

109TH CONGRESS  
1ST SESSION

# S. 105

To reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mr. TALENT (for himself, Mr. SESSIONS, and Mr. DEMINT) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, 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.**

4 This Act may be cited as the “Personal Responsi-  
5 bility, Work, and Family Promotion Act of 2005”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

Sec. 4. Findings.

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- Sec. 103. Promotion of family formation and healthy marriage.
- Sec. 104. Supplemental grant for population increases in certain States.
- Sec. 105. Bonus to reward employment achievement.
- Sec. 106. Contingency fund.
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#### TITLE IV—CHILD WELFARE

- Sec. 401. Extension of authority to approve demonstration projects.
- Sec. 402. Elimination of limitation on number of waivers.
- Sec. 403. Elimination of limitation on number of States that may be granted waivers to conduct demonstration projects on same topic.
- Sec. 404. Elimination of limitation on number of waivers that may be granted to a single State for demonstration projects.
- Sec. 405. Streamlined process for consideration of amendments to and extensions of demonstration projects requiring waivers.
- Sec. 406. Availability of reports.
- Sec. 407. Technical correction.

#### TITLE V—SUPPLEMENTAL SECURITY INCOME

- Sec. 501. Review of State agency blindness and disability determinations.

#### TITLE VI—STATE AND LOCAL FLEXIBILITY

- Sec. 601. Program coordination demonstration projects.
- Sec. 602. State food assistance block grant demonstration project.

#### TITLE VII—ABSTINENCE EDUCATION

- Sec. 701. Extension of abstinence education program.

#### TITLE VIII—TRANSITIONAL MEDICAL ASSISTANCE

- Sec. 801. Extension of medicaid transitional medical assistance program through fiscal year 2006.
- Sec. 802. Adjustment to payments for medicaid administrative costs to prevent duplicative payments and to fund extension of transitional medical assistance.

#### TITLE IX—EFFECTIVE DATE

- Sec. 901. Effective date.

### 1 **SEC. 3. REFERENCES.**

2       Except as otherwise expressly provided, wherever in  
3 this Act an amendment or repeal is expressed in terms  
4 of an amendment to, or repeal of, a section or other provi-  
5 sion, the amendment or repeal shall be considered to be  
6 made to a section or other provision of the Social Security  
7 Act.

1 **SEC. 4. FINDINGS.**

2 The Congress makes the following findings:

3 (1) The Temporary Assistance for Needy Fami-  
4 lies (TANF) Program established by the Personal  
5 Responsibility and Work Opportunity Reconciliation  
6 Act of 1996 (Public Law 104–193) has succeeded in  
7 moving families from welfare to work and reducing  
8 child poverty.

9 (A) There has been a dramatic increase in  
10 the employment of current and former welfare  
11 recipients. The percentage of working recipients  
12 reached an all-time high in fiscal year 1999 and  
13 continued steady in fiscal years 2000 and 2001.  
14 In fiscal year 2003, 31.3 percent of adult re-  
15 cipients were counted as meeting the work par-  
16 ticipation requirements. All States but one met  
17 the overall participation rate standard in fiscal  
18 year 2003, as did the District of Columbia and  
19 Puerto Rico.

20 (B) Earnings for welfare recipients re-  
21 maining on the rolls have also increased signifi-  
22 cantly, as have earnings for female-headed  
23 households. The increases have been particu-  
24 larly large for the bottom 2 income quintiles,  
25 that is, those women who are most likely to be  
26 former or present welfare recipients.

1           (C) Welfare dependency has plummeted.  
2           As of June 2004, 1,969,909 families and  
3           4,727,291 individuals were receiving assistance.  
4           Accordingly, the number of families in the wel-  
5           fare caseload and the number of individuals re-  
6           ceiving cash assistance declined 55 percent and  
7           61 percent, respectively, since the enactment of  
8           TANF.

9           (D) The child poverty rate continued to de-  
10          cline between 1996 and 2003, falling 14 percent  
11          from 20.5 to 17.6 percent. Child poverty rates  
12          for African-American and Hispanic children  
13          have also fallen dramatically during the past 7  
14          years.

15          (2) As a Nation, we have made substantial  
16          progress in reducing teen pregnancies and births,  
17          slowing increases in nonmarital childbearing, and  
18          improving child support collections and paternity es-  
19          tablishment.

20          (A) The birth rate to teenagers declined 30  
21          percent from its high in 1991 to 2002. The  
22          2002 teenage birth rate of 43.0 per 1,000  
23          women aged 15–19 is the lowest recorded birth  
24          rate for teenagers.

1           (B) During the period from 1991 through  
2           2001, teenage birth rates fell in all States and  
3           the District of Columbia, Puerto Rico, Guam,  
4           and the Virgin Islands. Declines also have  
5           spanned age, racial, and ethnic groups. There  
6           has been success in lowering the birth rate for  
7           both younger and older teens. The birth rate  
8           for those 15–17 years of age has declined 40  
9           percent since 1991, and the rate for those 18  
10          and 19 has declined 23 percent. The rate for  
11          African American teens—until recently the  
12          highest—has declined the most—42 percent  
13          from 1991 through 2002.

14          (C) Since the enactment of the Personal  
15          Responsibility and Work Opportunity Reconcili-  
16          ation Act of 1996, child support collections  
17          within the child support enforcement system  
18          have grown every year, increasing from  
19          \$12,000,000,000 in fiscal year 1996 to over  
20          \$21,000,000,000 in fiscal year 2003. The num-  
21          ber of paternities established or acknowledged  
22          in fiscal year 2003 (over 1,500,000) includes a  
23          more than 100 percent increase through in-hos-  
24          pital acknowledgement programs—862,043 in  
25          2003 compared to 324,652 in 1996. Child sup-

1 port collections were made in nearly 8,000,000  
2 cases in fiscal year 2003, significantly more  
3 than the almost 4,000,000 cases having a col-  
4 lection in 1996.

5 (3) The Personal Responsibility and Work Op-  
6 portunity Reconciliation Act of 1996 gave States  
7 great flexibility in the use of Federal funds to de-  
8 velop innovative programs to help families leave wel-  
9 fare and begin employment and to encourage the  
10 formation of 2-parent families.

11 (A) Total Federal and State TANF ex-  
12 penditures in fiscal year 2003 were  
13 \$26,300,000,000, up from \$25,400,000,000 in  
14 fiscal year 2002 and \$22,600,000,000 in fiscal  
15 year 1999. This increased spending is attrib-  
16 utable to significant new investments in sup-  
17 portive services in the TANF program, such as  
18 child care and activities to support work.

19 (B) Since the welfare reform effort began  
20 there has been a dramatic increase in work par-  
21 ticipation (including employment, community  
22 service, and work experience) among welfare re-  
23 cipients, as well as an unprecedented reduction  
24 in the caseload because recipients have left wel-  
25 fare for work.

1 (C) States are making policy choices and  
2 investment decisions best suited to the needs of  
3 their citizens.

4 (i) To expand aid to working families,  
5 almost all States disregard a portion of a  
6 family's earned income when determining  
7 benefit levels.

8 (ii) Most States increased the limits  
9 on countable assets above the former Aid  
10 to Families with Dependent Children  
11 (AFDC) program. Every State has in-  
12 creased the vehicle asset level above the  
13 prior AFDC limit for a family's primary  
14 automobile.

15 (iii) States are experimenting with  
16 programs to promote marriage and pater-  
17 nal involvement. Over half of the States  
18 have eliminated restrictions on 2-parent  
19 families. Many States use TANF, child  
20 support, or State funds to support commu-  
21 nity-based activities to help fathers become  
22 more involved in their children's lives or  
23 strengthen relationships between mothers  
24 and fathers.

1           (4) However, despite this success, there is still  
2 progress to be made. Policies that support and pro-  
3 mote more work, strengthen families, and enhance  
4 State flexibility are necessary to continue to build on  
5 the success of welfare reform.

6           (A) Significant numbers of welfare recipi-  
7 ents still are not engaged in employment-related  
8 activities. While all States have met the overall  
9 work participation rates required by law, in an  
10 average month, only 41 percent of all families  
11 with an adult participated in work activities  
12 that were countable toward the State's partici-  
13 pation rate. In fiscal year 2003, four jurisdic-  
14 tions failed to meet the more rigorous 2-parent  
15 work requirements, and 25 jurisdictions (States  
16 and territories) are not subject to the 2-parent  
17 requirements, most because they moved their 2-  
18 parent cases to separate State programs where  
19 they are not subject to a penalty for failing the  
20 2-parent rates.

21           (B) In 2002, 34 percent of all births in the  
22 U.S. were to unmarried women. And, with  
23 fewer teens entering marriage, the proportion of  
24 births to unmarried teens has increased dra-  
25 matically (80 percent in 2002 versus 30 percent

1 in 1970). The negative consequences of out-of-  
2 wedlock birth on the mother, the child, the fam-  
3 ily, and society are well documented. These in-  
4 clude increased likelihood of welfare depend-  
5 ency, increased risks of low birth weight, poor  
6 cognitive development, child abuse and neglect,  
7 and teen parenthood, and decreased likelihood  
8 of having an intact marriage during adulthood.

9 (C) There has been a dramatic rise in co-  
10 habitation as marriages have declined. It is esti-  
11 mated that 40 percent of children are expected  
12 to live in a cohabiting-parent family at some  
13 point during their childhood. Children in single-  
14 parent households and cohabiting-parent house-  
15 holds are at much higher risk of child abuse  
16 than children in intact married families.

17 (D) Children who live apart from their bio-  
18 logical fathers, on average, are more likely to be  
19 poor, experience educational, health, emotional,  
20 and psychological problems, be victims of child  
21 abuse, engage in criminal behavior, and become  
22 involved with the juvenile justice system than  
23 their peers who live with their married, biologi-  
24 cal mother and father. A child living with a sin-  
25 gle mother is nearly 5 times as likely to be poor

1 as a child living in a married-couple family. In  
2 2003, in married-couple families, the child pov-  
3 erty rate was 8.6 percent, and in households  
4 headed by a single mother the poverty rate was  
5 41.7 percent.

6 (5) Therefore, it is the sense of the Congress  
7 that increasing success in moving families from wel-  
8 fare to work, as well as in promoting healthy mar-  
9 riage and other means of improving child well-being,  
10 are very important Government interests and the  
11 policy contained in part A of title IV of the Social  
12 Security Act (as amended by this Act) is intended  
13 to serve those ends.

## 14 **TITLE I—TANF**

### 15 **SEC. 101. PURPOSES.**

16 Section 401(a) (42 U.S.C. 601(a)) is amended—

17 (1) in the matter preceding paragraph (1), by  
18 striking “increase” and inserting “improve child  
19 well-being by increasing”;

20 (2) in paragraph (1), by inserting “and serv-  
21 ices” after “assistance”;

22 (3) in paragraph (2), by striking “parents on  
23 government benefits” and inserting “families on gov-  
24 ernment benefits and reduce poverty”; and

1           (4) in paragraph (4), by striking “two-parent  
2           families” and inserting “healthy, 2-parent married  
3           families, and encourage responsible fatherhood”.

4 **SEC. 102. FAMILY ASSISTANCE GRANTS.**

5           (a) EXTENSION OF AUTHORITY.—Section  
6 403(a)(1)(A) (42 U.S.C. 603(a)(1)(A)) is amended—

7           (1) by striking “1996, 1997, 1998, 1999, 2000,  
8           2001, 2002, and 2003” and inserting “2006  
9           through 2010”; and

10           (2) by inserting “payable to the State for the  
11           fiscal year” before the period.

12           (b) STATE FAMILY ASSISTANCE GRANT.—Section  
13 403(a)(1)(C) (42 U.S.C. 603(a)(1)(C)) is amended by  
14 striking “fiscal year 2003” and inserting “each of fiscal  
15 years 2006 through 2010”.

16           (c) MATCHING GRANTS FOR THE TERRITORIES.—  
17 Section 1108(b)(2) (42 U.S.C. 1308(b)(2)) is amended by  
18 striking “1997 through 2003” and inserting “2006  
19 through 2010”.

20 **SEC. 103. PROMOTION OF FAMILY FORMATION AND**  
21 **HEALTHY MARRIAGE.**

22           (a) STATE PLANS.—Section 402(a)(1)(A) (42 U.S.C.  
23 602(a)(1)(A)) is amended by adding at the end the fol-  
24 lowing:

1                   “(vii) Encourage equitable treatment  
2                   of married, 2-parent families under the  
3                   program referred to in clause (i).”.

4           (b) HEALTHY MARRIAGE PROMOTION GRANTS; RE-  
5 PEAL OF BONUS FOR REDUCTION OF ILLEGITIMACY  
6 RATIO.—

7           (1) IN GENERAL.—Section 403(a)(2) (42  
8 U.S.C. 603(a)(2)) is amended to read as follows:

9           “(2) HEALTHY MARRIAGE PROMOTION  
10 GRANTS.—

11                   “(A) AUTHORITY.—The Secretary shall  
12                   award competitive grants to States, territories,  
13                   and tribal organizations for not more than 50  
14                   percent of the cost of developing and imple-  
15                   menting innovative programs to promote and  
16                   support healthy, married, 2-parent families.

17                   “(B) HEALTHY MARRIAGE PROMOTION AC-  
18                   TIVITIES.—Funds provided under subparagraph  
19                   (A) shall be used to support any of the fol-  
20                   lowing programs or activities:

21                           “(i) Public advertising campaigns on  
22                           the value of marriage and the skills needed  
23                           to increase marital stability and health.

1           “(ii) Education in high schools on the  
2 value of marriage, relationship skills, and  
3 budgeting.

4           “(iii) Marriage education, marriage  
5 skills, and relationship skills programs,  
6 that may include parenting skills, financial  
7 management, conflict resolution, and job  
8 and career advancement, for non-married  
9 pregnant women and non-married expect-  
10 ant fathers.

11           “(iv) Pre-marital education and mar-  
12 riage skills training for engaged couples  
13 and for couples or individuals interested in  
14 marriage.

15           “(v) Marriage enhancement and mar-  
16 riage skills training programs for married  
17 couples.

18           “(vi) Divorce reduction programs that  
19 teach relationship skills.

20           “(vii) Marriage mentoring programs  
21 which use married couples as role models  
22 and mentors in at-risk communities.

23           “(viii) Programs to reduce the dis-  
24 incentives to marriage in means-tested aid  
25 programs, if offered in conjunction with

1 any activity described in this subpara-  
2 graph.

3 “(C) APPROPRIATION.—

4 “(i) IN GENERAL.—Out of any money  
5 in the Treasury of the United States not  
6 otherwise appropriated, there are appro-  
7 priated for each of fiscal years 2005  
8 through 2010 \$100,000,000 for grants  
9 under this paragraph.

10 “(ii) EXTENDED AVAILABILITY OF  
11 FY2005 FUNDS.—Funds appropriated  
12 under clause (i) for fiscal year 2005 shall  
13 remain available to the Secretary through  
14 fiscal year 2006, for grants under this  
15 paragraph for fiscal year 2005.”.

16 (2) EFFECTIVE DATE.—The amendment made  
17 by paragraph (1) shall take effect on the date of the  
18 enactment of this Act.

19 (c) COUNTING OF SPENDING ON NON-ELIGIBLE  
20 FAMILIES TO PREVENT AND REDUCE INCIDENCE OF  
21 OUT-OF-WEDLOCK BIRTHS, ENCOURAGE FORMATION  
22 AND MAINTENANCE OF HEALTHY, 2-PARENT MARRIED  
23 FAMILIES, OR ENCOURAGE RESPONSIBLE FATHER-  
24 HOOD.—Section 409(a)(7)(B)(i) (42 U.S.C.

1 609(a)(7)(B)(i) is amended by adding at the end the fol-  
 2 lowing:

3                                   “(V) COUNTING OF SPENDING  
 4                                   ON NON-ELIGIBLE FAMILIES TO PRE-  
 5                                   VENT AND REDUCE INCIDENCE OF  
 6                                   OUT-OF-WEDLOCK BIRTHS, ENCOUR-  
 7                                   AGE FORMATION AND MAINTENANCE  
 8                                   OF HEALTHY, 2-PARENT MARRIED  
 9                                   FAMILIES, OR ENCOURAGE RESPON-  
 10                                  SIBLE FATHERHOOD.—The term  
 11                                  ‘qualified State expenditures’ includes  
 12                                  the total expenditures by the State  
 13                                  during the fiscal year under all State  
 14                                  programs for a purpose described in  
 15                                  paragraph (3) or (4) of section  
 16                                  401(a).”.

17 **SEC. 104. SUPPLEMENTAL GRANT FOR POPULATION IN-**  
 18 **CREASES IN CERTAIN STATES.**

19       Section 403(a)(3) (42 U.S.C. 603(a)(3)) is amend-  
 20 ed—

21                   (1) in subparagraph (E)—

22                                   (A) by striking “1998, 1999, 2000, and  
 23                                   2001” and inserting “2006 through 2009”; and

24                                   (B) by striking “, in a total amount not to  
 25                                   exceed \$800,000,000”;

1           (2) in subparagraph (G), by striking “2001”  
2           and inserting “2009”; and

3           (3) by striking subparagraph (H) and inserting  
4           the following:

5                   “(H) FURTHER PRESERVATION OF GRANT  
6           AMOUNTS.—A State that was a qualifying State  
7           under this paragraph for fiscal year 2004 or  
8           any prior fiscal year shall be entitled to receive  
9           from the Secretary for each of fiscal years 2006  
10          through 2009 a grant in an amount equal to  
11          the amount required to be paid to the State  
12          under this paragraph for the most recent fiscal  
13          year for which the State was a qualifying  
14          State.”.

15 **SEC. 105. BONUS TO REWARD EMPLOYMENT ACHIEVE-**  
16 **MENT.**

17          (a) IN GENERAL.—Section 403(a)(4) (42 U.S.C.  
18 603(a)(4)) is amended—

19               (1) in the paragraph heading, by striking  
20               “HIGH PERFORMANCE STATES” and inserting “EM-  
21               PLOYMENT ACHIEVEMENT”; and

22               (2) by striking subparagraphs (A) through (F)  
23               and inserting the following:

24                   “(A) IN GENERAL.—The Secretary shall  
25           make a grant pursuant to this paragraph to

1 each State for each bonus year for which the  
2 State is an employment achievement State.

3 “(B) AMOUNT OF GRANT.—

4 “(i) IN GENERAL.—Subject to clause  
5 (ii) of this subparagraph, the Secretary  
6 shall determine the amount of the grant  
7 payable under this paragraph to an em-  
8 ployment achievement State for a bonus  
9 year, which shall be based on the perform-  
10 ance of the State as determined under sub-  
11 paragraph (D)(i) for the fiscal year that  
12 immediately precedes the bonus year.

13 “(ii) LIMITATION.—The amount pay-  
14 able to a State under this paragraph for a  
15 bonus year shall not exceed 5 percent of  
16 the State family assistance grant.

