—The Secretary
7 shall conduct a study of a representative sample of
8 low-income (as determined by the Secretary) teen
9 parents who are not recipients of assistance under a
10 State program funded under this part to determine
11 the following:

12 “(A) Whether the teen parent sought to
13 apply for such assistance.

14 “(B) Whether a teen parent who indicated
15 to a State a desire to apply for such assistance
16 received an application for such assistance.

17 “(C) Whether a teen parent who applied
18 for such assistance was subsequently contacted
19 by the State agency responsible for operating a
20 State program funded under this part.

21 “(3) REPORT TO THE CONGRESS.—

22 “(A) IN GENERAL.—Within 3 years after
23 the date of enactment of this subsection, the
24 Secretary shall submit to Congress a report
25 that contains the findings of the study required

1 by this subsection and recommendations regard-
2 ing such issues as how to improve data report-
3 ing, State plans, State ‘best practice’ informa-
4 tion-sharing, and assessments.

5 “(B) ADVISORY GROUP.—The Secretary
6 shall establish an advisory group consisting of
7 representatives from not more than 6 organiza-
8 tions that work with parents who have not at-
9 tained age 20, to provide advice to the Sec-
10 retary on questions relating to such parents
11 that should be investigated and to provide com-
12 ments to accompany the recommendations in
13 the report required by subparagraph (A). The
14 advisory group established under this subpara-
15 graph shall include a representative from the
16 Association of Maternal and Child Health Pro-
17 grams, the National Organization on Adolescent
18 Pregnancy Parenting and Prevention and a sin-
19 gle parent receiving assistance under the State
20 program funded under this part who has not at-
21 tained age 20.

22 “(I) STUDY REGARDING SANCTIONS IMPOSED ON
23 TEEN PARENTS.—

24 “(1) IN GENERAL.—The Secretary, directly or
25 through grants, contracts, or interagency agree-

ments, shall conduct a multi-State study regarding sanctions imposed on teen parents to examine the nature, extent, and impact of such sanctions.

“(2) CONTENTS.—The study conducted pursuant to paragraph (1) shall include information on—

“(A) which rules are generating the most sanctions;

“(B) whether families with teen parents and those headed by teen parents are sanctioned at rates higher than families headed by adults;

“(C) whether sanction policies are understood by teen parents in advance of sanction;

“(D) whether sanction notice procedures and mechanisms for cure are understood by teen parents;

“(E) whether sanction notice procedures and mechanisms for cure are understood by local welfare officials;

“(F) best practices from the study sites or elsewhere that would help States improve their sanctions systems;

“(G) what is known about the impacts of sanctions on families with teen parents; and

1 “(H) how a State might best collect and
2 analyze local teen parent sanction data in order
3 to use the data as an in-State program manage-
4 ment tool.

5 “(3) REPORT TO CONGRESS.—Not later than
6 September 30, 2005, the Secretary shall submit to
7 Congress the results of the study conducted pursu-
8 ant to paragraph (1).”.

9 **SEC. 5. ENSURING SAFETY AND SELF-SUFFICIENCY FOR**
10 **ALL TANF RECIPIENTS.**

11 (a) ADDRESSING DOMESTIC OR SEXUAL VIOLENCE
12 IN THE TANF PROGRAM.—Section 402(a)(7) of the So-
13 cial Security Act (42 U.S.C. 602(a)(7)) is amended to
14 read as follows:

15 “(7) CERTIFICATIONS REGARDING DOMESTIC
16 OR SEXUAL VIOLENCE.—

17 “(A) GENERAL PROVISIONS.—A certifi-
18 cation by the chief executive officer of the State
19 that the State has established and is enforcing
20 standards and procedures to ensure domestic or
21 sexual violence is comprehensively addressed,
22 and a written document outlining how the State
23 will do the following:

24 “(i) Address the needs of applicants
25 or recipients or their families who are or

1 have been subjected to domestic or sexual
2 violence or are at risk of future such vio-
3 lence, including how the State will—

4 “(I) have trained caseworkers
5 identify, and, at the option of the in-
6 dividual, assess individuals who are or
7 have been subjected to domestic or
8 sexual violence or are at risk of future
9 such violence;