17 “(C) FORMULA FOR MEASURING STATE  
18 PERFORMANCE.—

19 “(i) IN GENERAL.—Subject to clause  
20 (ii), not later than October 1, 2006, the  
21 Secretary, in consultation with the States,  
22 shall develop a formula for measuring  
23 State performance in operating the State  
24 program funded under this part so as to  
25 achieve the goals of employment entry, job

1 retention, and increased earnings from em-  
2 ployment for families receiving assistance  
3 under the program, as measured on an ab-  
4 solute basis and on the basis of improve-  
5 ment in State performance.

6 “(ii) SPECIAL RULE FOR BONUS YEAR  
7 2006.—For the purposes of awarding a  
8 bonus under this paragraph for bonus year  
9 2006, the Secretary may measure the per-  
10 formance of a State in fiscal year 2005  
11 using the job entry rate, job retention rate,  
12 and earnings gain rate components of the  
13 formula developed under section  
14 403(a)(4)(C) as in effect immediately be-  
15 fore the effective date of this paragraph.

16 “(D) DETERMINATION OF STATE PER-  
17 FORMANCE.—For each bonus year, the Sec-  
18 retary shall—

19 “(i) use the formula developed under  
20 subparagraph (C) to determine the per-  
21 formance of each eligible State for the fis-  
22 cal year that precedes the bonus year; and

23 “(ii) prescribe performance standards  
24 in such a manner so as to ensure that—

1           “(I) the average annual total  
2           amount of grants to be made under  
3           this paragraph for each bonus year  
4           equals \$100,000,000; and

5           “(II) the total amount of grants  
6           to be made under this paragraph for  
7           all bonus years equals \$600,000,000.

8           “(E) DEFINITIONS.—In this paragraph:

9           “(i) BONUS YEAR.—The term ‘bonus  
10          year’ means each of fiscal years 2006  
11          through 2011.

12          “(ii) EMPLOYMENT ACHIEVEMENT  
13          STATE.—The term ‘employment achieve-  
14          ment State’ means, with respect to a bonus  
15          year, an eligible State whose performance  
16          determined pursuant to subparagraph  
17          (D)(i) for the fiscal year preceding the  
18          bonus year equals or exceeds the perform-  
19          ance standards prescribed under subpara-  
20          graph (D)(ii) for such preceding fiscal  
21          year.

22          “(F) APPROPRIATION.—

23          “(i) IN GENERAL.—Out of any money  
24          in the Treasury of the United States not  
25          otherwise appropriated, there are appro-

1            appropriated for fiscal years 2006 through 2011  
2            \$600,000,000 for grants under this para-  
3            graph.

4            “(ii) EXTENDED AVAILABILITY OF  
5            PRIOR APPROPRIATION.—Amounts appro-  
6            priated under section 403(a)(4)(F) of the  
7            Social Security Act (as in effect before the  
8            date of the enactment of this clause) that  
9            have not been expended as of such date of  
10           enactment shall remain available through  
11           fiscal year 2006 for grants under section  
12           403(a)(4) of such Act (as in effect before  
13           such date of enactment) for bonus year  
14           2005.

15           “(G) GRANTS FOR TRIBAL ORGANIZA-  
16           TIONS.—This paragraph shall apply with re-  
17           spect to tribal organizations in the same man-  
18           ner in which this paragraph applies with re-  
19           spect to States. In determining the criteria  
20           under which to make grants to tribal organiza-  
21           tions under this paragraph, the Secretary shall  
22           consult with tribal organizations.”.

23           (b) EFFECTIVE DATE.—The amendments made by  
24           subsection (a) shall take effect on the date of the enact-  
25           ment of this Act.

1 **SEC. 106. CONTINGENCY FUND.**

2 (a) DEPOSITS INTO FUND.—Section 403(b)(2) (42  
3 U.S.C. 603(b)(2)) is amended—

4 (1) by striking “1997, 1998, 1999, 2000, 2001,  
5 2002, and 2003” and inserting “2006 through  
6 2010”; and

7 (2) by striking all that follows  
8 “\$2,000,000,000” and inserting a period.

9 (b) GRANTS.—Section 403(b)(3)(C)(ii) (42 U.S.C.  
10 603(b)(3)(C)(ii)) is amended by striking “fiscal years  
11 1997 through 2005” and inserting “fiscal years 2006  
12 through 2010”.

13 (c) DEFINITION OF NEEDY STATE.—Clauses (i) and  
14 (ii) of section 403(b)(5)(B) (42 U.S.C. 603(b)(5)(B)) are  
15 amended by inserting after “1996” the following: “, and  
16 the Food Stamp Act of 1977 as in effect during the cor-  
17 responding 3-month period in the fiscal year preceding  
18 such most recently concluded 3-month period,”.

19 (d) ANNUAL RECONCILIATION: FEDERAL MATCHING  
20 OF STATE EXPENDITURES ABOVE “MAINTENANCE OF  
21 EFFORT” LEVEL.—Section 403(b)(6) (42 U.S.C.  
22 603(b)(6)) is amended—

23 (1) in subparagraph (A)(ii)—

24 (A) by adding “and” at the end of sub-  
25 clause (I);

1 (B) by striking “; and” at the end of sub-  
2 clause (II) and inserting a period; and

3 (C) by striking subclause (III);

4 (2) in subparagraph (B)(i)(II), by striking all  
5 that follows “section 409(a)(7)(B)(iii)” and insert-  
6 ing a period;

7 (3) by amending subparagraph (B)(ii)(I) to  
8 read as follows:

9 “(I) the qualified State expendi-  
10 tures (as defined in section  
11 409(a)(7)(B)(i)) for the fiscal year;  
12 plus”; and

13 (4) by striking subparagraph (C).

14 (e) CONSIDERATION OF CERTAIN CHILD CARE EX-  
15 PENDITURES IN DETERMINING STATE COMPLIANCE  
16 WITH CONTINGENCY FUND MAINTENANCE OF EFFORT  
17 REQUIREMENT.—Section 409(a)(10) (42 U.S.C.  
18 609(a)(10)) is amended—

19 (1) by striking “(other than the expenditures  
20 described in subclause (I)(bb) of that paragraph))  
21 under the State program funded under this part”  
22 and inserting a close parenthesis; and

23 (2) by striking “excluding any amount ex-  
24 pended by the State for child care under subsection

1 (g) or (i) of section 402 (as in effect during fiscal  
2 year 1994) for fiscal year 1994.”.

3 **SEC. 107. USE OF FUNDS.**

4 (a) GENERAL RULES.—Section 404(a)(2) (42 U.S.C.  
5 604(a)(2)) is amended by striking “in any manner that”  
6 and inserting “for any purposes or activities for which”.

7 (b) TREATMENT OF INTERSTATE IMMIGRANTS.—

8 (1) STATE PLAN PROVISION.—Section  
9 402(a)(1)(B) (42 U.S.C. 602(a)(1)(B)) is amended  
10 by striking clause (i) and redesignating clauses (ii)  
11 through (iv) as clauses (i) through (iii), respectively.

12 (2) USE OF FUNDS.—Section 404 (42 U.S.C.  
13 604) is amended by striking subsection (c).

14 (c) INCREASE IN AMOUNT TRANSFERABLE TO CHILD  
15 CARE.—Section 404(d)(1) (42 U.S.C. 604(d)(1)) is  
16 amended by striking “30” and inserting “50”.

17 (d) INCREASE IN AMOUNT TRANSFERABLE TO TITLE  
18 XX PROGRAMS.—Section 404(d)(2)(B) (42 U.S.C.  
19 604(d)(2)(B)) is amended to read as follows:

20 “(B) APPLICABLE PERCENT.—For pur-  
21 poses of subparagraph (A), the applicable per-  
22 cent is 10 percent for fiscal year 2006 and each  
23 succeeding fiscal year.”.

24 (e) CLARIFICATION OF AUTHORITY OF STATES TO  
25 USE TANF FUNDS CARRIED OVER FROM PRIOR YEARS

1 TO PROVIDE TANF BENEFITS AND SERVICES.—Section  
2 404(e) (42 U.S.C. 604(e)) is amended to read as follows:

3 “(e) AUTHORITY TO CARRYOVER OR RESERVE CER-  
4 TAIN AMOUNTS FOR BENEFITS OR SERVICES OR FOR FU-  
5 TURE CONTINGENCIES.—

6 “(1) CARRYOVER.—A State or tribe may use a  
7 grant made to the State or tribe under this part for  
8 any fiscal year to provide, without fiscal year limita-  
9 tion, any benefit or service that may be provided  
10 under the State or tribal program funded under this  
11 part.

12 “(2) CONTINGENCY RESERVE.—A State or tribe  
13 may designate any portion of a grant made to the  
14 State or tribe under this part as a contingency re-  
15 serve for future needs, and may use any amount so  
16 designated to provide, without fiscal year limitation,  
17 any benefit or service that may be provided under  
18 the State or tribal program funded under this part.  
19 If a State or tribe so designates a portion of such  
20 a grant, the State shall, on an annual basis, include  
21 in its report under section 411(a) the amount so  
22 designated.”.

1 **SEC. 108. REPEAL OF FEDERAL LOAN FOR STATE WELFARE**  
 2 **PROGRAMS.**

3 (a) REPEAL.—Section 406 (42 U.S.C. 606) is re-  
 4 pealed.

5 (b) CONFORMING AMENDMENTS.—

6 (1) Section 409(a) (42 U.S.C. 609(a)) is  
 7 amended by striking paragraph (6).

8 (2) Section 412 (42 U.S.C. 612) is amended by  
 9 striking subsection (f) and redesignating subsections  
 10 (g) through (i) as subsections (f) through (h), re-  
 11 spectively.

12 (3) Section 1108(a)(2) (42 U.S.C. 1308(a)(2))  
 13 is amended by striking “406,”.

14 **SEC. 109. UNIVERSAL ENGAGEMENT AND FAMILY SELF-**  
 15 **SUFFICIENCY PLAN REQUIREMENTS.**

16 (a) MODIFICATION OF STATE PLAN REQUIRE-  
 17 MENTS.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A))  
 18 is amended by striking clauses (ii) and (iii) and inserting  
 19 the following:

20 “(ii) Require a parent or caretaker re-  
 21 ceiving assistance under the program to  
 22 engage in work or alternative self-suffi-  
 23 ciency activities (as defined by the State),  
 24 consistent with section 407(e)(2).

25 “(iii) Require families receiving assist-  
 26 ance under the program to engage in ac-

1                   activities in accordance with family self-suffi-  
 2                   ciency plans developed pursuant to section  
 3                   408(b).”.

4           (b) ESTABLISHMENT OF FAMILY SELF-SUFFICIENCY  
 5 PLANS.—

6           (1) IN GENERAL.—Section 408(b) (42 U.S.C.  
 7           608(b)) is amended to read as follows:

8           “(b) FAMILY SELF-SUFFICIENCY PLANS.—

9           “(1) IN GENERAL.—A State to which a grant  
 10           is made under section 403 shall—

11                   “(A) assess, in the manner deemed appro-  
 12                   priate by the State, the skills, prior work expe-  
 13                   rience, and employability of each work-eligible  
 14                   individual (as defined in section 407(b)(2)(C))  
 15                   receiving assistance under the State program  
 16                   funded under this part;

17                   “(B) establish for each family that in-  
 18                   cludes such an individual, in consultation as the  
 19                   State deems appropriate with the individual, a  
 20                   self-sufficiency plan that specifies appropriate  
 21                   activities described in the State plan submitted  
 22                   pursuant to section 402, including direct work  
 23                   activities as appropriate designed to assist the  
 24                   family in achieving their maximum degree of  
 25                   self-sufficiency, and that provides for the ongo-

1 ing participation of the individual in the activi-  
2 ties;

3 “(C) require, at a minimum, each such in-  
4 dividual to participate in activities in accord-  
5 ance with the self-sufficiency plan;

6 “(D) monitor the participation of each  
7 such individual in the activities specified in the  
8 self sufficiency plan, and regularly review the  
9 progress of the family toward self-sufficiency;

10 “(E) upon such a review, revise the self-  
11 sufficiency plan and activities as the State  
12 deems appropriate.

13 “(2) TIMING.—The State shall comply with  
14 paragraph (1) with respect to a family—

15 “(A) in the case of a family that, as of Oc-  
16 tober 1, 2005, is not receiving assistance from  
17 the State program funded under this part, not  
18 later than 60 days after the family first receives  
19 assistance on the basis of the most recent appli-  
20 cation for the assistance; or

21 “(B) in the case of a family that, as of  
22 such date, is receiving the assistance, not later  
23 than 12 months after the date of enactment of  
24 this subsection.

1           “(3) STATE DISCRETION.—A State shall have  
 2           sole discretion, consistent with section 407, to define  
 3           and design activities for families for purposes of this  
 4           subsection, to develop methods for monitoring and  
 5           reviewing progress pursuant to this subsection, and  
 6           to make modifications to the plan as the State  
 7           deems appropriate to assist the individual in increas-  
 8           ing their degree of self-sufficiency.

9           “(4) RULE OF INTERPRETATION.—Nothing in  
 10          this part shall preclude a State from requiring par-  
 11          ticipation in work and any other activities the State  
 12          deems appropriate for helping families achieve self-  
 13          sufficiency and improving child well-being.”.

14          (2) PENALTY FOR FAILURE TO ESTABLISH  
 15          FAMILY SELF-SUFFICIENCY PLAN.—Section  
 16          409(a)(3) (42 U.S.C. 609(a)(3)) is amended—

17                 (A) in the paragraph heading, by inserting  
 18                 “or establish family self-sufficiency plan” after  
 19                 “rates”; and

20                 (B) in subparagraph (A), by inserting “or  
 21                 408(b)” after “407(a)”.

22 **SEC. 110. WORK PARTICIPATION REQUIREMENTS.**

23          (a) ELIMINATION OF SEPARATE PARTICIPATION  
 24          RATE REQUIREMENTS FOR 2-PARENT FAMILIES.—

1           (1) Section 407 (42 U.S.C. 607) is amended in  
2 each of subsections (a) and (b) by striking para-  
3 graph (2).

4           (2) Section 407(b)(4) (42 U.S.C. 607(b)(4)) is  
5 amended by striking “paragraphs (1)(B) and  
6 (2)(B)” and inserting “paragraph (1)(B)”.

7           (3) Section 407(c)(1) (42 U.S.C. 607(c)(1)) is  
8 amended by striking subparagraph (B).

9           (4) Section 407(c)(2)(D) (42 U.S.C.  
10 607(c)(2)(D)) is amended by striking “paragraphs  
11 (1)(B)(i) and (2)(B) of subsection (b)” and inserting  
12 “subsection (b)(1)(B)(i)”.

13       (b) WORK PARTICIPATION REQUIREMENTS.—Section  
14 407 (42 U.S.C. 607) is amended by striking all that pre-  
15 cedes subsection (b)(3) and inserting the following:

16 **“SEC. 407. WORK PARTICIPATION REQUIREMENTS.**

17       “(a) PARTICIPATION RATE REQUIREMENTS.—

18           “(1) IN GENERAL.—Subject to the succeeding  
19 provisions of this section, a State to which a grant  
20 is made under section 403 for a fiscal year shall  
21 achieve a minimum participation rate equal to not  
22 less than—

23                   “(A) 50 percent for fiscal year 2006;

24                   “(B) 55 percent for fiscal year 2007;

25                   “(C) 60 percent for fiscal year 2008;

1           “(D) 65 percent for fiscal year 2009; and

2           “(E) 70 percent for fiscal year 2010 and  
3 each succeeding fiscal year.

4           “(2) MINIMUM PARTICIPATION RATE FLOOR.—

5           “(A) IN GENERAL.—A State to which a  
6 grant is made under section 403 for a fiscal  
7 year shall achieve a minimum participation rate  
8 floor, calculated in accordance with subpara-  
9 graph (B), that is not less than—

10                   “(i) 10 percent for fiscal year 2006;

11                   “(ii) 20 percent for fiscal year 2007;

12                   “(iii) 30 percent for fiscal year 2008;

13                   “(iv) 40 percent for fiscal year 2009;

14                   and

15                   “(v) 55 percent for fiscal year 2010

16                   and each succeeding fiscal year.

17           “(B) CALCULATION OF PARTICIPATION

18 RATES FOR DETERMINING COMPLIANCE WITH

19 MINIMUM PARTICIPATION RATE FLOOR.—

20                   “(i) IN GENERAL.—For purposes of

21 determining compliance with subparagraph

22 (A), the provisions of subsection (b) shall

23 apply with respect to the calculation of the

24 participation rate of a State for a fiscal

1 year except as provided in clauses (ii) and  
2 (iii).

3 “(ii) SPECIAL RULES.—For purposes  
4 of this paragraph—

5 “(I) a reduction under subsection  
6 (b)(3) shall not be applied with re-  
7 spect to a State for a fiscal year to  
8 the extent it would reduce the min-  
9 imum participation rate the State is  
10 otherwise required to meet below the  
11 level specified in subparagraph (A) for  
12 such fiscal year;

13 “(II) the participation rate deter-  
14 mined under paragraphs (1) and (2)  
15 of subsection (b) for a State for a fis-  
16 cal year may not be increased as pro-  
17 vided in subsection (b)(4) if the  
18 State’s participation rate (as so deter-  
19 mined) is below the level specified for  
20 such fiscal year in subparagraph (A);  
21 and

22 “(III) the options to exclude cer-  
23 tain families for purposes of deter-  
24 mining monthly participation rates

1 provided in subsection (b)(2)(B)(ii)  
 2 shall not apply.

3 “(iii) DEFINITION OF ASSISTANCE.—

4 For purposes of this paragraph, the term  
 5 ‘assistance’ in subsection (b) shall be  
 6 deemed to mean assistance to a family  
 7 that—

8 “(I) meets the definition of that  
 9 term in section 419; and

10 “(II) is provided—

11 “(aa) under the State pro-  
 12 gram funded under this part; or

13 “(bb) under a program  
 14 funded with qualified State ex-  
 15 penditures (as defined in section  
 16 409(a)(7)(B)(i)).

17 “(C) NO WORK REQUIREMENT IMPOSED  
 18 FOR FAMILIES WITH AN INFANT.—Nothing in  
 19 this paragraph shall be construed as requiring  
 20 a State to require a family in which the young-  
 21 est child has not attained 12 months of age to  
 22 engage in work or other activities.

23 “(b) CALCULATION OF PARTICIPATION RATES.—

24 “(1) AVERAGE MONTHLY RATE.—For purposes  
 25 of subsection (a), the participation rate of a State

1 for a fiscal year is the average of the participation  
2 rates of the State for each month in the fiscal year.

3 “(2) MONTHLY PARTICIPATION RATES; INCOR-  
4 PORATION OF 40-HOUR WORK WEEK STANDARD.—

5 “(A) IN GENERAL.—For purposes of para-  
6 graph (1), the participation rate of a State for  
7 a month is—

8 “(i) the total number of countable  
9 hours (as defined in subsection (c)) with  
10 respect to the counted families for the  
11 State for the month; divided by

12 “(ii) 160 multiplied by the number of  
13 counted families for the State for the  
14 month.

15 “(B) COUNTED FAMILIES DEFINED.—

16 “(i) IN GENERAL.—In subparagraph  
17 (A), the term ‘counted family’ means, with  
18 respect to a State and a month, a family  
19 that includes a work-eligible individual and  
20 that receives assistance in the month under  
21 the State program funded under this part,  
22 subject to clause (ii).