10 “(II) adequately inform each in-
11 dividual of eligibility and program re-
12 quirements, confidentiality provisions,
13 domestic or sexual violence services
14 available within the community and
15 within the program funded under this
16 part, good cause exemptions modifica-
17 tion and waiver of program require-
18 ments on the basis of domestic or sex-
19 ual violence, benefits eligibility for im-
20 migrant victims of domestic or sexual
21 violence, and the procedures to obtain
22 such modifications, waivers, benefits,
23 and services;

24 “(III) refer individuals who are
25 or have been subjected to domestic or

1 sexual violence or are at risk of future
2 such violence to community-based do-
3 mestic or sexual violence programs or
4 other supportive services, modify or
5 waive eligibility or program require-
6 ments or prohibitions to address do-
7 mestic or sexual violence barriers, and
8 ensure such individual's access to job
9 training, vocational rehabilitation,
10 child care, and other employment-re-
11 lated services as appropriate;

12 “(IV) implement procedures to
13 maintain the privacy and confiden-
14 tiality of applicants and recipients
15 identified as being or having been
16 subjected to domestic or sexual vio-
17 lence and restrict the disclosure of
18 any identifying information obtained
19 through any process or procedure im-
20 plemented pursuant to this paragraph
21 absent the individual's written consent
22 or unless otherwise required to do so
23 under law;

24 “(V) pursuant to a determination
25 of good cause, waive, without time

1 limit, any Federal or State eligibility
2 or program requirement or prohibition
3 for so long as necessary, in every case
4 in which domestic or sexual violence
5 has been verified for any individual or
6 family receiving assistance under this
7 part and the requirement makes it
8 more difficult for the individual to ad-
9 dress, escape or recover from the vio-
10 lence, unfairly penalizes the indi-
11 vidual, or makes the individual or any
12 child of the individual unsafe; and

13 “(VI) provide policies and proce-
14 dures regarding verification of past,
15 present, or the risk of future domestic
16 or sexual violence that are flexible and
17 not unduly burdensome, including ac-
18 cepting any one of the following forms
19 of verification: documentation from
20 police, court, medical or social service
21 agencies, domestic or sexual violence
22 counselors or organizations or others
23 who have had contact with the appli-
24 cant or recipient, written statements
25 from third parties knowledgeable of

1 the individual's circumstances, and
2 signed written statements from the
3 applicant or recipient.

4 “(ii) Coordinate or contract with
5 State or tribal domestic or sexual violence
6 coalitions or domestic or sexual violence
7 programs in the development and imple-
8 mentation of standards, procedures, train-
9 ing, and programs required under this part
10 to address domestic or sexual violence.

11 “(iii) Train caseworkers for recipients
12 of assistance under the State program
13 funded under this part in—

14 “(I) the nature and dynamics of
15 domestic or sexual violence and the
16 ways in which such violence may act
17 to obstruct the economic security or
18 safety of the individual and any child
19 of the individual;

20 “(II) the standards, policies, and
21 procedures implemented pursuant to
22 this part, including the individual's
23 rights and protections, such as notice
24 and confidentiality;

1 “(III) how to screen for, and
2 identify when, domestic or sexual vio-
3 lence creates barriers to compliance,
4 how to make effective referrals for
5 services, and how to modify eligibility
6 and program requirements and prohi-
7 bitions to address domestic or sexual
8 violence barriers; and

9 “(IV) the process for determining
10 good cause for noncompliance with an
11 eligibility or program requirement or
12 prohibition and granting waivers of
13 such requirements.

14 “(iv) At State option, enter into con-
15 tracts with or employ qualified profes-
16 sionals for the provision of services in each
17 of the fields of domestic or sexual violence.

18 “(B) DEFINITIONS.—In this part:

19 “(i) DOMESTIC OR SEXUAL VIO-
20 LENCE.—The term ‘domestic or sexual vio-
21 lence’ has the meaning given the term ‘bat-
22 tered or subjected to extreme cruelty’ in
23 section 408(a)(7)(C)(iii).

24 “(ii) QUALIFIED PROFESSIONAL.—
25 The term ‘qualified professional’ includes a

1 State or local organization with recognized
 2 expertise in the dynamics of domestic or
 3 sexual violence who has as one of its pri-
 4 mary purposes to provide services to vic-
 5 tims of domestic or sexual violence, such as
 6 a sexual assault crisis center or domestic
 7 or sexual violence program, or an indi-
 8 vidual trained by such an organization.”.

9 (b) ASSESSMENT.—Section 408(b) of the Social Se-
 10 curity Act (42 U.S.C. 608(b)) is amended—

11 (1) in paragraph (1), in the matter preceding
 12 subparagraph (A), by striking “and employability”
 13 and inserting “employability, and potential barriers,
 14 including domestic or sexual violence, mental or
 15 physical health, learning disability, substance abuse,
 16 English as a second language, child care needs, in-
 17 sufficient housing, or transportation”; and

18 (2) in paragraph (2)(A)—

19 (A) in clause (iv), by striking “and” at the
 20 end;

21 (B) in clause (v), by striking the period
 22 and inserting a semicolon; and

23 (C) by adding at the end the following:

24 “(vi) documents the individual’s re-
 25 ceipt of adequate notice of program re-

quirements, confidentiality provisions, assessment and program services, and waivers available to individuals who have or may have been subjected to domestic or sexual violence or are at risk for future such violence, as well as the process to access such services or waivers; and

“(vii) may not require the individual to participate in services to address domestic or sexual violence.”.

(c) REVIEW AND CONCILIATION PROCESS.—Section 408(a) of the Social Security Act (42 U.S.C. 608(a)), as amended by section 3, is amended by adding at the end the following:

“(13) REVIEW AND CONCILIATION PROCESS FOR FAMILIES SUBJECTED TO DOMESTIC OR SEXUAL VIOLENCE.—

“(A) IN GENERAL.—A State to which a grant is made under section 403 shall not impose a sanction or penalty against an individual under the State program funded under this part on the basis of noncompliance by an individual or family with a program requirement where domestic or sexual violence is a significant contributing factor in the noncompliance.

1 “(B) REQUIREMENT.—Prior to imposing a
 2 sanction or penalty against an individual under
 3 the State program funded under this part, the
 4 State shall—

5 “(i) specifically consider whether the
 6 individual has been or is being subjected to
 7 domestic or sexual violence; and

8 “(ii) if such violence is identified—

9 “(I) make a reasonable effort to
 10 modify or waive program require-
 11 ments or prohibitions; and

12 “(II) offer the individual referral
 13 to voluntary services to address the vi-
 14 olence.”.

15 (d) STATE OPTION TO INCLUDE SURVIVORS OF DO-
 16 MESTIC OR SEXUAL VIOLENCE IN WORK PARTICIPATION
 17 RATES.—Section 407(c)(2) of the Social Security Act (42
 18 U.S.C. 607(c)(2)) is amended by adding at the end the
 19 following:

20 “(E) STATE OPTION TO INCLUDE SUR-
 21 VIVORS OF DOMESTIC OR SEXUAL VIOLENCE.—

22 For purposes of determining monthly participa-
 23 tion rates under subsection (b)(1)(B)(i), a State
 24 may deem an individual receiving services to ad-
 25 dress having been or being subjected to domes-

1 tic or sexual violence, or receiving a waiver from
 2 program requirements under section 402(a)(7),
 3 as being engaged in work for the month.”.

4 (e) AUTHORITY TO GRANT GOOD CAUSE DOMESTIC
 5 OR SEXUAL VIOLENCE WAIVERS FROM 20 PERCENT LIM-
 6 ITATION ON HARDSHIP EXCEPTION.—Section
 7 408(a)(7)(C)(ii) of the Social Security Act (42 U.S.C.
 8 608(a)(7)(C)(ii)) is amended—

9 (1) by striking “The average” and inserting the
 10 following:

11 “(I) IN GENERAL.—The aver-
 12 age”; and

13 (2) by adding at the end the following:

14 “(II) EXCEPTION.—A State may
 15 exceed the 20 percent limitation under
 16 subclause (I) in order to grant good
 17 cause waivers to extend the time limit
 18 for receipt of assistance with respect
 19 to a family based on the need for con-
 20 tinued assistance due to current or
 21 past domestic or sexual violence, or
 22 the risk of further violence.”.