23 “(ii) STATE OPTION TO EXCLUDE  
24 CERTAIN FAMILIES.—At the option of a

1 State, the term ‘counted family’ shall not  
2 include—

3 “(I) a family in the first month  
4 for which the family receives assist-  
5 ance from a State program funded  
6 under this part on the basis of the  
7 most recent application for such as-  
8 sistance; or

9 “(II) on a case-by-case basis, a  
10 family in which the youngest child has  
11 not attained 12 months of age.

12 “(iii) STATE OPTION TO INCLUDE IN-  
13 DIVIDUALS RECEIVING ASSISTANCE UNDER  
14 A TRIBAL FAMILY ASSISTANCE PLAN OR  
15 TRIBAL WORK PROGRAM.—At the option of  
16 a State, the term ‘counted family’ may in-  
17 clude families in the State that are receiv-  
18 ing assistance under a tribal family assist-  
19 ance plan approved under section 412 or  
20 under a tribal work program to which  
21 funds are provided under this part.

22 “(C) WORK-ELIGIBLE INDIVIDUAL DE-  
23 FINED.—In this section, the term ‘work-eligible  
24 individual’ means an individual—

1           “(i) who is married or a single head  
2           of household; and

3           “(ii) whose needs are (or, but for  
4           sanctions under this part that have been in  
5           effect for more than 3 months (whether or  
6           not consecutive) in the preceding 12  
7           months or under part D, would be) in-  
8           cluded in determining the amount of cash  
9           assistance to be provided to the family  
10          under the State program funded under this  
11          part.”.

12          (c) RECALIBRATION OF CASELOAD REDUCTION  
13 CREDIT.—

14           (1) IN GENERAL.—Section 407(b)(3)(A)(ii) (42  
15          U.S.C. 607(b)(3)(A)(ii)) is amended to read as fol-  
16          lows:

17                   “(ii) the average monthly number of  
18                   families that received assistance under the  
19                   State program funded under this part dur-  
20                   ing the base year.”.

21           (2) CONFORMING AMENDMENT.—Section  
22          407(b)(3)(B) (42 U.S.C. 607(b)(3)(B)) is amended  
23          by striking “and eligibility criteria” and all that fol-  
24          lows through the close parenthesis and inserting

1 “and the eligibility criteria in effect during the then  
2 applicable base year”.

3 (3) BASE YEAR DEFINED.—Section 407(b)(3)  
4 (42 U.S.C. 607(b)(3)) is amended by adding at the  
5 end the following:

6 “(C) BASE YEAR DEFINED.—In this para-  
7 graph, the term ‘base year’ means, with respect  
8 to a fiscal year—

9 “(i) if the fiscal year is fiscal year  
10 2006, fiscal year 1996;

11 “(ii) if the fiscal year is fiscal year  
12 2007, fiscal year 1998;

13 “(iii) if the fiscal year is fiscal year  
14 2008, fiscal year 2001; or

15 “(iv) if the fiscal year is fiscal year  
16 2009 or any succeeding fiscal year, the  
17 then 4th preceding fiscal year.”.

18 (d) SUPERACHIEVER CREDIT.—Section 407(b) (42  
19 U.S.C. 607(b)) is amended by striking paragraphs (4) and  
20 (5) and inserting the following:

21 “(4) SUPERACHIEVER CREDIT.—

22 “(A) IN GENERAL.—The participation  
23 rate, determined under paragraphs (1) and (2)  
24 of this subsection, of a superachiever State for

1 a fiscal year shall be increased by the lesser  
2 of—

3 “(i) the amount (if any) of the super-  
4 achiever credit applicable to the State; or

5 “(ii) the number of percentage points  
6 (if any) by which the minimum participa-  
7 tion rate required by subsection (a) for the  
8 fiscal year exceeds 50 percent.

9 “(B) SUPERACHIEVER STATE.—For pur-  
10 poses of subparagraph (A), a State is a super-  
11 achiever State if the State caseload for fiscal  
12 year 2001 has declined by at least 60 percent  
13 from the State caseload for fiscal year 1995.

14 “(C) AMOUNT OF CREDIT.—The super-  
15 achiever credit applicable to a State is the num-  
16 ber of percentage points (if any) by which the  
17 decline referred to in subparagraph (B) exceeds  
18 60 percent.

19 “(D) DEFINITIONS.—In this paragraph:

20 “(i) STATE CASELOAD FOR FISCAL  
21 YEAR 2001.—The term ‘State caseload for  
22 fiscal year 2001’ means the average  
23 monthly number of families that received  
24 assistance during fiscal year 2001 under  
25 the State program funded under this part.

1                   “(ii) STATE CASELOAD FOR FISCAL  
 2                   YEAR 1995.—The term ‘State caseload for  
 3                   fiscal year 1995’ means the average  
 4                   monthly number of families that received  
 5                   aid under the State plan approved under  
 6                   part A (as in effect on September 30,  
 7                   1995) during fiscal year 1995.”.

8           (e) COUNTABLE HOURS.—Section 407 of such Act  
 9 (42 U.S.C. 607) is amended by striking subsections (c)  
 10 and (d) and inserting the following:

11           “(c) COUNTABLE HOURS.—

12                   “(1) DEFINITION.—In subsection (b)(2), the  
 13                   term ‘countable hours’ means, with respect to a fam-  
 14                   ily for a month, the total number of hours in the  
 15                   month in which any member of the family who is a  
 16                   work-eligible individual is engaged in a direct work  
 17                   activity or other activities specified by the State (ex-  
 18                   cluding an activity that does not address a purpose  
 19                   specified in section 401(a)), subject to the other pro-  
 20                   visions of this subsection.

21                   “(2) LIMITATIONS.—Subject to such regula-  
 22                   tions as the Secretary may prescribe:

23                           “(A) MINIMUM WEEKLY AVERAGE OF 24  
 24                           HOURS OF DIRECT WORK ACTIVITIES RE-  
 25                           QUIRED.—If the work-eligible individuals in a

1 family are engaged in a direct work activity for  
2 an average total of fewer than 24 hours per  
3 week in a month, then the number of countable  
4 hours with respect to the family for the month  
5 shall be zero.

6 “(B) MAXIMUM WEEKLY AVERAGE OF 16  
7 HOURS OF OTHER ACTIVITIES.—An average of  
8 not more than 16 hours per week of activities  
9 specified by the State (subject to the exclusion  
10 described in paragraph (1)) may be considered  
11 countable hours in a month with respect to a  
12 family.

13 “(3) SPECIAL RULES.—For purposes of para-  
14 graph (1):

15 “(A) PARTICIPATION IN QUALIFIED AC-  
16 TIVITIES.—

17 “(i) IN GENERAL.—If, with the ap-  
18 proval of the State, the work-eligible indi-  
19 viduals in a family are engaged in 1 or  
20 more qualified activities for an average  
21 total of at least 24 hours per week in a  
22 month, then all such engagement in the  
23 month shall be considered engagement in a  
24 direct work activity, subject to clause (iii).

1           “(ii) QUALIFIED ACTIVITY DE-  
2           FINED.—The term ‘qualified activity’  
3           means an activity specified by the State  
4           (subject to the exclusion described in para-  
5           graph (1)) that meets such standards and  
6           criteria as the State may specify, includ-  
7           ing—

8                   “(I) substance abuse counseling  
9                   or treatment;

10                   “(II) rehabilitation treatment  
11                   and services;

12                   “(III) work-related education or  
13                   training directed at enabling the fam-  
14                   ily member to work;

15                   “(IV) job search or job readiness  
16                   assistance; and

17                   “(V) any other activity that ad-  
18                   dresses a purpose specified in section  
19                   401(a).

20           “(iii) LIMITATION.—

21                   “(I) IN GENERAL.—Except as  
22                   provided in subclause (II), clause (i)  
23                   shall not apply to a family for more  
24                   than 3 months in any period of 24  
25                   consecutive months.

1                   “(II) SPECIAL RULE APPLICABLE  
2                   TO EDUCATION AND TRAINING.—A  
3                   State may, on a case-by-case basis,  
4                   apply clause (i) to a work-eligible indi-  
5                   vidual so that participation by the in-  
6                   dividual in education or training, if  
7                   needed to permit the individual to  
8                   complete a certificate program or  
9                   other work-related education or train-  
10                  ing directed at enabling the individual  
11                  to fill a known job need in a local  
12                  area, may be considered countable  
13                  hours with respect to the family of the  
14                  individual for not more than 4 months  
15                  in any period of 24 consecutive  
16                  months.

17                  “(B) SCHOOL ATTENDANCE BY TEEN  
18                  HEAD OF HOUSEHOLD.—The work-eligible  
19                  members of a family shall be considered to be  
20                  engaged in a direct work activity for an average  
21                  of 40 hours per week in a month if the family  
22                  includes an individual who is married, or is a  
23                  single head of household, who has not attained  
24                  20 years of age, and the individual—

1                   “(i) maintains satisfactory attendance  
2                   at secondary school or the equivalent in  
3                   the month; or

4                   “(ii) participates in education directly  
5                   related to employment for an average of at  
6                   least 20 hours per week in the month.

7           “(d) DIRECT WORK ACTIVITY.—In this section, the  
8 term ‘direct work activity’ means—

9                   “(1) unsubsidized employment;

10                  “(2) subsidized private sector employment;

11                  “(3) subsidized public sector employment;

12                  “(4) on-the-job training;

13                  “(5) supervised work experience; or

14                  “(6) supervised community service.”.

15           (f) PENALTIES AGAINST INDIVIDUALS.—Section  
16 407(e)(1) (42 U.S.C. 607(e)(1)) is amended to read as  
17 follows:

18                   “(1) REDUCTION OR TERMINATION OF ASSIST-  
19 ANCE.—

20                   “(A) IN GENERAL.—Except as provided in  
21 paragraph (2), if an individual in a family re-  
22 ceiving assistance under a State program fund-  
23 ed under this part fails to engage in activities  
24 required in accordance with this section, or  
25 other activities required by the State under the

1 program, and the family does not otherwise en-  
2 gage in activities in accordance with the self-  
3 sufficiency plan established for the family pur-  
4 suant to section 408(b), the State shall—

5 “(i) if the failure is partial or persists  
6 for not more than 1 month—

7 “(I) reduce the amount of assist-  
8 ance otherwise payable to the family  
9 pro rata (or more, at the option of the  
10 State) with respect to any period dur-  
11 ing a month in which the failure oc-  
12 curs; or

13 “(II) terminate all assistance to  
14 the family, subject to such good cause  
15 exceptions as the State may establish;  
16 or

17 “(ii) if the failure is total and persists  
18 for at least 2 consecutive months, termi-  
19 nate all cash payments to the family in-  
20 cluding qualified State expenditures (as de-  
21 fined in section 409(a)(7)(B)(i)) for at  
22 least 1 month and thereafter until the  
23 State determines that the individual has  
24 resumed full participation in the activities,

1 subject to such good cause exceptions as  
2 the State may establish.

3 “(B) SPECIAL RULE.—

4 “(i) IN GENERAL.—In the event of a  
5 conflict between a requirement of clause  
6 (i)(II) or (ii) of subparagraph (A) and a  
7 requirement of a State constitution, or of  
8 a State statute that, before 1966, obligated  
9 local government to provide assistance to  
10 needy parents and children, the State con-  
11 stitutional or statutory requirement shall  
12 control.

13 “(ii) LIMITATION.—Clause (i) of this  
14 subparagraph shall not apply after the 1-  
15 year period that begins with the date of  
16 the enactment of this subparagraph.”.

17 (g) CONFORMING AMENDMENTS.—

18 (1) Section 407(f) (42 U.S.C. 607(f)) is amend-  
19 ed in each of paragraphs (1) and (2) by striking  
20 “work activity described in subsection (d)” and in-  
21 serting “direct work activity”.

22 (2) The heading of section 409(a)(14) (42  
23 U.S.C. 609(a)(14)) is amended by inserting “or re-  
24 fusing to engage in activities under a family self-suf-  
25 ficiency plan” after “work”.

1 **SEC. 111. MAINTENANCE OF EFFORT.**

2 (a) IN GENERAL.—Section 409(a)(7) (42 U.S.C.  
3 609(a)(7)) is amended—

4 (1) in subparagraph (A), by striking “fiscal  
5 year 1998, 1999, 2000, 2001, 2002, 2003, 2004,  
6 2005, or 2006” and inserting “fiscal year 2006,  
7 2007, 2008, 2009, 2010, or 2011”; and

8 (2) in subparagraph (B)(ii)—

9 (A) by inserting “preceding” before “fiscal  
10 year”; and

11 (B) by striking “for fiscal years 1997  
12 through 2005.”.

13 (b) STATE SPENDING ON PROMOTING HEALTHY  
14 MARRIAGE.—

15 (1) IN GENERAL.—Section 404 (42 U.S.C. 604)  
16 is amended by adding at the end the following:

17 “(1) MARRIAGE PROMOTION.—A State, territory, or  
18 tribal organization to which a grant is made under section  
19 403(a)(2) may use a grant made to the State, territory,  
20 or tribal organization under any other provision of section  
21 403 for marriage promotion activities, and the amount of  
22 any such grant so used shall be considered State funds  
23 for purposes of section 403(a)(2).”.

24 (2) FEDERAL TANF FUNDS USED FOR MAR-  
25 RIAGE PROMOTION DISREGARDED FOR PURPOSES OF  
26 MAINTENANCE OF EFFORT REQUIREMENT.—Section

1 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)), as  
2 amended by section 103(c) of this Act, is amended  
3 by adding at the end the following:

4 “(VI) EXCLUSION OF FEDERAL  
5 TANF FUNDS USED FOR MARRIAGE  
6 PROMOTION ACTIVITIES.—Such term  
7 does not include the amount of any  
8 grant made to the State under section  
9 403 that is expended for a marriage  
10 promotion activity.”.

11 **SEC. 112. PERFORMANCE IMPROVEMENT.**

12 (a) STATE PLANS.—Section 402(a) (42 U.S.C.  
13 602(a)) is amended—

14 (1) in paragraph (1)—

15 (A) in subparagraph (A)—

16 (i) by redesignating clause (vi) and  
17 clause (vii) (as added by section 103(a) of  
18 this Act) as clauses (vii) and (viii), respec-  
19 tively; and

20 (ii) by striking clause (v) and insert-  
21 ing the following:

22 “(v) The document shall—

23 “(I) describe how the State will  
24 pursue ending dependence of needy  
25 families on government benefits and

1 reducing poverty by promoting job  
2 preparation and work;

3 “(II) describe how the State will  
4 encourage the formation and mainte-  
5 nance of healthy 2-parent married  
6 families, encourage responsible father-  
7 hood, and prevent and reduce the inci-  
8 dence of out-of-wedlock pregnancies;

9 “(III) include specific, numerical,  
10 and measurable performance objec-  
11 tives for accomplishing subclauses (I)  
12 and (II), and with respect to sub-  
13 clause (I), include objectives con-  
14 sistent with the criteria used by the  
15 Secretary in establishing performance  
16 targets under section 403(a)(4)(B) if  
17 available; and

18 “(IV) describe the methodology  
19 that the State will use to measure  
20 State performance in relation to each  
21 such objective.

22 “(vi) Describe any strategies and pro-  
23 grams the State may be undertaking to ad-  
24 dress—

1           “(I) employment retention and  
2           advancement for recipients of assist-  
3           ance under the program, including  
4           placement into high-demand jobs, and  
5           whether the jobs are identified using  
6           labor market information;

7           “(II) efforts to reduce teen preg-  
8           nancy;

9           “(III) services for struggling and  
10          noncompliant families, and for clients  
11          with special problems; and

12          “(IV) program integration, in-  
13          cluding the extent to which employ-  
14          ment and training services under the  
15          program are provided through the  
16          One-Stop delivery system created  
17          under the Workforce Investment Act  
18          of 1998, and the extent to which  
19          former recipients of such assistance  
20          have access to additional core, inten-  
21          sive, or training services funded  
22          through such Act.”; and

23                 (B) in subparagraph (B), by striking  
24          clause (iii) (as so redesignated by section

1           107(b)(1) of this Act) and inserting the fol-  
2           lowing:

3                   “(iii) The document shall describe  
4                   strategies and programs the State is un-  
5                   dertaking to engage religious organizations  
6                   in the provision of services funded under  
7                   this part and efforts related to section 104  
8                   of the Personal Responsibility and Work  
9                   Opportunity Reconciliation Act of 1996.

10                   “(iv) The document shall describe  
11                   strategies to improve program manage-  
12                   ment and performance.”; and

13                   (2) in paragraph (4), by inserting “and tribal”  
14                   after “that local”.

15           (b) CONSULTATION WITH STATE REGARDING PLAN  
16 AND DESIGN OF TRIBAL PROGRAMS.—Section 412(b)(1)  
17 (42 U.S.C. 612(b)(1)) is amended—

18                   (1) by striking “and” at the end of subpara-  
19                   graph (E);

20                   (2) by striking the period at the end of sub-  
21                   paragraph (F) and inserting “; and”; and

22                   (3) by adding at the end the following:

23                           “(G) provides an assurance that the State  
24                           in which the tribe is located has been consulted  
25                           regarding the plan and its design.”.

1 (c) PERFORMANCE MEASURES.—Section 413 (42  
2 U.S.C. 613) is amended by adding at the end the fol-  
3 lowing:

4 “(k) PERFORMANCE IMPROVEMENT.—The Secretary,  
5 in consultation with the States, shall develop uniform per-  
6 formance measures designed to assess the degree of effec-  
7 tiveness, and the degree of improvement, of State pro-  
8 grams funded under this part in accomplishing the pur-  
9 poses of this part.”.

10 (d) ANNUAL RANKING OF STATES.—Section  
11 413(d)(1) (42 U.S.C. 613(d)(1)) is amended by striking  
12 “long-term private sector jobs” and inserting “private sec-  
13 tor jobs, the success of the recipients in retaining employ-  
14 ment, the ability of the recipients to increase their wages”.

15 **SEC. 113. DATA COLLECTION AND REPORTING.**

16 (a) CONTENTS OF REPORT.—Section 411(a)(1)(A)  
17 (42 U.S.C. 611(a)(1)(A)) is amended—

18 (1) in the matter preceding clause (i), by insert-  
19 ing “and on families receiving assistance under  
20 State programs funded with other qualified State ex-  
21 penditures (as defined in section 409(a)(7)(B))” be-  
22 fore the colon;

23 (2) in clause (vii), by inserting “and minor par-  
24 ent” after “of each adult”;

1           (3) in clause (viii), by striking “and educational  
2 level”;

3           (4) in clause (ix), by striking “, and if the lat-  
4 ter 2, the amount received”;

5           (5) in clause (x)—

6                 (A) by striking “each type of”; and

7                 (B) by inserting before the period “and, if  
8 applicable, the reason for receipt of the assist-  
9 ance for a total of more than 60 months”;

10          (6) in clause (xi), by striking the subclauses  
11 and inserting the following:

12                         “(I) Subsidized private sector  
13 employment.

14                         “(II) Unsubsidized employment.