23 (f) ANNUAL REPORTS ON IMPACT OF DOMESTIC OR
 24 SEXUAL VIOLENCE RULES, SERVICES, AND PRACTICES.—

1 Section 411 of the Social Security Act (42 U.S.C. 611)
2 is amended by adding at the end the following:

3 “(c) ANNUAL REPORTS ON IMPACT OF DOMESTIC OR
4 SEXUAL VIOLENCE RULES, SERVICES, AND PRACTICES.—

5 “(1) STATE REPORTS.—Not later than January
6 of each fiscal year, each State shall collect and re-
7 port to the Secretary, with respect to the preceding
8 fiscal year, the following information, including any
9 changes to such information from reports for years
10 previously submitted:

11 “(A) A copy of all rules and policies gov-
12 erning the State procedures to address domestic
13 or sexual violence, including State rules and
14 policies not required by Federal law.

15 “(B) The number and percentage of total
16 applicants and recipients who apply for waivers
17 of program requirements and the number of
18 such waivers granted broken down by the type
19 of program requirement waived (such as work
20 requirements and child support cooperation re-
21 quirements) and by race.

22 “(C) The following information, broken
23 down by race:

1 “(i) The number of families who have
2 been contacted for review and conciliation
3 prior to sanction under this part.

4 “(ii) The percentage of families at
5 risk of sanction that are identified as hav-
6 ing been subjected to domestic or sexual
7 violence.

8 “(iii) The results of review and concil-
9 iation.

10 “(iv) The percentage of sanctioned
11 families for whom domestic or sexual vio-
12 lence was a factor leading to their inability
13 to comply with program requirements.

14 “(2) SECRETARY’S REPORT.—Not later than
15 June of each fiscal year, the Secretary shall review
16 and publish the State reports submitted under para-
17 graph (1).

18 “(3) USE OF DATA.—For each State for which
19 the data submitted under paragraph (1) dem-
20 onstrates racial inequalities and disparities in imple-
21 mentation and impact, the Secretary shall initiate a
22 review of State practices funded under this part and
23 shall work with the State to devise programs and
24 practices to ensure that the provisions of this part

1 equitably improve the circumstances of all applicants
2 and recipients.”.

3 (g) TECHNICAL ASSISTANCE.—Section 413 of the So-
4 cial Security Act (42 U.S.C. 613), as amended by section
5 4(d)(2), is amended by adding at the end the following:

6 “(l) TECHNICAL ASSISTANCE.—

7 “(1) GRANTS AUTHORIZED.—The Secretary
8 shall make an award to a national victim services or-
9 ganization or organizations to identify and provide
10 technical assistance with respect to model standards
11 and procedures, practices, and training designed to
12 comprehensively address domestic or sexual violence,
13 including for survivors of such violence with multiple
14 barriers, and move individuals subjected to domestic
15 or sexual violence into employment without compro-
16 mising the safety of the individual or of any child of
17 the individual.

18 “(2) GRANTS TO STATES.—The Secretary shall
19 provide grants to States and localities to contract
20 with a State or tribal domestic or sexual violence co-
21 alition or joint domestic or sexual violence coalition
22 to—

23 “(A) provide training to caseworkers and
24 technical assistance regarding screening, assess-
25 ing, and providing services to address domestic

1 or sexual violence, modifying or waiving eligi-
 2 bility or program requirements or prohibitions,
 3 and assisting individuals subjected to domestic
 4 or sexual violence to secure and retain employ-
 5 ment; and

6 “(B) develop and implement demonstration
 7 projects to promote best practices in serving in-
 8 dividuals who have been subjected to domestic
 9 or sexual violence, with priority given to pro-
 10 grams that contract with qualified profes-
 11 sionals.

12 “(3) AUTHORIZATION OF APPROPRIATIONS.—
 13 There are authorized to be appropriated to the Sec-
 14 retary—

15 “(A) to carry out paragraph (1),
 16 \$1,000,000 for fiscal year 2004; and

17 “(B) to carry out paragraph (2), not more
 18 than \$10,000,000 for each of fiscal years 2004
 19 through 2008.”.

20 **SEC. 6. CARING FOR A CHILD OR OTHER RELATIVE.**

21 (a) INCLUSION OF CARE FOR A CHILD OR OTHER
 22 RELATIVE WITH A SERIOUS HEALTH CONDITION OR A
 23 DISABILITY AND ACTIVITIES DESIGNED TO ADDRESS
 24 BARRIERS IN WORK ACTIVITIES.—

1 (1) IN GENERAL.—Section 407 of the Social
2 Security Act (42 U.S.C. 607) is amended—

3 (A) in subsection (c)—

4 (i) in subparagraphs (A) and (B) of
5 paragraph (1), by striking “or (12)” each
6 place it appears and inserting “(12), or
7 (14)”; and

8 (ii) in paragraph (2), as amended by
9 section 5(d), by adding at the end the fol-
10 lowing:

11 “(F) CARING FOR A CHILD OR OTHER
12 RELATIVE WHO HAS A SERIOUS HEALTH CONDI-
13 TION OR A DISABILITY.—For purposes of deter-
14 mining monthly participation rates under sub-
15 section (b)(1)(B)(i), a recipient who is engaged
16 in the provision of appropriate care to a child
17 or other relative who has a serious health condi-
18 tion or a disability, in accordance with sub-
19 section (d)(13)(B), shall be deemed to be en-
20 gaged in work for a month.”; and

21 (B) in subsection (d)—

22 (i) in paragraph (11), by striking
23 “and” at the end;

24 (ii) in paragraph (12), by striking the
25 period and inserting a semicolon; and

1 (iii) by adding at the end the fol-
 2 lowing:

3 “(13) the provision of care to—

4 “(A) one’s own child who has not attained
 5 age 1 (or at State option, up to age 3); or

6 “(B) one’s own child or other relative who
 7 has a serious health condition or a disability;
 8 and

9 “(14) attending health appointments or service
 10 plan meetings for a child or other relative with a se-
 11 rious health condition or a disability, or partici-
 12 pating in training regarding care of a child or other
 13 relative with a serious health condition or a dis-
 14 ability.”.

15 (2) CONFORMING AMENDMENT.—Section
 16 407(b) of the Social Security Act (42 U.S.C.
 17 607(b)), is amended by striking paragraph (5).

18 (b) SCREENING, REFERRAL, AND ADJUSTMENT OF
 19 WORK REQUIREMENTS AS PART OF INDIVIDUAL RESPON-
 20 SIBILITY PLANS.—Section 408(b)(2)(A) of the Social Se-
 21 curity Act (42 U.S.C. 608(b)(2)(A)), as amended by sec-
 22 tion 5(b)(2), is amended—

23 (1) in clause (vi), by striking “and” at the end;

24 (2) in clause (vii), by striking the period and in-
 25 serting “; and”; and

(3) by adding at the end the following:

“(viii) includes screening, referral for appropriate services, including child care needs (subject to clause (vii)), or adjustment of work requirements for an individual who cares for a child or other relative with a serious health condition or a disability or has unmet child care needs.”.

(c) LIMITATION ON WORK REQUIREMENTS FOR PARENTS WITH CHILDREN.—

(1) IN GENERAL.—

(A) IN GENERAL.—Section 407(c)(2)(B) of the Social Security Act (42 U.S.C. 607(c)(2)(B)) is amended to read as follows:

“(B) LIMITATION ON WORK REQUIREMENTS FOR PARENTS WITH CHILDREN.—

“(i) IN GENERAL.—In the case of an individual who is a single custodial parent, the following rules shall apply for purposes of determining monthly participation rates under subsection (b)(1)(B)(i):

“(I) SINGLE CUSTODIAL PARENT WITH CHILD UNDER AGE 6.—A single custodial parent of a child who has attained age 1 but has not attained age

1 6 is deemed to be engaged in work for
2 a month if the recipient is engaged in
3 work for an average of at least 20
4 hours per week during the month.