15                         “(III) Public sector employment,  
16 supervised work experience, or super-  
17 vised community service.

18                         “(IV) On-the-job training.

19                         “(V) Job search and placement.

20                         “(VI) Training.

21                         “(VII) Education.

22                         “(VIII) Other activities directed  
23 at the purposes of this part, as speci-  
24 fied in the State plan submitted pur-  
25 suant to section 402.”;

1           (7) in clause (xii), by inserting “and progress  
2 toward universal engagement” after “participation  
3 rates”;

4           (8) in clause (xiii), by striking “type and” be-  
5 fore “amount of assistance”;

6           (9) in clause (xvi), by striking subclause (II)  
7 and redesignating subclauses (III) through (V) as  
8 subclauses (II) through (IV), respectively; and

9           (10) by adding at the end the following:

10                   “(xviii) The date the family first re-  
11 ceived assistance from the State program  
12 on the basis of the most recent application  
13 for such assistance.

14                   “(xix) Whether a self-sufficiency plan  
15 is established for the family in accordance  
16 with section 408(b).

17                   “(xx) With respect to any child in the  
18 family, the marital status of the parents at  
19 the birth of the child, and if the parents  
20 were not then married, whether the pater-  
21 nity of the child has been established.”.

22           (b) USE OF SAMPLES.—Section 411(a)(1)(B) (42  
23 U.S.C. 611(a)(1)(B)) is amended—

24                   (1) in clause (i)—

1 (A) by striking “a sample” and inserting  
2 “samples”; and

3 (B) by inserting before the period “, except  
4 that the Secretary may designate core data ele-  
5 ments that must be reported on all families”;  
6 and

7 (2) in clause (ii), by striking “funded under this  
8 part” and inserting “described in subparagraph  
9 (A)”.

10 (c) REPORT ON FAMILIES THAT BECOME INELI-  
11 GIBLE TO RECEIVE ASSISTANCE.—Section 411(a) (42  
12 U.S.C. 611(a)) is amended—

13 (1) by striking paragraph (5);

14 (2) by redesignating paragraph (6) as para-  
15 graph (5); and

16 (3) by inserting after paragraph (5) (as so re-  
17 designated) the following:

18 “(6) REPORT ON FAMILIES THAT BECOME IN-  
19 ELIGIBLE TO RECEIVE ASSISTANCE.—The report re-  
20 quired by paragraph (1) for a fiscal quarter shall in-  
21 clude for each month in the quarter the number of  
22 families and total number of individuals that, during  
23 the month, became ineligible to receive assistance  
24 under the State program funded under this part  
25 (broken down by the number of families that become

1 so ineligible due to earnings, changes in family com-  
2 position that result in increased earnings, sanctions,  
3 time limits, or other specified reasons).”.

4 (d) REGULATIONS.—Section 411(a)(7) (42 U.S.C.  
5 611(a)(7)) is amended—

6 (1) by inserting “and to collect the necessary  
7 data” before “with respect to which reports”;

8 (2) by striking “subsection” and inserting “sec-  
9 tion”; and

10 (3) by striking “in defining the data elements”  
11 and all that follows and inserting “, the National  
12 Governors’ Association, the American Public Human  
13 Services Association, the National Conference of  
14 State Legislatures, and others in defining the data  
15 elements.”.

16 (e) ADDITIONAL REPORTS BY STATES.—Section 411  
17 (42 U.S.C. 611) is amended—

18 (1) by redesignating subsection (b) as sub-  
19 section (e); and

20 (2) by inserting after subsection (a) the fol-  
21 lowing:

22 “(b) ANNUAL REPORTS ON PROGRAM CHARACTERIS-  
23 TICS.—Not later than 90 days after the end of fiscal year  
24 2006 and each succeeding fiscal year, each eligible State  
25 shall submit to the Secretary a report on the characteris-

1 ties of the State program funded under this part and other  
2 State programs funded with qualified State expenditures  
3 (as defined in section 409(a)(7)(B)(i)). The report shall  
4 include, with respect to each such program, the program  
5 name, a description of program activities, the program  
6 purpose, the program eligibility criteria, the sources of  
7 program funding, the number of program beneficiaries,  
8 sanction policies, and any program work requirements.

9       “(c) MONTHLY REPORTS ON CASELOAD.—Not later  
10 than 3 months after the end of a calendar month that  
11 begins 1 year or more after the enactment of this sub-  
12 section, each eligible State shall submit to the Secretary  
13 a report on the number of families and total number of  
14 individuals receiving assistance in the calendar month  
15 under the State program funded under this part.

16       “(d) ANNUAL REPORT ON PERFORMANCE IMPROVE-  
17 MENT.—Beginning with fiscal year 2007, not later than  
18 January 1 of each fiscal year, each eligible State shall sub-  
19 mit to the Secretary a report on achievement and improve-  
20 ment during the preceding fiscal year under the numerical  
21 performance goals and measures under the State program  
22 funded under this part with respect to each of the matters  
23 described in section 402(a)(1)(A)(v).”.

1 (f) ANNUAL REPORTS TO CONGRESS BY THE SEC-  
2 RETARY.—Section 411(e), as so redesignated by sub-  
3 section (e) of this section, is amended—

4 (1) in the matter preceding paragraph (1), by  
5 striking “and each fiscal year thereafter” and insert-  
6 ing “and by July 1 of each fiscal year thereafter”;

7 (2) in paragraph (2), by striking “families ap-  
8 plying for assistance,” and by striking the last  
9 comma; and

10 (3) in paragraph (3), by inserting “and other  
11 programs funded with qualified State expenditures  
12 (as defined in section 409(a)(7)(B)(i))” before the  
13 semicolon.

14 (g) INCREASED ANALYSIS OF STATE SINGLE AUDIT  
15 REPORTS.—Section 411 (42 U.S.C. 611) is amended by  
16 adding at the end the following:

17 “(f) INCREASED ANALYSIS OF STATE SINGLE AUDIT  
18 REPORTS.—

19 “(1) IN GENERAL.—Within 3 months after a  
20 State submits to the Secretary a report pursuant to  
21 section 7502(a)(1)(A) of title 31, United States  
22 Code, the Secretary shall analyze the report for the  
23 purpose of identifying the extent and nature of prob-  
24 lems related to the oversight by the State of non-  
25 governmental entities with respect to contracts en-

1       tered into by such entities with the State program  
 2       funded under this part, and determining what addi-  
 3       tional actions may be appropriate to help prevent  
 4       and correct the problems.

5               “(2) INCLUSION OF PROGRAM OVERSIGHT SEC-  
 6       TION IN ANNUAL REPORT TO THE CONGRESS.—The  
 7       Secretary shall include in each report under sub-  
 8       section (e) a section on oversight of State programs  
 9       funded under this part, including findings on the ex-  
 10      tent and nature of the problems referred to in para-  
 11      graph (1), actions taken to resolve the problems, and  
 12      to the extent the Secretary deems appropriate make  
 13      recommendations on changes needed to resolve the  
 14      problems.”.

15 **SEC. 114. DIRECT FUNDING AND ADMINISTRATION BY IN-**  
 16 **DIAN TRIBES.**

17       (a) TRIBAL FAMILY ASSISTANCE GRANT.—Section  
 18 412(a)(1)(A) (42 U.S.C. 612(a)(1)(A)) is amended by  
 19 striking “1997, 1998, 1999, 2000, 2001, 2002, and 2003”  
 20 and inserting “2006 through 2010”.

21       (b) GRANTS FOR INDIAN TRIBES THAT RECEIVED  
 22 JOBS FUNDS.—Section 412(a)(2)(A) (42 U.S.C.  
 23 612(a)(2)(A)) is amended by striking “1997, 1998, 1999,  
 24 2000, 2001, 2002, and 2003” and inserting “2006  
 25 through 2010”.

1 **SEC. 115. RESEARCH, EVALUATIONS, AND NATIONAL STUD-**  
2 **IES.**

3 (a) SECRETARY'S FUND FOR RESEARCH, DEM-  
4 ONSTRATIONS, AND TECHNICAL ASSISTANCE.—

5 (1) IN GENERAL.—Section 413 (42 U.S.C.  
6 613), as amended by section 112(c) of this Act, is  
7 further amended by adding at the end the following:

8 “(1) FUNDING FOR RESEARCH, DEMONSTRATIONS,  
9 AND TECHNICAL ASSISTANCE.—

10 “(1) APPROPRIATION.—

11 “(A) IN GENERAL.—Out of any money in  
12 the Treasury of the United States not otherwise  
13 appropriated, there are appropriated  
14 \$102,000,000 for each of fiscal years 2005  
15 through 2010, which shall be available to the  
16 Secretary for the purpose of conducting and  
17 supporting research and demonstration projects  
18 by public or private entities, and providing tech-  
19 nical assistance to States, Indian tribal organi-  
20 zations, and such other entities as the Secretary  
21 may specify that are receiving a grant under  
22 this part, which shall be expended primarily on  
23 activities described in section 403(a)(2)(B), and  
24 which shall be in addition to any other funds  
25 made available under this part.

1           “(B) EXTENDED AVAILABILITY OF FY 2005  
2 FUNDS.—Funds appropriated under this para-  
3 graph for fiscal year 2005 shall remain avail-  
4 able to the Secretary through fiscal year 2006,  
5 for use in accordance with this paragraph for  
6 fiscal year 2005.

7           “(2) SET ASIDE FOR DEMONSTRATION  
8 PROJECTS FOR COORDINATION OF PROVISION OF  
9 CHILD WELFARE AND TANF SERVICES TO TRIBAL  
10 FAMILIES AT RISK OF CHILD ABUSE OR NEGLECT.—

11           “(A) IN GENERAL.—Of the amounts made  
12 available under paragraph (1) for a fiscal year,  
13 \$2,000,000 shall be awarded on a competitive  
14 basis to fund demonstration projects designed  
15 to test the effectiveness of tribal governments  
16 or tribal consortia in coordinating the provision  
17 to tribal families at risk of child abuse or ne-  
18 glect of child welfare services and services  
19 under tribal programs funded under this part.

20           “(B) USE OF FUNDS.—A grant made to  
21 such a project shall be used—

22           “(i) to improve case management for  
23 families eligible for assistance from such a  
24 tribal program;

1           “(ii) for supportive services and as-  
2           sistance to tribal children in out-of-home  
3           placements and the tribal families caring  
4           for such children, including families who  
5           adopt such children; and

6           “(iii) for prevention services and as-  
7           sistance to tribal families at risk of child  
8           abuse and neglect.

9           “(C) REPORTS.—The Secretary may re-  
10          quire a recipient of funds awarded under this  
11          paragraph to provide the Secretary with such  
12          information as the Secretary deems relevant to  
13          enable the Secretary to facilitate and oversee  
14          the administration of any project for which  
15          funds are provided under this paragraph.”.

16          (2) EFFECTIVE DATE.—The amendment made  
17          by paragraph (1) shall take effect on the date of the  
18          enactment of this Act.

19          (b) FUNDING OF STUDIES AND DEMONSTRATIONS.—  
20          Section 413(h)(1) (42 U.S.C. 613(h)(1)) is amended in  
21          the matter preceding subparagraph (A) by striking “1997  
22          through 2002” and inserting “2006 through 2010”.

23          (c) REPORT ON ENFORCEMENT OF CERTAIN AFFIDA-  
24          VITS OF SUPPORT AND SPONSOR DEEMING.—Not later  
25          than March 31, 2006, the Secretary of Health and Human

1 Services, in consultation with the Attorney General, shall  
2 submit to the Congress a report on the enforcement of  
3 affidavits of support and sponsor deeming as required by  
4 section 421, 422, and 432 of the Personal Responsibility  
5 and Work Opportunity Reconciliation Act of 1996.

6 (d) REPORT ON COORDINATION.—Not later than 6  
7 months after the date of the enactment of this Act, the  
8 Secretary of Health and Human Services and the Sec-  
9 retary of Labor shall jointly submit a report to the Con-  
10 gress describing common or conflicting data elements,  
11 definitions, performance measures, and reporting require-  
12 ments in the Workforce Investment Act of 1998 and part  
13 A of title IV of the Social Security Act, and, to the degree  
14 each Secretary deems appropriate, at the discretion of ei-  
15 ther Secretary, any other program administered by the re-  
16 spective Secretary, to allow greater coordination between  
17 the welfare and workforce development systems.

18 **SEC. 116. STUDIES BY THE CENSUS BUREAU AND THE GOV-**

19 **ERNMENT ACCOUNTABILITY OFFICE.**

20 (a) CENSUS BUREAU STUDY.—

21 (1) IN GENERAL.—Section 414(a) (42 U.S.C.  
22 614(a)) is amended to read as follows:

23 “(a) IN GENERAL.—The Bureau of the Census shall  
24 implement or enhance a longitudinal survey of program  
25 participation, developed in consultation with the Secretary

1 and made available to interested parties, to allow for the  
2 assessment of the outcomes of continued welfare reform  
3 on the economic and child well-being of low-income fami-  
4 lies with children, including those who received assistance  
5 or services from a State program funded under this part,  
6 and, to the extent possible, shall provide State representa-  
7 tive samples. The content of the survey should include  
8 such information as may be necessary to examine the  
9 issues of out-of-wedlock childbearing, marriage, welfare  
10 dependency and compliance with work requirements, the  
11 beginning and ending of spells of assistance, work, earn-  
12 ings and employment stability, and the well-being of chil-  
13 dren.”.

14 (2) APPROPRIATION.—Section 414(b) (42  
15 U.S.C. 614(b)) is amended—

16 (A) by striking “1996,” and all that fol-  
17 lows through “2003” and inserting “2006  
18 through 2010”; and

19 (B) by adding at the end the following:  
20 “Funds appropriated under this subsection  
21 shall remain available through fiscal year 2010  
22 to carry out subsection (a).”.

23 (b) GAO STUDY.—

24 (1) IN GENERAL.—The Comptroller General of  
25 the United States shall conduct a study to determine

1 the combined effect of the phase-out rates for Fed-  
2 eral programs and policies which provide support to  
3 low-income families and individuals as they move  
4 from welfare to work, at all earning levels up to  
5 \$35,000 per year, for at least 5 States including  
6 Wisconsin and California, and any potential dis-  
7 incentives the combined phase-out rates create for  
8 families to achieve independence or to marry.

9 (2) REPORT.—Not later than 1 year after the  
10 date of the enactment of this subsection, the Comp-  
11 troller General shall submit a report to Congress  
12 containing the results of the study conducted under  
13 this section and, as appropriate, any recommenda-  
14 tions consistent with the results.

15 **SEC. 117. DEFINITION OF ASSISTANCE.**

16 (a) IN GENERAL.—Section 419 (42 U.S.C. 619) is  
17 amended by adding at the end the following:

18 “(6) ASSISTANCE.—

19 “(A) IN GENERAL.—The term ‘assistance’  
20 means payment, by cash, voucher, or other  
21 means, to or for an individual or family for the  
22 purpose of meeting a subsistence need of the in-  
23 dividual or family (including food, clothing,  
24 shelter, and related items, but not including  
25 costs of transportation or child care).

1           “(B) EXCEPTION.—The term ‘assistance’  
2           does not include a payment described in sub-  
3           paragraph (A) to or for an individual or family  
4           on a short-term, nonrecurring basis (as defined  
5           by the State in accordance with regulations pre-  
6           scribed by the Secretary).”.

7           (b) CONFORMING AMENDMENTS.—

8           (1) Section 404(a)(1) (42 U.S.C. 604(a)(1)) is  
9           amended by striking “assistance” and inserting  
10          “aid”.

11          (2) Section 404(f) (42 U.S.C. 604(f)) is amend-  
12          ed by striking “assistance” and inserting “benefits  
13          or services”.

14          (3) Section 408(a)(5)(B)(i) (42 U.S.C.  
15          608(a)(5)(B)(i)) is amended in the heading by strik-  
16          ing “ASSISTANCE” and inserting “AID”.

17          (4) Section 413(d)(2) (42 U.S.C. 613(d)(2)) is  
18          amended by striking “assistance” and inserting  
19          “aid”.

20   **SEC. 118. TECHNICAL CORRECTIONS.**

21          (a) Section 409(c)(2) (42 U.S.C. 609(c)(2)) is  
22          amended by inserting a comma after “appropriate”.

23          (b) Section 411(a)(1)(A)(ii)(III) (42 U.S.C.  
24          611(a)(1)(A)(ii)(III)) is amended by striking the last close  
25          parenthesis.

1 (c) Section 413(j)(2)(A) (42 U.S.C. 613(j)(2)(A)) is  
2 amended by striking “section” and inserting “sections”.

3 (d)(1) Section 413 (42 U.S.C. 613) is amended by  
4 striking subsection (g) and redesignating subsections (h)  
5 through (j) and subsections (k) and (l) (as added by sec-  
6 tions 112(c) and 115(a) of this Act, respectively) as sub-  
7 sections (g) through (k), respectively.

8 (2) Each of the following provisions is amended by  
9 striking “413(j)” and inserting “413(i)”:

10 (A) Section 403(a)(5)(A)(ii)(III) (42 U.S.C.  
11 603(a)(5)(A)(ii)(III)).

12 (B) Section 403(a)(5)(F) (42 U.S.C.  
13 603(a)(5)(F)).

14 (C) Section 403(a)(5)(G)(ii) (42 U.S.C.  
15 603(a)(5)(G)(ii)).

16 (D) Section 412(a)(3)(B)(iv) (42 U.S.C.  
17 612(a)(3)(B)(iv)).

18 **SEC. 119. FATHERHOOD PROGRAM.**

19 (a) **SHORT TITLE.**—This section may be cited as the  
20 “Promotion and Support of Responsible Fatherhood and  
21 Healthy Marriage Act of 2005”.

22 (b) **FATHERHOOD PROGRAM.**—

23 (1) **IN GENERAL.**—Title I of the Personal Re-  
24 sponsibility and Work Opportunity Reconciliation

1 Act of 1996 (Public Law 104–193) is amended by  
2 adding at the end the following:

3 **“SEC. 117. FATHERHOOD PROGRAM.**

4 “(a) IN GENERAL.—Title IV (42 U.S.C. 601–679b)  
5 is amended by inserting after part B the following:

6 **“PART C—FATHERHOOD PROGRAM**

7 **“SEC. 441. FINDINGS AND PURPOSES.**

8 “(a) FINDINGS.—The Congress finds that there is  
9 substantial evidence strongly indicating the urgent need  
10 to promote and support involved, committed, and respon-  
11 sible fatherhood, and to encourage and support healthy  
12 marriages between parents raising children, including data  
13 demonstrating the following:

14 “(1) In approximately 84 percent of cases  
15 where a parent is absent, that parent is the father.

16 “(2) If current trends continue, half of all chil-  
17 dren born today will live apart from one of their par-  
18 ents, usually their father, at some point before they  
19 turn 18.

20 “(3) Where families (whether intact or with a  
21 parent absent) are living in poverty, a significant  
22 factor is the father’s lack of job skills.

23 “(4) Committed and responsible fathering dur-  
24 ing infancy and early childhood contributes to the

1 development of emotional security, curiosity, and  
2 math and verbal skills.

3 ““(5) An estimated 19,400,000 children (27  
4 percent) live apart from their biological father.

5 ““(6) Forty percent of children under age 18  
6 not living with their biological father had not seen  
7 their father even once in the last 12 months, accord-  
8 ing to national survey data.

9 ““(b) PURPOSES.—The purposes of this part are:

10 ““(1) To provide for projects and activities by  
11 public entities and by nonprofit community entities,  
12 including religious organizations, designed to test  
13 promising approaches to accomplishing the following  
14 objectives:

15 ““(A) Promoting responsible, caring, and  
16 effective parenting through counseling, men-  
17 toring, and parenting education, dissemination  
18 of educational materials and information on  
19 parenting skills, encouragement of positive fa-  
20 ther involvement, including the positive involve-  
21 ment of nonresident fathers, and other meth-  
22 ods.

23 ““(B) Enhancing the abilities and commit-  
24 ment of unemployed or low-income fathers to  
25 provide material support for their families and

1 to avoid or leave welfare programs by assisting  
2 them to take full advantage of education, job  
3 training, and job search programs, to improve  
4 work habits and work skills, to secure career  
5 advancement by activities such as outreach and  
6 information dissemination, coordination, as ap-  
7 propriate, with employment services and job  
8 training programs, including the One-Stop de-  
9 livery system established under title I of the  
10 Workforce Investment Act of 1998, encourage-  
11 ment and support of timely payment of current  
12 child support and regular payment toward past  
13 due child support obligations in appropriate  
14 cases, and other methods.

15 ““(C) Improving fathers’ ability to effec-  
16 tively manage family business affairs by means  
17 such as education, counseling, and mentoring in  
18 matters including household management,  
19 budgeting, banking, and handling of financial  
20 transactions, time management, and home  
21 maintenance.

22 ““(D) Encouraging and supporting healthy  
23 marriages and married fatherhood through such  
24 activities as premarital education, including the  
25 use of premarital inventories, marriage prepara-

1           tion programs, skills-based marriage education  
2           programs, marital therapy, couples counseling,  
3           divorce education and reduction programs, di-  
4           vorce mediation and counseling, relationship  
5           skills enhancement programs, including those  
6           designed to reduce child abuse and domestic vi-  
7           olence, and dissemination of information about  
8           the benefits of marriage for both parents and  
9           children.

10           “(2) Through the projects and activities de-  
11           scribed in paragraph (1), to improve outcomes for  
12           children with respect to measures such as increased  
13           family income and economic security, improved  
14           school performance, better health, improved emo-  
15           tional and behavioral stability and social adjustment,  
16           and reduced risk of delinquency, crime, substance  
17           abuse, child abuse and neglect, teen sexual activity,  
18           and teen suicide.

19           “(3) To evaluate the effectiveness of various  
20           approaches and to disseminate findings concerning  
21           outcomes and other information in order to encour-  
22           age and facilitate the replication of effective ap-  
23           proaches to accomplishing these objectives.

1 **“SEC. 442. DEFINITIONS.**

2 “In this part, the terms “Indian tribe” and “tribal  
3 organization” have the meanings given them in sub-  
4 sections (e) and (l), respectively, of section 4 of the Indian  
5 Self-Determination and Education Assistance Act.

6 **“SEC. 443. COMPETITIVE GRANTS FOR SERVICE PROJECTS.**

7 “(a) IN GENERAL.—The Secretary may make  
8 grants for fiscal years 2006 through 2010 to public and  
9 nonprofit community entities, including religious organiza-  
10 tions, and to Indian tribes and tribal organizations, for  
11 demonstration service projects and activities designed to  
12 test the effectiveness of various approaches to accomplish  
13 the objectives specified in section 441(b)(1).

14 “(b) ELIGIBILITY CRITERIA FOR FULL SERVICE  
15 GRANTS.—In order to be eligible for a grant under this  
16 section, except as specified in subsection (c), an entity  
17 shall submit an application to the Secretary containing the  
18 following:

19 “(1) PROJECT DESCRIPTION.—A statement in-  
20 cluding—

21 “(A) a description of the project and how  
22 it will be carried out, including the geographical  
23 area to be covered and the number and charac-  
24 teristics of clients to be served, and how it will  
25 address each of the 4 objectives specified in sec-  
26 tion 441(b)(1); and

1           “(B) a description of the methods to be  
2           used by the entity or its contractor to assess  
3           the extent to which the project was successful  
4           in accomplishing its specific objectives and the  
5           general objectives specified in section 441(b)(1).

6           “(2) EXPERIENCE AND QUALIFICATIONS.—A  
7           demonstration of ability to carry out the project, by  
8           means such as demonstration of experience in suc-  
9           cessfully carrying out projects of similar design and  
10          scope, and such other information as the Secretary  
11          may find necessary to demonstrate the entity’s ca-  
12          pacity to carry out the project, including the entity’s  
13          ability to provide the non-Federal share of project  
14          resources.

15          “(3) ADDRESSING CHILD ABUSE AND NE-  
16          GLECT AND DOMESTIC VIOLENCE.—A description of  
17          how the entity will assess for the presence of, and  
18          intervene to resolve, domestic violence and child  
19          abuse and neglect, including how the entity will co-  
20          ordinate with State and local child protective service  
21          and domestic violence programs.

22          “(4) ADDRESSING CONCERNS RELATING TO  
23          SUBSTANCE ABUSE AND SEXUAL ACTIVITY.—A com-  
24          mitment to make available to each individual partici-  
25          pating in the project education about alcohol, to-

1       bacco, and other drugs, and about the health risks  
2       associated with abusing such substances, and infor-  
3       mation about diseases and conditions transmitted  
4       through substance abuse and sexual contact, includ-  
5       ing HIV/AIDS, and to coordinate with providers of  
6       services addressing such problems, as appropriate.

7               “(5) COORDINATION WITH SPECIFIED PRO-  
8       GRAMS.—An undertaking to coordinate, as appro-  
9       priate, with State and local entities responsible for  
10      the programs under parts A, B, and D of this title,  
11      including programs under title I of the Workforce  
12      Investment Act of 1998 (including the One-Stop de-  
13      livery system), and such other programs as the Sec-  
14      retary may require.

15              “(6) RECORDS, REPORTS, AND AUDITS.—An  
16      agreement to maintain such records, make such re-  
17      ports, and cooperate with such reviews or audits as  
18      the Secretary may find necessary for purposes of  
19      oversight of project activities and expenditures.

20              “(7) SELF-INITIATED EVALUATION.—If the  
21      entity elects to contract for independent evaluation  
22      of the project (part or all of the cost of which may  
23      be paid for using grant funds), a commitment to  
24      submit to the Secretary a copy of the evaluation re-  
25      port within 30 days after completion of the report

1 and not more than 1 year after completion of the  
2 project.

3 ““(8) COOPERATION WITH SECRETARY’S OVER-  
4 SIGHT AND EVALUATION.—An agreement to cooper-  
5 ate with the Secretary’s evaluation of projects as-  
6 sisted under this section, by means including ran-  
7 dom assignment of clients to service recipient and  
8 control groups, if determined by the Secretary to be  
9 appropriate, and affording the Secretary access to  
10 the project and to project-related records and docu-  
11 ments, staff, and clients.

12 ““(c) ELIGIBILITY CRITERIA FOR LIMITED PURPOSE  
13 GRANTS.—In order to be eligible for a grant under this  
14 section in an amount under \$25,000 per fiscal year, an  
15 entity shall submit an application to the Secretary con-  
16 taining the following:

17 ““(1) PROJECT DESCRIPTION.—A description of  
18 the project and how it will be carried out, including  
19 the number and characteristics of clients to be  
20 served, the proposed duration of the project, and  
21 how it will address at least 1 of the 4 objectives  
22 specified in section 441(b)(1).

23 ““(2) QUALIFICATIONS.—Such information as  
24 the Secretary may require as to the capacity of the

1 entity to carry out the project, including any pre-  
2 vious experience with similar activities.

3 ““(3) COORDINATION WITH RELATED PRO-  
4 GRAMS.—As required by the Secretary in appro-  
5 priate cases, an undertaking to coordinate and co-  
6 operate with State and local entities responsible for  
7 specific programs relating to the objectives of the  
8 project including, as appropriate, jobs programs and  
9 programs serving children and families.

10 ““(4) RECORDS, REPORTS, AND AUDITS.—An  
11 agreement to maintain such records, make such re-  
12 ports, and cooperate with such reviews or audits as  
13 the Secretary may find necessary for purposes of  
14 oversight of project activities and expenditures.

15 ““(5) COOPERATION WITH SECRETARY’S OVER-  
16 SIGHT AND EVALUATION.—An agreement to cooper-  
17 ate with the Secretary’s evaluation of projects as-  
18 sisted under this section, by means including afford-  
19 ing the Secretary access to the project and to  
20 project-related records and documents, staff, and cli-  
21 ents.

22 ““(d) CONSIDERATIONS IN AWARDING GRANTS.—

23 ““(1) DIVERSITY OF PROJECTS.—In awarding  
24 grants under this section, the Secretary shall seek to  
25 achieve a balance among entities of differing sizes,

1 entities in differing geographic areas, entities in  
2 urban and in rural areas, and entities employing dif-  
3 fering methods of achieving the purposes of this sec-  
4 tion, including working with the State agency re-  
5 sponsible for the administration of part D to help fa-  
6 thers satisfy child support arrearage obligations.

7 ““(2) PREFERENCE FOR PROJECTS SERVING  
8 LOW-INCOME FATHERS.—In awarding grants under  
9 this section, the Secretary may give preference to  
10 applications for projects in which a majority of the  
11 clients to be served are low-income fathers.

12 ““(e) FEDERAL SHARE.—

13 ““(1) IN GENERAL.—Grants for a project under  
14 this section for a fiscal year shall be available for a  
15 share of the cost of such project in such fiscal year  
16 equal to—

17 ““(A) up to 80 percent (or up to 90 per-  
18 cent, if the entity demonstrates to the Sec-  
19 retary’s satisfaction circumstances limiting the  
20 entity’s ability to secure non-Federal resources)  
21 in the case of a project under subsection (b);  
22 and

23 ““(B) up to 100 percent, in the case of a  
24 project under subsection (c).

1           “(2) NON-FEDERAL SHARE.—The non-Federal  
 2           share may be in cash or in kind. In determining the  
 3           amount of the non-Federal share, the Secretary may  
 4           attribute fair market value to goods, services, and  
 5           facilities contributed from non-Federal sources.

6   **“SEC. 444. MULTICITY, MULTISTATE DEMONSTRATION**  
 7           **PROJECTS.**

8           “(a) IN GENERAL.—The Secretary may make  
 9           grants under this section for fiscal years 2006 through  
 10          2010 to eligible entities (as specified in subsection (b)) for  
 11          2 multicity, multistate projects demonstrating approaches  
 12          to achieving the objectives specified in section 441(b)(1).  
 13          One of the projects shall test the use of married couples  
 14          to deliver program services.

15          “(b) ELIGIBLE ENTITIES.—An entity eligible for a  
 16          grant under this section must be a national nonprofit fa-  
 17          therhood promotion organization that meets the following  
 18          requirements:

19               “(1) EXPERIENCE WITH FATHERHOOD PRO-  
 20               GRAMS.—The organization must have substantial ex-  
 21               perience in designing and successfully conducting  
 22               programs that meet the purposes described in sec-  
 23               tion 441.

24               “(2) EXPERIENCE WITH MULTICITY,  
 25               MULTISTATE PROGRAMS AND GOVERNMENT COORDI-

1 NATION.—The organization must have experience in  
2 simultaneously conducting such programs in more  
3 than 1 major metropolitan area in more than 1  
4 State and in coordinating such programs, where ap-  
5 propriate, with State and local government agencies  
6 and private, nonprofit agencies (including commu-  
7 nity-based and religious organizations), including  
8 State or local agencies responsible for child support  
9 enforcement and workforce development.

10 ““(c) APPLICATION REQUIREMENTS.—In order to be  
11 eligible for a grant under this section, an entity must sub-  
12 mit to the Secretary an application that includes the fol-  
13 lowing:

14 ““(1) QUALIFICATIONS.—

15 ““(A) ELIGIBLE ENTITY.—A demonstra-  
16 tion that the entity meets the requirements of  
17 subsection (b).

18 ““(B) OTHER.—Such other information as  
19 the Secretary may find necessary to dem-  
20 onstrate the entity’s capacity to carry out the  
21 project, including the entity’s ability to provide  
22 the non-Federal share of project resources.

23 ““(2) PROJECT DESCRIPTION.—A description of  
24 and commitments concerning the project design, in-  
25 cluding the following:

1           “(A) IN GENERAL.—A detailed descrip-  
2           tion of the proposed project design and how it  
3           will be carried out, which shall—

4                   “(i) provide for the project to be con-  
5                   ducted in at least 3 major metropolitan  
6                   areas;

7                   “(ii) state how it will address each of  
8                   the 4 objectives specified in section  
9                   441(b)(1);

10                   “(iii) demonstrate that there is a suf-  
11                   ficient number of potential clients to allow  
12                   for the random selection of individuals to  
13                   participate in the project and for compari-  
14                   sons with appropriate control groups com-  
15                   posed of individuals who have not partici-  
16                   pated in such projects; and

17                   “(iv) demonstrate that the project is  
18                   designed to direct a majority of project re-  
19                   sources to activities serving low-income fa-  
20                   thers (but the project need not make serv-  
21                   ices available on a means-tested basis).

22           “(B) OVERSIGHT, EVALUATION, AND AD-  
23           JUSTMENT COMPONENT.—An agreement that  
24           the entity—

1           “(i) in consultation with the eval-  
2 uator selected pursuant to section 445, and  
3 as required by the Secretary, will modify  
4 the project design, initially and (if nec-  
5 essary) subsequently throughout the dura-  
6 tion of the project, in order to facilitate on-  
7 going and final oversight and evaluation of  
8 project operation and outcomes (by means  
9 including, to the maximum extent feasible,  
10 random assignment of clients to service re-  
11 cipient and control groups), and to provide  
12 for mid-course adjustments in project de-  
13 sign indicated by interim evaluations;

14           “(ii) will submit to the Secretary re-  
15 vised descriptions of the project design as  
16 modified in accordance with clause (i); and

17           “(iii) will cooperate fully with the  
18 Secretary’s ongoing oversight and ongoing  
19 and final evaluation of the project, by  
20 means including affording the Secretary  
21 access to the project and to project-related  
22 records and documents, staff, and clients.

23           “(3) ADDRESSING CHILD ABUSE AND NE-  
24 GLECT AND DOMESTIC VIOLENCE.—A description of  
25 how the entity will assess for the presence of, and

1 intervene to resolve, domestic violence and child  
2 abuse and neglect, including how the entity will co-  
3 ordinate with State and local child protective service  
4 and domestic violence programs.

5 ““(4) ADDRESSING CONCERNS RELATING TO  
6 SUBSTANCE ABUSE AND SEXUAL ACTIVITY.—A com-  
7 mitment to make available to each individual partici-  
8 pating in the project education about alcohol, to-  
9 bacco, and other drugs, and about the health risks  
10 associated with abusing such substances, and infor-  
11 mation about diseases and conditions transmitted  
12 through substance abuse and sexual contact, includ-  
13 ing HIV/AIDS, and to coordinate with providers of  
14 services addressing such problems, as appropriate.

15 ““(5) COORDINATION WITH SPECIFIED PRO-  
16 GRAMS.—An undertaking to coordinate, as appro-  
17 priate, with State and local entities responsible for  
18 the programs funded under parts A, B, and D of  
19 this title, programs under title I of the Workforce  
20 Investment Act of 1998 (including the One-Stop de-  
21 livery system), and such other programs as the Sec-  
22 retary may require.

23 ““(6) RECORDS, REPORTS, AND AUDITS.—An  
24 agreement to maintain such records, make such re-  
25 ports, and cooperate with such reviews or audits (in

1 addition to those required under the preceding provi-  
2 sions of paragraph (2)) as the Secretary may find  
3 necessary for purposes of oversight of project activi-  
4 ties and expenditures.

5 “(d) FEDERAL SHARE.—

6 “(1) IN GENERAL.—Grants for a project under  
7 this section for a fiscal year shall be available for up  
8 to 80 percent of the cost of such project in such fis-  
9 cal year.

10 “(2) NON-FEDERAL SHARE.—The non-Federal  
11 share may be in cash or in kind. In determining the  
12 amount of the non-Federal share, the Secretary may  
13 attribute fair market value to goods, services, and  
14 facilities contributed from non-Federal sources.

15 **“SEC. 445. EVALUATION.**

16 “(a) IN GENERAL.—The Secretary, directly or by  
17 contract or cooperative agreement, shall evaluate the effec-  
18 tiveness of service projects funded under sections 443 and  
19 444 from the standpoint of the purposes specified in sec-  
20 tion 441(b)(1).

21 “(b) EVALUATION METHODOLOGY.—Evaluations  
22 under this section shall—

23 “(1) include, to the maximum extent feasible,  
24 random assignment of clients to service delivery and  
25 control groups and other appropriate comparisons of

1 groups of individuals receiving and not receiving  
2 services;

3 ““(2) describe and measure the effectiveness of  
4 the projects in achieving their specific project goals;  
5 and

6 ““(3) describe and assess, as appropriate, the  
7 impact of such projects on marriage, parenting, do-  
8 mestic violence, child abuse and neglect, money man-  
9 agement, employment and earnings, payment of  
10 child support, and child well-being, health, and edu-  
11 cation.

12 ““(c) EVALUATION REPORTS.—The Secretary shall  
13 publish the following reports on the results of the evalua-  
14 tion:

15 ““(1) An implementation evaluation report cov-  
16 ering the first 24 months of the activities under this  
17 part to be completed by 36 months after initiation  
18 of such activities.

19 ““(2) A final report on the evaluation to be  
20 completed by September 30, 2013.

21 **““SEC. 446. PROJECTS OF NATIONAL SIGNIFICANCE.**

22 ““The Secretary is authorized, by grant, contract, or  
23 cooperative agreement, to carry out projects and activities  
24 of national significance relating to fatherhood promotion,  
25 including—

1           “(1) COLLECTION AND DISSEMINATION OF IN-  
2           FORMATION.—Assisting States, communities, and  
3           private entities, including religious organizations, in  
4           efforts to promote and support marriage and respon-  
5           sible fatherhood by collecting, evaluating, developing,  
6           and making available (through the Internet and by  
7           other means) to all interested parties information re-  
8           garding approaches to accomplishing the objectives  
9           specified in section 441(b)(1).

10           “(2) MEDIA CAMPAIGN.—Developing, pro-  
11           moting, and distributing to interested States, local  
12           governments, public agencies, and private nonprofit  
13           organizations, including charitable and religious or-  
14           ganizations, a media campaign that promotes and  
15           encourages involved, committed, and responsible fa-  
16           therhood and married fatherhood.

17           “(3) TECHNICAL ASSISTANCE.—Providing  
18           technical assistance, including consultation and  
19           training, to public and private entities, including  
20           community organizations and faith-based organiza-  
21           tions, in the implementation of local fatherhood pro-  
22           motion programs.