5 “(II) SINGLE CUSTODIAL PAR-
6 ENT WITHOUT ACCESS TO BEFORE OR
7 AFTER SCHOOL CARE FOR A CHILD
8 AGE 6 TO 13.—A single custodial par-
9 ent who has certified a lack of mean-
10 ingful access to before or after school
11 care for a child who has attained age
12 6 but has not attained age 13 is
13 deemed to be engaged in work for a
14 month if the recipient is engaged in
15 work for an average of at least 20
16 hours per week during the month.

17 “(ii) DEFINITION OF SINGLE CUSTO-
18 DIAL PARENT.—For purposes of this sub-
19 paragraph, the term ‘single custodial par-
20 ent’ means a custodial parent (biological or
21 adopted) who is the only able-bodied adult
22 in the household.

23 (2) REQUIREMENT TO EXEMPT RELATIVE
24 CARETAKERS FROM WORK REQUIREMENTS AND TO
25 MAKE SUCH CARETAKERS ELIGIBLE FOR BENEFITS

1 TO THE SAME EXTENT AS OTHER ADULT RECIPI-
2 ENTS.—Section 408(a) of the Social Security Act
3 (42 U.S.C. 608(a)), as amended by section 5(c) is
4 amended by adding at the end the following:

5 “(14) REQUIREMENT TO EXEMPT RELATIVE
6 CARETAKERS FROM WORK REQUIREMENTS AND TO
7 MAKE SUCH CARETAKERS ELIGIBLE FOR BENEFITS
8 TO THE SAME EXTENT AS OTHER ADULT RECIPI-
9 ENTS.—A State to which a grant is made under sec-
10 tion 403 shall—

11 “(A) exempt any caretaker who is a rel-
12 ative of a child eligible for assistance under this
13 part (other than a parent of the child) from any
14 work requirement imposed under this part;

15 “(B) not consider a family that includes
16 such a relative caretaker as a family receiving
17 assistance under the State program funded
18 under this part for purposes of determining
19 monthly participation rates under section
20 407(b) unless the relative caretaker is volun-
21 tarily working, and the State has assessed the
22 needs of the kinship care family and provided
23 the family with, or referred the family for, ap-
24 propriate services, in which case the State may

1 opt to include such caretaker in the calculation
2 of such rates; and

3 “(C) make such a relative caretaker eligi-
4 ble for any benefit or service funded under this
5 part to the same extent as other adult recipi-
6 ents of assistance under the State program
7 funded under this part are eligible for such ben-
8 efits or services.”.

9 (B) CONFORMING AMENDMENT TO TIME
10 LIMIT FOR RECEIPT OF ASSISTANCE.—Section
11 408(a)(7)(A) of the Social Security Act (42
12 U.S.C. 608(a)(7)(A)) is amended by inserting
13 “who is the birth or adoptive parent of a child
14 in the family and” after “adult”.

15 (d) PROTECTIONS FOR FAMILIES.—Section 407(e)(2)
16 of the Social Security Act (42 U.S.C. 607(e)) is amended
17 to read as follows:

18 “(2) EXCEPTION FOR LACK OF CHILD CARE.—
19 Notwithstanding paragraph (1), a State may not re-
20 duce or terminate assistance under the State pro-
21 gram funded under this part based on a refusal of
22 an individual to engage in work required in accord-
23 ance with this section if the individual is a single
24 custodial parent (as defined in subsection
25 (c)(2)(B)(ii)) caring for a child who has not yet at-

1 tained age 13 and certifies that the individual does
 2 not have meaningful access to safe, appropriate, af-
 3 fordable and quality care for the child.”.

4 (e) TREATMENT OF CARE FOR A CHILD’S OR OTHER
 5 RELATIVE’S HEALTH NEEDS AS A WORK ACTIVITY.—
 6 Section 407(c)(2) of the Social Security Act (42 U.S.C.
 7 607(c)(2)), as amended by subsection (a)(1)(A)(ii), is
 8 amended by adding at the end the following:

9 “(G) ALLOWANCE FOR CARE FOR A
 10 CHILD’S OR OTHER RELATIVE’S HEALTH
 11 NEEDS.—For purposes of determining monthly
 12 participation rates under subsection
 13 (b)(1)(B)(i), the State may, in determining
 14 hours of participation—

15 “(i) make reasonable allowances for
 16 absences of a participant necessary to care
 17 for a child’s or other relative’s health
 18 needs, or the health needs of the partici-
 19 pant; and

20 “(ii) make such other reasonable al-
 21 lowances for absences of a participant as
 22 the State determines appropriate, in a
 23 manner consistent with the State’s leave
 24 policies generally applicable to State em-
 25 ployees.”.

1 (f) EXCEPTION TO TIME LIMIT FOR FAMILIES CAR-
 2 ING FOR A CHILD OR OTHER RELATIVE WITH A SERIOUS
 3 HEALTH CONDITION OR A DISABILITY.—Section
 4 408(a)(7) of the Social Security Act (42 U.S.C.
 5 608(a)(7)), as amended by section 4(c), is amended by
 6 adding at the end the following:

7 “(I) EXCEPTION TO TIME LIMIT FOR FAMI-
 8 LIES CARING FOR SERIOUSLY ILL OR DISABLED
 9 CHILD OR DEPENDENT ADULT.—For purposes
 10 of subparagraph (A), a benefit provided to a
 11 family during a month under the State program
 12 funded under this part shall not be considered
 13 assistance under the program if, during the
 14 month, the parent or caretaker relative for the
 15 family was engaged in caring for a child or
 16 other relative who has a serious health condi-
 17 tion or a disability.”.

18 (g) NOTICE.—Section 408(b)(2)(A) of the Social Se-
 19 curity Act (42 U.S.C. 608(b)(2)(A)), as amended by sub-
 20 section (b), is amended—

- 21 (1) in clause (vii), by striking “and” at the end;
- 22 (2) in clause (viii), by striking the period and
- 23 inserting “; and”; and
- 24 (3) by adding at the end the following:

1 “(ix) documents the individual’s re-
 2 ceipt of adequate notice of any child care
 3 assistance and any child care-related pro-
 4 tections or exemptions from program re-
 5 quirements for which the individual may be
 6 eligible.”.

7 (h) CHILD CARE REVIEW AND CONCILIATION.—Sec-
 8 tion 408(a) of the Social Security Act (42 U.S.C. 608(a)),
 9 as amended by section 6(c)(2), is amended by adding at
 10 the end the following:

11 “(15) REVIEW AND CONCILIATION PROCESS
 12 FOR NONCOMPLIANCE WHERE LACK OF MEANING-
 13 FUL ACCESS TO CHILD CARE IS A SIGNIFICANT CON-
 14 TRIBUTING FACTOR.—

15 “(A) IN GENERAL.—A State to which a
 16 grant is made under section 403 shall not im-
 17 pose a sanction or penalty against an individual
 18 under the State program funded under this
 19 part on the basis of noncompliance by an indi-
 20 vidual or family with a program requirement,
 21 where lack of meaningful access to child care is
 22 a significant contributing factor in the non-
 23 compliance.

24 “(B) REQUIREMENT.—Prior to imposing a
 25 sanction or penalty against an individual under

1 the State program funded under this part, the
2 State shall—

3 “(i) specifically consider whether the
4 individual lacks access to safe, appropriate,
5 affordable, quality child care;

6 “(ii) if a lack of access to child care
7 is identified, provide information regarding
8 child care assistance for which the indi-
9 vidual or family may be eligible; and

10 “(iii) modify or waive program re-
11 quirements as necessary with respect to
12 the individual or family.”.

13 **SEC. 7. ELIMINATION OF FULL-FAMILY SANCTIONS.**

14 Section 407(e)(1) of the Social Security Act (42
15 U.S.C. 607(e)(1)) is amended by striking “the State
16 shall” and all that follows through the period and insert-
17 ing the following “the State shall reduce the amount of
18 assistance otherwise payable to the family pro rata with
19 respect to any period during a month in which the indi-
20 vidual so refuses, subject to such good cause and other
21 exceptions as the State may establish.”.

22 **SEC. 8. EFFECTIVE DATE.**

23 The amendments made by this Act take effect on Oc-
24 tober 1, 2003.

○