23           “(4) RESEARCH.—Conducting research related  
24           to the purposes of this part.

1 **“SEC. 447. NONDISCRIMINATION.**

2       “‘The projects and activities assisted under this part  
3 shall be available on the same basis to all fathers and ex-  
4 pectant fathers able to benefit from such projects and ac-  
5 tivities, including married and unmarried fathers and cus-  
6 todial and noncustodial fathers, with particular attention  
7 to low-income fathers, and to mothers and expectant  
8 mothers on the same basis as to fathers.

9 **“SEC. 448. AUTHORIZATION OF APPROPRIATIONS; RES-**  
10 **ERVATION FOR CERTAIN PURPOSE.**

11       “(a) AUTHORIZATION.—There are authorized to be  
12 appropriated \$20,000,000 for each of fiscal years 2006  
13 through 2010 to carry out the provisions of this part.

14       “(b) RESERVATION.—Of the amount appropriated  
15 under this section for each fiscal year, not more than 15  
16 percent shall be available for the costs of the multicounty,  
17 multicounty, multistate demonstration projects under sec-  
18 tion 444, evaluations under section 445, and projects of  
19 national significance under section 446.’.

20       “(b) INAPPLICABILITY OF EFFECTIVE DATE PROVI-  
21 SIONS.—Section 116 shall not apply to the amendment  
22 made by subsection (a) of this section.”.

23               (2) CLERICAL AMENDMENT.—Section 2 of such  
24 Act is amended in the table of contents by inserting

1 after the item relating to section 116 the following  
 2 new item:

“117. Fatherhood program.”.

3 **SEC. 120. STATE OPTION TO MAKE TANF PROGRAMS MAN-**  
 4 **DATORY PARTNERS WITH ONE-STOP EMPLOY-**  
 5 **MENT TRAINING CENTERS.**

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

8 “(h) STATE OPTION TO MAKE TANF PROGRAMS  
 9 MANDATORY PARTNERS WITH ONE-STOP EMPLOYMENT  
 10 TRAINING CENTERS.—For purposes of section 121(b) of  
 11 the Workforce Investment Act of 1998, a State program  
 12 funded under part A of title IV of the Social Security Act  
 13 shall be considered a program referred to in paragraph  
 14 (1)(B) of such section, unless, after the date of the enact-  
 15 ment of this subsection, the Governor of the State notifies  
 16 the Secretaries of Health and Human Services and Labor  
 17 in writing of the decision of the Governor not to make  
 18 the State program a mandatory partner.”.

19 **SEC. 121. SENSE OF THE CONGRESS.**

20 It is the sense of the Congress that a State welfare-  
 21 to-work program should include a mentoring program.

22 **SEC. 122. EXTENSION THROUGH FISCAL YEAR 2005.**

23 (a) IN GENERAL.—Except as otherwise provided in  
 24 this Act and the amendments made by this Act, activities  
 25 authorized by part A of title IV of the Social Security Act,

1 and by sections 429A, 1108(b), and 1130(a) of such Act,  
2 shall continue through September 30, 2005, in the manner  
3 authorized for fiscal year 2004, and out of any money in  
4 the Treasury of the United States not otherwise appro-  
5 priated, there are hereby appropriated such sums as may  
6 be necessary for such purpose. Grants and payments may  
7 be made pursuant to this authority through the fourth  
8 quarter of fiscal year 2005 at the level provided for such  
9 activities through the fourth quarter of fiscal year 2004,  
10 except that in the case of section 403(a)(4) of such Act,  
11 the level shall be \$100,000,000.

12 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-  
13 fect on the date of the enactment of this Act.

## 14 **TITLE II—CHILD CARE**

### 15 **SEC. 201. SHORT TITLE.**

16 This title may be cited as the “Caring for Children  
17 Act of 2005”.

### 18 **SEC. 202. GOALS.**

19 (a) GOALS.—Section 658A(b) of the Child Care and  
20 Development Block Grant Act of 1990 (42 U.S.C. 9801  
21 note) is amended—

22 (1) in paragraph (3) by striking “encourage”  
23 and inserting “assist”,

24 (2) by amending paragraph (4) to read as fol-  
25 lows:

1 “(4) to assist States to provide child care to  
2 low-income parents;”,

3 (3) by redesignating paragraph (5) as para-  
4 graph (7), and

5 (4) by inserting after paragraph (4) the fol-  
6 lowing:

7 “(5) to encourage States to improve the quality  
8 of child care available to families;

9 “(6) to promote school readiness by encour-  
10 aging the exposure of young children in child care to  
11 nurturing environments and developmentally-appro-  
12 priate activities, including activities to foster early  
13 cognitive and literacy development; and”.

14 (b) CONFORMING AMENDMENT.—Section  
15 658E(c)(3)(B) of the Child Care and Development Block  
16 Grant Act of 1990 (42 U.S.C. 9858c(c)(3)(B)) is amended  
17 by striking “through (5)” and inserting “through (7)”.

18 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

19 Section 658B of the Child Care and Development  
20 Block Grant Act of 1990 (42 U.S.C. 9858) is amended—

21 (1) by striking “is” and inserting “are”, and

22 (2) by striking “\$1,000,000,000 for each of the  
23 fiscal years 1996 through 2002” and inserting  
24 “\$2,100,000,000 for fiscal year 2005,  
25 \$2,300,000,000 for fiscal year 2006,

1       \$2,500,000,000     for     fiscal     year     2007,  
2       \$2,700,000,000     for     fiscal     year     2008,  
3       \$2,900,000,000     for     fiscal     year     2009,     and  
4       \$3,100,000,000 for fiscal year 2010”.

5     **SEC. 204. APPLICATION AND PLAN.**

6       Section 658E(c)(2) of the Child Care and Develop-  
7     ment Block Grant Act of 1990 (42 U.S.C. 9858C(c)(2))  
8     is amended—

9             (1) by amending subparagraph (D) to read as  
10     follows:

11             “(D) CONSUMER AND CHILD CARE PRO-  
12             VIDER EDUCATION INFORMATION.—Certify that  
13             the State will collect and disseminate, through  
14             resource and referral services and other means  
15             as determined by the State, to parents of eligi-  
16             ble children, child care providers, and the gen-  
17             eral public, information regarding—

18             “(i) the promotion of informed child  
19             care choices, including information about  
20             the quality and availability of child care  
21             services;

22             “(ii) research and best practices on  
23             children’s development, including early cog-  
24             nitive development;

1           “(iii) the availability of assistance to  
2           obtain child care services; and

3           “(iv) other programs for which fami-  
4           lies that receive child care services for  
5           which financial assistance is provided  
6           under this subchapter may be eligible, in-  
7           cluding the food stamp program, the WIC  
8           program under section 17 of the Child Nu-  
9           trition Act of 1966, the child and adult  
10          care food program under section 17 of the  
11          Richard B. Russell National School Lunch  
12          Act, and the medicaid and SCHIP pro-  
13          grams under titles XIX and XXI of the  
14          Social Security Act.”, and

15          (2) by inserting after subparagraph (H) the fol-  
16          lowing:

17               “(I) COORDINATION WITH OTHER EARLY  
18               CHILD CARE SERVICES AND EARLY CHILDHOOD  
19               EDUCATION PROGRAMS.—Demonstrate how the  
20               State is coordinating child care services pro-  
21               vided under this subchapter with Head Start,  
22               Early Reading First, Even Start, Ready-To-  
23               Learn Television, State pre-kindergarten pro-  
24               grams, and other early childhood education pro-  
25               grams to expand accessibility to and continuity

1 of care and early education without displacing  
2 services provided by the current early care and  
3 education delivery system.

4 “(J) PUBLIC-PRIVATE PARTNERSHIPS.—  
5 Demonstrate how the State encourages partner-  
6 ships with private and other public entities to  
7 leverage existing service delivery systems of  
8 early childhood education and increase the sup-  
9 ply and quality of child care services.

10 “(K) CHILD CARE SERVICE QUALITY.—

11 “(i) CERTIFICATION.—For each fiscal  
12 year after fiscal year 2006, certify that  
13 during the then preceding fiscal year the  
14 State was in compliance with section 658G  
15 and describe how funds were used to com-  
16 ply with such section during such pre-  
17 ceding fiscal year.

18 “(ii) STRATEGY.—For each fiscal year  
19 after fiscal year 2006, contain an outline  
20 of the strategy the State will implement  
21 during such fiscal year for which the State  
22 plan is submitted, to address the quality of  
23 child care services in the State available to  
24 low-income parents from eligible child care  
25 providers, and include in such strategy—

1           “(I) a statement specifying how  
2           the State will address the activities  
3           described in paragraphs (1), (2), and  
4           (3) of section 658G;

5           “(II) a description of quantifi-  
6           able, objective measures for evaluating  
7           the quality of child care services sepa-  
8           rately with respect to the activities  
9           listed in each of such paragraphs that  
10          the State will use to evaluate its  
11          progress in improving the quality of  
12          such child care services;

13          “(III) a list of State-developed  
14          child care service quality targets for  
15          such fiscal year quantified on the  
16          basis of such measures; and

17          “(IV) for each fiscal year after  
18          fiscal year 2006, a report on the  
19          progress made to achieve such targets  
20          during the then preceding fiscal year.

21          “(iii) RULE OF CONSTRUCTION.—  
22          Nothing in this subparagraph shall be con-  
23          strued to require that the State apply  
24          measures for evaluating quality to specific  
25          types of child care providers.

1           “(L) ACCESS TO CARE FOR CERTAIN POPU-  
 2           LATIONS.—Demonstrate how the State is ad-  
 3           dressing the child care needs of parents eligible  
 4           for child care services for which financial assist-  
 5           ance is provided under this subchapter who  
 6           have children with special needs, work nontradi-  
 7           tional hours, or require child care services for  
 8           infants or toddlers.”.

9   **SEC. 205. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD**  
 10                                   **CARE.**

11           Section 658G of the Child Care and Development  
 12   Block Grant Act of 1990 (42 U.S.C. 9858e) is amended  
 13   to read as follows:

14   **“SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF**  
 15                                   **CHILD CARE SERVICES.**

16           “A State that receives funds to carry out this sub-  
 17   chapter for a fiscal year, shall use not less than 6 percent  
 18   of the amount of such funds for activities provided  
 19   through resource and referral services or other means,  
 20   that are designed to improve the quality of child care serv-  
 21   ices in the State available to low-income parents from eli-  
 22   gible child care providers. Such activities include—

23                   “(1) programs that provide training, education,  
 24                   and other professional development activities to en-  
 25                   hance the skills of the child care workforce, includ-

1 ing training opportunities for caregivers in informal  
2 care settings;

3 “(2) activities within child care settings to en-  
4 hance early learning for young children, to promote  
5 early literacy, and to foster school readiness;

6 “(3) initiatives to increase the retention and  
7 compensation of child care providers, including  
8 tiered reimbursement rates for providers that meet  
9 quality standards as defined by the State; or

10 “(4) other activities deemed by the State to im-  
11 prove the quality of child care services provided in  
12 such State.”.

13 **SEC. 206. REPORT BY SECRETARY.**

14 Section 658L of the Child Care and Development  
15 Block Grant Act of 1990 (42 U.S.C. 9858j) is amended  
16 to read as follows:

17 **“SEC. 658L. REPORT BY SECRETARY.**

18 “(a) REPORT REQUIRED.—Not later than October 1,  
19 2007, and biennially thereafter, the Secretary shall pre-  
20 pare and submit to the Committee on Education and the  
21 Workforce of the House of Representatives and the Com-  
22 mittee on Health, Education, Labor and Pensions of the  
23 Senate a report that contains the following:

1           “(1) A summary and analysis of the data and  
2 information provided to the Secretary in the State  
3 reports submitted under section 658K.

4           “(2) Aggregated statistics on the supply of, de-  
5 mand for, and quality of child care, early education,  
6 and non-school-hours programs.

7           “(3) An assessment, and where appropriate,  
8 recommendations for the Congress concerning ef-  
9 forts that should be undertaken to improve the ac-  
10 cess of the public to quality and affordable child care  
11 in the United States.

12          “(b) COLLECTION OF INFORMATION.—The Secretary  
13 may utilize the national child care data system available  
14 through resource and referral organizations at the local,  
15 State, and national level to collect the information re-  
16 quired by subsection (a)(2).”

17 **SEC. 207. DEFINITIONS.**

18          Section 658P(4)(B) of the Child Care and Develop-  
19 ment Block Grant Act of 1990 (42 U.S.C. 9858N(4)(B))  
20 is amended by striking “85 percent of the State median  
21 income” and inserting “income levels as established by the  
22 State, prioritized by need,”.

23 **SEC. 208. ENTITLEMENT FUNDING.**

24          Section 418(a)(3) (42 U.S.C. 618(a)(3)) is amend-  
25 ed—

1 (1) by striking “and” at the end of subpara-  
2 graph (E);

3 (2) by striking the period at the end of sub-  
4 paragraph (F) and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(G) \$2,917,000,000 for each of fiscal  
7 years 2006 through 2010.”.

## 8 **TITLE III—CHILD SUPPORT**

### 9 **SEC. 301. FEDERAL MATCHING FUNDS FOR LIMITED PASS** 10 **THROUGH OF CHILD SUPPORT PAYMENTS TO** 11 **FAMILIES RECEIVING TANF.**

12 (a) IN GENERAL.—Section 457(a) (42 U.S.C.  
13 657(a)) is amended—

14 (1) in paragraph (1)(A), by inserting “subject  
15 to paragraph (7)” before the semicolon; and

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

17 “(7) FEDERAL MATCHING FUNDS FOR LIMITED  
18 PASS THROUGH OF CHILD SUPPORT PAYMENTS TO  
19 FAMILIES RECEIVING TANF.—Notwithstanding para-  
20 graph (1), a State shall not be required to pay to  
21 the Federal Government the Federal share of an  
22 amount collected during a month on behalf of a fam-  
23 ily that is a recipient of assistance under the State  
24 program funded under part A, to the extent that—

1           “(A) the State distributes the amount to  
2           the family;

3           “(B) the total of the amounts so distrib-  
4           uted to the family during the month—

5                   “(i) exceeds the amount (if any) that,  
6                   as of December 31, 2001, was required  
7                   under State law to be distributed to a fam-  
8                   ily under paragraph (1)(B); and

9                   “(ii) does not exceed the greater of—

10                           “(I) \$100; or

11                           “(II) \$50 plus the amount de-  
12                           scribed in clause (i); and

13           “(C) the amount is disregarded in deter-  
14           mining the amount and type of assistance pro-  
15           vided to the family under the State program  
16           funded under part A.”.

17           (b) APPLICABILITY.—The amendments made by sub-  
18           section (a) shall apply to amounts distributed on or after  
19           October 1, 2007.

20           **SEC. 302. STATE OPTION TO PASS THROUGH ALL CHILD**  
21                           **SUPPORT PAYMENTS TO FAMILIES THAT**  
22                           **FORMERLY RECEIVED TANF.**

23           (a) IN GENERAL.—Section 457(a) (42 U.S.C.  
24           657(a)), as amended by section 301(a) of this Act, is  
25           amended—

1 (1) in paragraph (2)(B), in the matter pre-  
 2 ceding clause (i), by inserting “, except as provided  
 3 in paragraph (8),” after “shall”; and

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

5 “(8) STATE OPTION TO PASS THROUGH ALL  
 6 CHILD SUPPORT PAYMENTS TO FAMILIES THAT FOR-  
 7 MERLY RECEIVED TANF.—In lieu of applying para-  
 8 graph (2) to any family described in paragraph (2),  
 9 a State may distribute to the family any amount col-  
 10 lected during a month on behalf of the family.”.

11 (b) APPLICABILITY.—The amendments made by sub-  
 12 section (a) shall apply to amounts distributed on or after  
 13 October 1, 2007.

14 **SEC. 303. MANDATORY REVIEW AND ADJUSTMENT OF**  
 15 **CHILD SUPPORT ORDERS FOR FAMILIES RE-**  
 16 **CEIVING TANF.**

17 (a) IN GENERAL.—Section 466(a)(10)(A)(i) (42  
 18 U.S.C. 666(a)(10)(A)(i)) is amended—

19 (1) by striking “parent, or,” and inserting  
 20 “parent or”; and

21 (2) by striking “upon the request of the State  
 22 agency under the State plan or of either parent,”.

23 (b) EFFECTIVE DATE.—The amendments made by  
 24 subsection (a) shall take effect on October 1, 2007.

1 **SEC. 304. MANDATORY FEE FOR SUCCESSFUL CHILD SUP-**  
2 **PORT COLLECTION FOR FAMILY THAT HAS**  
3 **NEVER RECEIVED TANF.**

4 (a) IN GENERAL.—Section 454(6)(B) (42 U.S.C.  
5 654(6)(B)) is amended—

6 (1) by inserting “(i)” after “(B)”;

7 (2) by redesignating clauses (i) and (ii) as sub-  
8 clauses (I) and (II), respectively;

9 (3) by adding “and” after the semicolon; and

10 (4) by adding after and below the end the fol-  
11 lowing new clause:

12 “(ii) in the case of an individual who has  
13 never received assistance under a State pro-  
14 gram funded under part A and for whom the  
15 State has collected at least \$500 of support, the  
16 State shall impose an annual fee of \$25 for  
17 each case in which services are furnished, which  
18 shall be retained by the State from support col-  
19 lected on behalf of the individual (but not from  
20 the 1st \$500 so collected), paid by the indi-  
21 vidual applying for the services, recovered from  
22 the absent parent, or paid by the State out of  
23 its own funds (the payment of which from State  
24 funds shall not be considered as an administra-  
25 tive cost of the State for the operation of the

1 plan, and such fees shall be considered income  
2 to the program);”.

3 (b) CONFORMING AMENDMENT.—Section 457(a)(3)  
4 (42 U.S.C. 657(a)(3)) is amended to read as follows:

5 “(3) FAMILIES THAT NEVER RECEIVED ASSIST-  
6 ANCE.—In the case of any other family, the State  
7 shall distribute to the family the portion of the  
8 amount so collected that remains after withholding  
9 any fee pursuant to section 454(6)(B)(ii).”.

10 (c) EFFECTIVE DATE.—The amendments made by  
11 this section shall take effect on October 1, 2006.

12 **SEC. 305. REPORT ON UNDISTRIBUTED CHILD SUPPORT**  
13 **PAYMENTS.**

14 Not later than 6 months after the date of the enact-  
15 ment of this Act, the Secretary of Health and Human  
16 Services shall submit to the Committee on Ways and  
17 Means of the House of Representatives and the Committee  
18 on Finance of the Senate a report on the procedures that  
19 the States use generally to locate custodial parents for  
20 whom child support has been collected but not yet distrib-  
21 uted. The report shall include an estimate of the total  
22 amount of undistributed child support and the average  
23 length of time it takes undistributed child support to be  
24 distributed. To the extent the Secretary deems appro-  
25 priate, the Secretary shall include in the report rec-

1 ommendations as to whether additional procedures should  
2 be established at the State or Federal level to expedite  
3 the payment of undistributed child support.

4 **SEC. 306. DECREASE IN AMOUNT OF CHILD SUPPORT AR-**  
5 **REARAGE TRIGGERING PASSPORT DENIAL.**

6 (a) IN GENERAL.—Section 452(k)(1) (42 U.S.C.  
7 652(k)(1)) is amended by striking “\$5,000” and inserting  
8 “\$2,500”.

9 (b) CONFORMING AMENDMENT.—Section 454(31)  
10 (42 U.S.C. 654(31)) is amended by striking “\$5,000” and  
11 inserting “\$2,500”.

12 (c) EFFECTIVE DATE.—The amendments made by  
13 this section shall take effect on October 1, 2006.

14 **SEC. 307. USE OF TAX REFUND INTERCEPT PROGRAM TO**  
15 **COLLECT PAST-DUE CHILD SUPPORT ON BE-**  
16 **HALF OF CHILDREN WHO ARE NOT MINORS.**

17 (a) IN GENERAL.—Section 464 (42 U.S.C. 664) is  
18 amended—

19 (1) in subsection (a)(2)(A), by striking “(as  
20 that term is defined for purposes of this paragraph  
21 under subsection (c))”; and

22 (2) in subsection (c)—

23 (A) in paragraph (1)—

1 (i) by striking “(1) Except as pro-  
 2 vided in paragraph (2), as used in” and in-  
 3 serting “In”; and

4 (ii) by inserting “(whether or not a  
 5 minor)” after “a child” each place it ap-  
 6 pears; and

7 (B) by striking paragraphs (2) and (3).

8 (b) EFFECTIVE DATE.—The amendments made by  
 9 subsection (a) shall take effect on October 1, 2007.

10 **SEC. 308. GARNISHMENT OF COMPENSATION PAID TO VET-**  
 11 **ERANS FOR SERVICE-CONNECTED DISABIL-**  
 12 **ITIES IN ORDER TO ENFORCE CHILD SUP-**  
 13 **PORT OBLIGATIONS.**

14 (a) IN GENERAL.—Section 459(h) (42 U.S.C.  
 15 659(h)) is amended—

16 (1) in paragraph (1)(A)(ii)(V), by striking all  
 17 that follows “Armed Forces” and inserting a semi-  
 18 colon; and

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

20 “(3) LIMITATIONS WITH RESPECT TO COM-  
 21 PENSATION PAID TO VETERANS FOR SERVICE-CON-  
 22 NECTED DISABILITIES.—Notwithstanding any other  
 23 provision of this section:



1 U.S.C. 923(b)), and section 14 of the Act of August 29,  
 2 1935 (45 U.S.C. 231m).”.

3 (b) **EFFECTIVE DATE.**—The amendment made by  
 4 subsection (a) shall take effect on October 1, 2006.

5 **SEC. 310. MAINTENANCE OF TECHNICAL ASSISTANCE**  
 6 **FUNDING.**

7 Section 452(j) (42 U.S.C. 652(j)) is amended by in-  
 8 serting “or the amount appropriated under this paragraph  
 9 for fiscal year 2002, whichever is greater,” before “which  
 10 shall be available”.

11 **SEC. 311. MAINTENANCE OF FEDERAL PARENT LOCATOR**  
 12 **SERVICE FUNDING.**

13 Section 453(o) (42 U.S.C. 653(o)) is amended—

14 (1) in the 1st sentence, by inserting “or the  
 15 amount appropriated under this paragraph for fiscal  
 16 year 2002, whichever is greater,” before “which  
 17 shall be available”; and

18 (2) in the 2nd sentence, by striking “for each  
 19 of fiscal years 1997 through 2001”.

20 **TITLE IV—CHILD WELFARE**

21 **SEC. 401. EXTENSION OF AUTHORITY TO APPROVE DEM-**  
 22 **ONSTRATION PROJECTS.**

23 Section 1130(a)(2) (42 U.S.C. 1320a–9(a)(2)) is  
 24 amended by striking “2002” and inserting “2010”.

1 **SEC. 402. ELIMINATION OF LIMITATION ON NUMBER OF**  
2 **WAIVERS.**

3 Section 1130(a)(2) (42 U.S.C. 1320a-9(a)(2)) is  
4 amended by striking “not more than 10”.

5 **SEC. 403. ELIMINATION OF LIMITATION ON NUMBER OF**  
6 **STATES THAT MAY BE GRANTED WAIVERS TO**  
7 **CONDUCT DEMONSTRATION PROJECTS ON**  
8 **SAME TOPIC.**

9 Section 1130 (42 U.S.C. 1320a-9) is amended by  
10 adding at the end the following:

11 “(h) NO LIMIT ON NUMBER OF STATES THAT MAY  
12 BE GRANTED WAIVERS TO CONDUCT SAME OR SIMILAR  
13 DEMONSTRATION PROJECTS.—The Secretary shall not  
14 refuse to grant a waiver to a State under this section on  
15 the grounds that a purpose of the waiver or of the dem-  
16 onstration project for which the waiver is necessary would  
17 be the same as or similar to a purpose of another waiver  
18 or project that is or may be conducted under this sec-  
19 tion.”.

20 **SEC. 404. ELIMINATION OF LIMITATION ON NUMBER OF**  
21 **WAIVERS THAT MAY BE GRANTED TO A SIN-**  
22 **GLE STATE FOR DEMONSTRATION PROJECTS.**

23 Section 1130 (42 U.S.C. 1320a-9) is further amend-  
24 ed by adding at the end the following:

25 “(i) NO LIMIT ON NUMBER OF WAIVERS GRANTED  
26 TO, OR DEMONSTRATION PROJECTS THAT MAY BE CON-

1 DUCTED BY, A SINGLE STATE.—The Secretary shall not  
 2 impose any limit on the number of waivers that may be  
 3 granted to a State, or the number of demonstration  
 4 projects that a State may be authorized to conduct, under  
 5 this section.”.

6 **SEC. 405. STREAMLINED PROCESS FOR CONSIDERATION OF**  
 7 **AMENDMENTS TO AND EXTENSIONS OF DEM-**  
 8 **ONSTRATION PROJECTS REQUIRING WAIV-**  
 9 **ERS.**

10 Section 1130 (42 U.S.C. 1320a–9) is further amend-  
 11 ed by adding at the end the following:

12 “(j) STREAMLINED PROCESS FOR CONSIDERATION  
 13 OF AMENDMENTS AND EXTENSIONS.—The Secretary  
 14 shall develop a streamlined process for consideration of  
 15 amendments and extensions proposed by States to dem-  
 16 onstration projects conducted under this section.”.

17 **SEC. 406. AVAILABILITY OF REPORTS.**

18 Section 1130 (42 U.S.C. 1320a–9) is further amend-  
 19 ed by adding at the end the following:

20 “(k) AVAILABILITY OF REPORTS.—The Secretary  
 21 shall make available to any State or other interested party  
 22 any report provided to the Secretary under subsection  
 23 (f)(2), and any evaluation or report made by the Secretary  
 24 with respect to a demonstration project conducted under

1 this section, with a focus on information that may promote  
2 best practices and program improvements.”.

3 **SEC. 407. TECHNICAL CORRECTION.**

4 Section 1130(b)(1) (42 U.S.C. 1320a–9(b)(1)) is  
5 amended by striking “422(b)(9)” and inserting  
6 “422(b)(10)”.

7 **TITLE V—SUPPLEMENTAL**  
8 **SECURITY INCOME**

9 **SEC. 501. REVIEW OF STATE AGENCY BLINDNESS AND DIS-**  
10 **ABILITY DETERMINATIONS.**

11 Section 1633 (42 U.S.C. 1383b) is amended by add-  
12 ing at the end the following:

13 “(e)(1) The Commissioner of Social Security shall re-  
14 view determinations, made by State agencies pursuant to  
15 subsection (a) in connection with applications for benefits  
16 under this title on the basis of blindness or disability, that  
17 individuals who have attained 18 years of age are blind  
18 or disabled as of a specified onset date. The Commissioner  
19 of Social Security shall review such a determination before  
20 any action is taken to implement the determination.

21 “(2)(A) In carrying out paragraph (1), the Commis-  
22 sioner of Social Security shall review—

23 “(i) at least 20 percent of all determinations re-  
24 ferred to in paragraph (1) that are made in fiscal  
25 year 2006;

1           “(ii) at least 40 percent of all such determina-  
2           tions that are made in fiscal year 2007; and

3           “(iii) at least 50 percent of all such determina-  
4           tions that are made in fiscal year 2008 or thereafter.

5           “(B) In carrying out subparagraph (A), the Commis-  
6           sioner of Social Security shall, to the extent feasible, select  
7           for review the determinations which the Commissioner of  
8           Social Security identifies as being the most likely to be  
9           incorrect.”.

## 10           **TITLE VI—STATE AND LOCAL** 11           **FLEXIBILITY**

### 12           **SEC. 601. PROGRAM COORDINATION DEMONSTRATION** 13           **PROJECTS.**

14           (a) PURPOSE.—The purpose of this section is to es-  
15           tablish a program of demonstration projects in a State or  
16           portion of a State to coordinate multiple public assistance,  
17           workforce development, and other programs, for the pur-  
18           pose of supporting working individuals and families, help-  
19           ing families escape welfare dependency, promoting child  
20           well-being, or helping build stronger families, using inno-  
21           vative approaches to strengthen service systems and pro-  
22           vide more coordinated and effective service delivery.

23           (b) DEFINITIONS.—In this section:

24           (1) ADMINISTERING SECRETARY.—The term  
25           “administering Secretary” means, with respect to a

1 qualified program, the head of the Federal agency  
2 responsible for administering the program.

3 (2) QUALIFIED PROGRAM.—The term “qualified  
4 program” means—

5 (A) a program under part A of title IV of  
6 the Social Security Act;

7 (B) the program under title XX of such  
8 Act;

9 (C) activities funded under title I of the  
10 Workforce Investment Act of 1998, except sub-  
11 title C of such title;

12 (D) a demonstration project authorized  
13 under section 505 of the Family Support Act of  
14 1988;

15 (E) activities funded under the Wagner-  
16 Peyser Act;

17 (F) activities funded under the Adult Edu-  
18 cation and Family Literacy Act;

19 (G) activities funded under the Child Care  
20 and Development Block Grant Act of 1990;

21 (H) activities funded under the United  
22 States Housing Act of 1937 (42 U.S.C. 1437 et  
23 seq.), except that such term shall not include—

1 (i) any program for rental assistance  
2 under section 8 of such Act (42 U.S.C.  
3 1437f); and

4 (ii) the program under section 7 of  
5 such Act (42 U.S.C. 1437e) for design-  
6 nating public housing for occupancy by  
7 certain populations;

8 (I) activities funded under title I, II, III,  
9 or IV of the McKinney-Vento Homeless Assist-  
10 ance Act (42 U.S.C. 11301 et seq.); or

11 (J) the food stamp program as defined in  
12 section 3(h) of the Food Stamp Act of 1977 (7  
13 U.S.C. 2012(h)).

14 (c) APPLICATION REQUIREMENTS.—The head of a  
15 State entity or of a sub-State entity administering 2 or  
16 more qualified programs proposed to be included in a dem-  
17 onstration project under this section shall (or, if the  
18 project is proposed to include qualified programs adminis-  
19 tered by 2 or more such entities, the heads of the admin-  
20 istering entities (each of whom shall be considered an ap-  
21 plicant for purposes of this section) shall jointly) submit  
22 to the administering Secretary of each such program an  
23 application that contains the following:

24 (1) PROGRAMS INCLUDED.—A statement identi-  
25 fying each qualified program to be included in the

1 project, and describing how the purposes of each  
2 such program will be achieved by the project.

3 (2) POPULATION SERVED.—A statement identi-  
4 fying the population to be served by the project and  
5 specifying the eligibility criteria to be used.

6 (3) DESCRIPTION AND JUSTIFICATION.—A de-  
7 tailed description of the project, including—

8 (A) a description of how the project is ex-  
9 pected to improve or enhance achievement of  
10 the purposes of the programs to be included in  
11 the project, from the standpoint of quality, of  
12 cost-effectiveness, or of both; and

13 (B) a description of the performance objec-  
14 tives for the project, including any proposed  
15 modifications to the performance measures and  
16 reporting requirements used in the programs.

17 (4) WAIVERS REQUESTED.—A description of  
18 the statutory and regulatory requirements with re-  
19 spect to which a waiver is requested in order to  
20 carry out the project, and a justification of the need  
21 for each such waiver.

22 (5) COST NEUTRALITY.—Such information and  
23 assurances as necessary to establish to the satisfac-  
24 tion of the administering Secretary, in consultation  
25 with the Director of the Office of Management and

1 Budget, that the proposed project is reasonably ex-  
2 pected to meet the applicable cost neutrality require-  
3 ments of subsection (d)(4).

4 (6) EVALUATION AND REPORTS.—An assurance  
5 that the applicant will conduct ongoing and final  
6 evaluations of the project, and make interim and  
7 final reports to the administering Secretary, at such  
8 times and in such manner as the administering Sec-  
9 retary may require.

10 (7) PUBLIC HOUSING AGENCY PLAN.—In the  
11 case of an application proposing a demonstration  
12 project that includes activities referred to in sub-  
13 section (b)(2)(H) of this section—

14 (A) a certification that the applicable an-  
15 nual public housing agency plan of any agency  
16 affected by the project that is approved under  
17 section 5A of the United States Housing Act of  
18 1937 (42 U.S.C. 1437c–1) by the Secretary in-  
19 cludes the information specified in paragraphs  
20 (1) through (4) of this subsection; and

21 (B) any resident advisory board rec-  
22 ommendations, and other information, relating  
23 to the project that, pursuant to section  
24 5A(e)(2) of the United States Housing Act of  
25 1937 (42 U.S.C. 1437c–1(e)(2)), is required to

1           be included in the public housing agency plan of  
2           any public housing agency affected by the  
3           project.

4           (8) OTHER INFORMATION AND ASSURANCES.—  
5           Such other information and assurances as the ad-  
6           ministering Secretary may require.

7           (d) APPROVAL OF APPLICATIONS.—

8           (1) IN GENERAL.—The administering Secretary  
9           with respect to a qualified program that is identified  
10          in an application submitted pursuant to subsection  
11          (c) may approve the application and, except as pro-  
12          vided in paragraph (2), waive any requirement appli-  
13          cable to the program, to the extent consistent with  
14          this section and necessary and appropriate for the  
15          conduct of the demonstration project proposed in the  
16          application, if the administering Secretary deter-  
17          mines that the project—

18                (A) has a reasonable likelihood of achieving  
19                the objectives of the programs to be included in  
20                the project;

21                (B) may reasonably be expected to meet  
22                the applicable cost neutrality requirements of  
23                paragraph (4), as determined by the Director of  
24                the Office of Management and Budget; and

1 (C) includes the coordination of 2 or more  
2 qualified programs.

3 (2) PROVISIONS EXCLUDED FROM WAIVER AU-  
4 THORITY.—A waiver shall not be granted under  
5 paragraph (1)—

6 (A) with respect to any provision of law re-  
7 lating to—

8 (i) civil rights or prohibition of dis-  
9 crimination;

10 (ii) purposes or goals of any program;

11 (iii) maintenance of effort require-  
12 ments;

13 (iv) health or safety;

14 (v) labor standards under the Fair  
15 Labor Standards Act of 1938; or

16 (vi) environmental protection;

17 (B) with respect to section 241(a) of the  
18 Adult Education and Family Literacy Act;

19 (C) in the case of a program under the  
20 United States Housing Act of 1937 (42 U.S.C.  
21 1437 et seq.), with respect to any requirement  
22 under section 5A of such Act (42 U.S.C.  
23 1437c-1; relating to public housing agency  
24 plans and resident advisory boards);

1 (D) in the case of a program under the  
2 Workforce Investment Act, with respect to any  
3 requirement the waiver of which would violate  
4 section 189(i)(4)(A)(i) of such Act;

5 (E) in the case of the food stamp program  
6 (as defined in section 3(h) of the Food Stamp  
7 Act of 1977 (7 U.S.C. 2012(h)), with respect to  
8 any requirement under—

9 (i) section 6 (if waiving a requirement  
10 under such section would have the effect of  
11 expanding eligibility for the program), 7(b)  
12 or 16(e) of the Food Stamp Act of 1977  
13 (7 U.S.C. 2011 et seq.); or

14 (ii) title IV of the Personal Responsi-  
15 bility and Work Opportunity Reconciliation  
16 Act of 1996 (8 U.S.C. 1601 et seq.);

17 (F) with respect to any requirement that a  
18 State pass through to a sub-State entity part or  
19 all of an amount paid to the State;

20 (G) if the waiver would waive any funding  
21 restriction or limitation provided in an appro-  
22 priations Act, or would have the effect of trans-  
23 ferring appropriated funds from 1 appropria-  
24 tions account to another; or

1           (H) except as otherwise provided by stat-  
2           ute, if the waiver would waive any funding re-  
3           striction applicable to a program authorized  
4           under an Act which is not an appropriations  
5           Act (but not including program requirements  
6           such as application procedures, performance  
7           standards, reporting requirements, or eligibility  
8           standards), or would have the effect of transfer-  
9           ring funds from a program for which there is  
10          direct spending (as defined in section 250(c)(8)  
11          of the Balanced Budget and Emergency Deficit  
12          Control Act of 1985) to another program.

13           (3) AGREEMENT OF EACH ADMINISTERING SEC-  
14          RETARY REQUIRED.—

15           (A) IN GENERAL.—An applicant may not  
16          conduct a demonstration project under this sec-  
17          tion unless each administering Secretary with  
18          respect to any program proposed to be included  
19          in the project has approved the application to  
20          conduct the project.

21           (B) AGREEMENT WITH RESPECT TO FUND-  
22          ING AND IMPLEMENTATION.—Before approving  
23          an application to conduct a demonstration  
24          project under this section, an administering  
25          Secretary shall have in place an agreement with

1 the applicant with respect to the payment of  
2 funds and responsibilities required of the ad-  
3 ministering Secretary with respect to the  
4 project.

5 (4) COST-NEUTRALITY REQUIREMENT.—

6 (A) GENERAL RULE.—Notwithstanding  
7 any other provision of law (except subparagraph  
8 (B)), the total of the amounts that may be paid  
9 by the Federal Government for a fiscal year  
10 with respect to the programs in the State in  
11 which an entity conducting a demonstration  
12 project under this section is located that are af-  
13 fected by the project shall not exceed the esti-  
14 mated total amount that the Federal Govern-  
15 ment would have paid for the fiscal year with  
16 respect to the programs if the project had not  
17 been conducted, as determined by the Director  
18 of the Office of Management and Budget.

19 (B) SPECIAL RULE.—If an applicant sub-  
20 mits to the Director of the Office of Manage-  
21 ment and Budget a request to apply the rules  
22 of this subparagraph to the programs in the  
23 State in which the applicant is located that are  
24 affected by a demonstration project proposed in  
25 an application submitted by the applicant pur-

1 suant to this section, during such period of not  
2 more than 5 consecutive fiscal years in which  
3 the project is in effect, and the Director deter-  
4 mines, on the basis of supporting information  
5 provided by the applicant, to grant the request,  
6 then, notwithstanding any other provision of  
7 law, the total of the amounts that may be paid  
8 by the Federal Government for the period with  
9 respect to the programs shall not exceed the es-  
10 timated total amount that the Federal Govern-  
11 ment would have paid for the period with re-  
12 spect to the programs if the project had not  
13 been conducted.

14 (5) 90-DAY APPROVAL DEADLINE.—

15 (A) IN GENERAL.—If an administering  
16 Secretary receives an application to conduct a  
17 demonstration project under this section and  
18 does not disapprove the application within 90  
19 days after the receipt, then—

20 (i) the administering Secretary is  
21 deemed to have approved the application  
22 for such period as is requested in the ap-  
23 plication, except to the extent inconsistent  
24 with subsection (e); and

1           (ii) any waiver requested in the appli-  
2           cation which applies to a qualified program  
3           that is identified in the application and is  
4           administered by the administering Sec-  
5           retary is deemed to be granted, except to  
6           the extent inconsistent with paragraph (2)  
7           or (4) of this subsection.

8           (B) DEADLINE EXTENDED IF ADDITIONAL  
9           INFORMATION IS SOUGHT.—The 90-day period  
10          referred to in subparagraph (A) shall not in-  
11          clude any period that begins with the date the  
12          Secretary requests the applicant to provide ad-  
13          ditional information with respect to the applica-  
14          tion and ends with the date the additional in-  
15          formation is provided.

16          (e) DURATION OF PROJECTS.—A demonstration  
17          project under this section may be approved for a term of  
18          not more than 5 years.

19          (f) REPORTS TO CONGRESS.—

20               (1) REPORT ON DISPOSITION OF APPLICA-  
21               TIONS.—Within 90 days after an administering Sec-  
22               retary receives an application submitted pursuant to  
23               this section, the administering Secretary shall sub-  
24               mit to each Committee of the Congress which has  
25               jurisdiction over a qualified program identified in

1 the application notice of the receipt, a description of  
2 the decision of the administering Secretary with re-  
3 spect to the application, and the reasons for approv-  
4 ing or disapproving the application.

5 (2) REPORTS ON PROJECTS.—Each admin-  
6 istering Secretary shall provide annually to the Con-  
7 gress a report concerning demonstration projects ap-  
8 proved under this section, including—

9 (A) the projects approved for each appli-  
10 cant;

11 (B) the number of waivers granted under  
12 this section, and the specific statutory provi-  
13 sions waived;

14 (C) how well each project for which a waiv-  
15 er is granted is improving or enhancing pro-  
16 gram achievement from the standpoint of qual-  
17 ity, cost-effectiveness, or both;

18 (D) how well each project for which a  
19 waiver is granted is meeting the performance  
20 objectives specified in subsection (c)(3)(B);

21 (E) how each project for which a waiver is  
22 granted is conforming with the cost-neutrality  
23 requirements of subsection (d)(4); and

24 (F) to the extent the administering Sec-  
25 retary deems appropriate, recommendations for

1           modification of programs based on outcomes of  
2           the projects.

3           (g) AMENDMENT TO UNITED STATES HOUSING ACT  
4 OF 1937.—Section 5A(d) of the United States Housing  
5 Act of 1937 (42 U.S.C. 1437c–1(d)) is amended—

6           (1) by redesignating paragraph (18) as para-  
7           graph (19); and

8           (2) by inserting after paragraph (17) the fol-  
9           lowing new paragraph:

10           “(18) PROGRAM COORDINATION DEMONSTRA-  
11           TION PROJECTS.—In the case of an agency that ad-  
12           ministers an activity referred to in section  
13           601(b)(2)(H) of the Personal Responsibility, Work,  
14           and Family Promotion Act of 2005 that, during  
15           such fiscal year, will be included in a demonstration  
16           project under section 601 of such Act, the informa-  
17           tion that is required to be included in the application  
18           for the project pursuant to paragraphs (1) through  
19           (4) of section 601(b) of such Act.”.

20 **SEC. 602. STATE FOOD ASSISTANCE BLOCK GRANT DEM-**  
21 **ONSTRATION PROJECT.**

22           The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.)  
23 is amended by adding at the end the following:

1 **“SEC. 28. STATE FOOD ASSISTANCE BLOCK GRANT DEM-**  
2 **ONSTRATION PROJECT.**

3 “(a) ESTABLISHMENT.—The Secretary shall estab-  
4 lish a program to make grants to States in accordance  
5 with this section to provide—

6 “(1) food assistance to needy individuals and  
7 families residing in the State;

8 “(2) funds to operate an employment and train-  
9 ing program under subsection (g) for needy individ-  
10 uals under the program; and

11 “(3) funds for administrative costs incurred in  
12 providing the assistance.

13 “(b) ELECTION.—

14 “(1) IN GENERAL.—A State may elect to par-  
15 ticipate in the program established under subsection  
16 (a).

17 “(2) ELECTION REVOCABLE.—A State that  
18 elects to participate in the program established  
19 under subsection (a) may subsequently reverse the  
20 election of the State only once thereafter. Following  
21 the reversal, the State shall only be eligible to par-  
22 ticipate in the food stamp program in accordance  
23 with the other sections of this Act and shall not re-  
24 ceive a block grant under this section.

25 “(3) PROGRAM EXCLUSIVE.—A State that is  
26 participating in the program established under sub-

1 section (a) shall not be subject to, or receive any  
2 benefit under, this Act except as provided in this  
3 section.

4 “(c) LEAD AGENCY.—

5 “(1) DESIGNATION.—A State desiring to par-  
6 ticipate in the program established under subsection  
7 (a) shall designate, in an application submitted to  
8 the Secretary under subsection (d)(1), an appro-  
9 priate State agency that complies with paragraph  
10 (2) to act as the lead agency for the State.

11 “(2) DUTIES.—The lead agency shall—

12 “(A) administer, either directly, through  
13 other State agencies, or through local agencies,  
14 the assistance received under this section by the  
15 State;

16 “(B) develop the State plan to be sub-  
17 mitted to the Secretary under subsection (d)(1);  
18 and

19 “(C) coordinate the provision of food as-  
20 sistance under this section with other Federal,  
21 State, and local programs.

22 “(d) APPLICATION AND PLAN.—

23 “(1) APPLICATION.—To be eligible to receive  
24 assistance under this section, a State shall prepare  
25 and submit to the Secretary an application at such

1 time, in such manner, and containing such informa-  
2 tion as the Secretary shall by regulation require, in-  
3 cluding—

4 “(A) an assurance that the State will com-  
5 ply with the requirements of this section;

6 “(B) a State plan that meets the require-  
7 ments of paragraph (2); and

8 “(C) an assurance that the State will com-  
9 ply with the requirements of the State plan  
10 under paragraph (2).

11 “(2) REQUIREMENTS OF PLAN.—

12 “(A) LEAD AGENCY.—The State plan shall  
13 identify the lead agency.

14 “(B) USE OF BLOCK GRANT FUNDS.—The  
15 State plan shall provide that the State shall use  
16 the amounts provided to the State for each fis-  
17 cal year under this section—

18 “(i) to provide food assistance to  
19 needy individuals and families residing in  
20 the State, other than residents of institu-  
21 tions who are ineligible for food stamps  
22 under section 3(i);

23 “(ii) to administer an employment  
24 and training program under subsection (g)  
25 for needy individuals under the program

1 and to provide reimbursements to needy  
2 individuals and families as would be al-  
3 lowed under section 16(h)(3); and

4 “(iii) to pay administrative costs in-  
5 curred in providing the assistance.

6 “(C) ASSISTANCE FOR ENTIRE STATE.—

7 The State plan shall provide that benefits under  
8 this section shall be available throughout the  
9 entire State.

10 “(D) NOTICE AND HEARINGS.—The State

11 plan shall provide that an individual or family  
12 who applies for, or receives, assistance under  
13 this section shall be provided with notice of, and  
14 an opportunity for a hearing on, any action  
15 under this section that adversely affects the in-  
16 dividual or family.

17 “(E) OTHER ASSISTANCE.—

18 “(i) COORDINATION.—The State plan  
19 may coordinate assistance received under  
20 this section with assistance provided under  
21 the State program funded under part A of  
22 title IV of the Social Security Act (42  
23 U.S.C. 601 et seq.).

24 “(ii) PENALTIES.—If an individual or  
25 family is penalized for violating part A of

1 title IV of the Act, the State plan may re-  
2 duce the amount of assistance provided  
3 under this section or otherwise penalize the  
4 individual or family.

5 “(F) ELIGIBILITY LIMITATIONS.—The  
6 State plan shall describe the income and re-  
7 source eligibility limitations that are established  
8 for the receipt of assistance under this section.

9 “(G) RECEIVING BENEFITS IN MORE THAN  
10 1 JURISDICTION.—The State plan shall estab-  
11 lish a system to verify and otherwise ensure  
12 that no individual or family shall receive bene-  
13 fits under this section in more than 1 jurisdic-  
14 tion within the State.

15 “(H) PRIVACY.—The State plan shall pro-  
16 vide for safeguarding and restricting the use  
17 and disclosure of information about any indi-  
18 vidual or family receiving assistance under this  
19 section.

20 “(I) OTHER INFORMATION.—The State  
21 plan shall contain such other information as  
22 may be required by the Secretary.

23 “(3) APPROVAL OF APPLICATION AND PLAN.—  
24 During fiscal years 2006 through 2010, the Sec-  
25 retary may approve the applications and State plans

1       that satisfy the requirements of this section of not  
2       more than 5 States for a term of not more than 5  
3       years.

4       “(e) CONSTRUCTION OF FACILITIES.—No funds  
5       made available under this section shall be expended for  
6       the purchase or improvement of land, or for the purchase,  
7       construction, or permanent improvement of any building  
8       or facility.

9       “(f) BENEFITS FOR ALIENS.—No individual shall be  
10      eligible to receive benefits under a State plan approved  
11      under subsection (d)(3) if the individual is not eligible to  
12      participate in the food stamp program under title IV of  
13      the Personal Responsibility and Work Opportunity Rec-  
14      onciliation Act of 1996 (8 U.S.C. 1601 et seq.).

15      “(g) EMPLOYMENT AND TRAINING.—Each State  
16      shall implement an employment and training program for  
17      needy individuals under the program.

18      “(h) ENFORCEMENT.—

19              “(1) REVIEW OF COMPLIANCE WITH STATE  
20      PLAN.—The Secretary shall review and monitor  
21      State compliance with this section and the State  
22      plan approved under subsection (d)(3).

23              “(2) NONCOMPLIANCE.—

1           “(A) IN GENERAL.—If the Secretary, after  
2 reasonable notice to a State and opportunity for  
3 a hearing, finds that—

4                   “(i) there has been a failure by the  
5 State to comply substantially with any pro-  
6 vision or requirement set forth in the State  
7 plan approved under subsection (d)(3); or

8                   “(ii) in the operation of any program  
9 or activity for which assistance is provided  
10 under this section, there is a failure by the  
11 State to comply substantially with any pro-  
12 vision of this section, the Secretary shall  
13 notify the State of the finding and that no  
14 further payments will be made to the State  
15 under this section (or, in the case of non-  
16 compliance in the operation of a program  
17 or activity, that no further payments to the  
18 State will be made with respect to the pro-  
19 gram or activity) until the Secretary is sat-  
20 isfied that there is no longer any failure to  
21 comply or that the noncompliance will be  
22 promptly corrected.

23           “(B) OTHER SANCTIONS.—In the case of a  
24 finding of noncompliance made pursuant to  
25 subparagraph (A), the Secretary may, in addi-

1           tion to, or in lieu of, imposing the sanctions de-  
2           scribed in subparagraph (A), impose other ap-  
3           propriate sanctions, including recoupment of  
4           money improperly expended for purposes pro-  
5           hibited or not authorized by this section and  
6           disqualification from the receipt of financial as-  
7           sistance under this section.

8           “(C) NOTICE.—The notice required under  
9           subparagraph (A) shall include a specific identi-  
10          fication of any additional sanction being im-  
11          posed under subparagraph (B).

12          “(3) ISSUANCE OF REGULATIONS.—The Sec-  
13          retary shall establish by regulation procedures for—

14               “(A) receiving, processing, and deter-  
15               mining the validity of complaints concerning  
16               any failure of a State to comply with the State  
17               plan or any requirement of this section; and

18               “(B) imposing sanctions under this sec-  
19               tion.

20          “(i) PAYMENTS.—

21               “(1) IN GENERAL.—For each fiscal year, the  
22               Secretary shall pay to a State that has an applica-  
23               tion approved by the Secretary under subsection  
24               (d)(3) an amount that is equal to the allotment of  
25               the State under subsection (l)(2) for the fiscal year.

1           “(2) METHOD OF PAYMENT.—The Secretary  
2 shall make payments to a State for a fiscal year  
3 under this section by issuing 1 or more letters of  
4 credit for the fiscal year, with necessary adjustments  
5 on account of overpayments or underpayments, as  
6 determined by the Secretary.

7           “(3) SPENDING OF FUNDS BY STATE.—

8           “(A) IN GENERAL.—Except as provided in  
9 subparagraph (B), payments to a State from an  
10 allotment under subsection (1)(2) for a fiscal  
11 year may be expended by the State only in the  
12 fiscal year.

13           “(B) CARRYOVER.—The State may reserve  
14 up to 10 percent of an allotment under sub-  
15 section (1)(2) for a fiscal year to provide assist-  
16 ance under this section in subsequent fiscal  
17 years, except that the reserved funds may not  
18 exceed 30 percent of the total allotment re-  
19 ceived under this section for a fiscal year.

20           “(4) PROVISION OF FOOD ASSISTANCE.—A  
21 State may provide food assistance under this section  
22 in any manner determined appropriate by the State  
23 to provide food assistance to needy individuals and  
24 families in the State, such as electronic benefits  
25 transfer limited to food purchases, coupons limited

1 to food purchases, or direct provision of commod-  
2 ities.

3 “(5) DEFINITION OF FOOD ASSISTANCE.—In  
4 this section, the term ‘food assistance’ means assist-  
5 ance that may be used only to obtain food, as de-  
6 fined in section 3(g).

7 “(j) AUDITS.—

8 “(1) REQUIREMENT.—After the close of each  
9 fiscal year, a State shall arrange for an audit of the  
10 expenditures of the State during the program period  
11 from amounts received under this section.

12 “(2) INDEPENDENT AUDITOR.—An audit under  
13 this section shall be conducted by an entity that is  
14 independent of any agency administering activities  
15 that receive assistance under this section and be in  
16 accordance with generally accepted auditing prin-  
17 ciples.

18 “(3) PAYMENT ACCURACY.—Each annual audit  
19 under this section shall include an audit of payment  
20 accuracy under this section that shall be based on a  
21 statistically valid sample of the caseload in the  
22 State.

23 “(4) SUBMISSION.—Not later than 30 days  
24 after the completion of an audit under this section,

1 the State shall submit a copy of the audit to the leg-  
2 islature of the State and to the Secretary.

3 “(5) REPAYMENT OF AMOUNTS.—Each State  
4 shall repay to the United States any amounts deter-  
5 mined through an audit under this section to have  
6 not been expended in accordance with this section or  
7 to have not been expended in accordance with the  
8 State plan, or the Secretary may offset the amounts  
9 against any other amount paid to the State under  
10 this section.

11 “(k) NONDISCRIMINATION.—

12 “(1) IN GENERAL.—The Secretary shall not  
13 provide financial assistance for any program,  
14 project, or activity under this section if any person  
15 with responsibilities for the operation of the pro-  
16 gram, project, or activity discriminates with respect  
17 to the program, project, or activity because of race,  
18 religion, color, national origin, sex, or disability.

19 “(2) ENFORCEMENT.—The powers, remedies,  
20 and procedures set forth in title VI of the Civil  
21 Rights Act of 1964 (42 U.S.C. 2000d et seq.) may  
22 be used by the Secretary to enforce paragraph (1).

23 “(l) ALLOTMENTS.—

24 “(1) DEFINITION OF STATE.—In this section,  
25 the term ‘State’ means each of the 50 States, the

1 District of Columbia, Guam, and the Virgin Islands  
2 of the United States.

3 “(2) STATE ALLOTMENT.—

4 “(A) IN GENERAL.—Except as provided in  
5 subparagraph (B), from the amounts made  
6 available under section 18 of this Act for each  
7 fiscal year, the Secretary shall allot to each  
8 State participating in the program established  
9 under subsection (a) an amount that is equal to  
10 the sum of—

11 “(i) the greater of, as determined by  
12 the Secretary—

13 “(I) the total dollar value of all  
14 benefits issued under the food stamp  
15 program established under this Act by  
16 the State during fiscal year 2005; or

17 “(II) the average per fiscal year  
18 of the total dollar value of all benefits  
19 issued under the food stamp program  
20 by the State during each of fiscal  
21 years 2003 through 2005; and

22 “(ii) the greater of, as determined by  
23 the Secretary—

24 “(I) the total amount received by  
25 the State for administrative costs and

1 the employment and training program  
2 under subsections (a) and (h), respec-  
3 tively, of section 16 of this Act for fis-  
4 cal year 2005; or

5 “(II) the average per fiscal year  
6 of the total amount received by the  
7 State for administrative costs and the  
8 employment and training program  
9 under subsections (a) and (h), respec-  
10 tively, of section 16 of this Act for  
11 each of fiscal years 2003 through  
12 2005.

13 “(B) INSUFFICIENT FUNDS.—If the Sec-  
14 retary finds that the total amount of allotments  
15 to which States would otherwise be entitled for  
16 a fiscal year under subparagraph (A) will ex-  
17 ceed the amount of funds that will be made  
18 available to provide the allotments for the fiscal  
19 year, the Secretary shall reduce the allotments  
20 made to States under this subsection, on a pro  
21 rata basis, to the extent necessary to allot  
22 under this subsection a total amount that is  
23 equal to the funds that will be made available.”.

1                   **TITLE VII—ABSTINENCE**  
2                   **EDUCATION**

3 **SEC. 701. EXTENSION OF ABSTINENCE EDUCATION PRO-**  
4                   **GRAM.**

5           (a) EXTENSION OF APPROPRIATIONS.—

6               (1) IN GENERAL.—Section 510(d) (42 U.S.C.  
7               710(d)) is amended in the first sentence by inserting  
8               before the period the following: “and for each of the  
9               fiscal years 2006 through 2010”.

10           (2) ADDITIONAL FUNDS FOR FISCAL YEAR  
11           2005.—

12               (A) ADDITIONAL FUNDS.—Activities au-  
13               thorized by section 510 of the Social Security  
14               Act shall continue through September 30, 2005,  
15               in the manner authorized for fiscal year 2004,  
16               and out of any money in the Treasury of the  
17               United States not otherwise appropriated, there  
18               are hereby appropriated such sums as may be  
19               necessary for such purpose, in addition to other  
20               amounts appropriated for such purpose for fis-  
21               cal year 2005. Grants and payments may be  
22               made pursuant to this authority through the  
23               fourth quarter of fiscal year 2005 at the level  
24               provided for such activities through the fourth  
25               quarter of fiscal year 2004.

1 (B) EFFECTIVE DATE.—Subparagraph (A)  
2 takes effect upon the date of the enactment of  
3 this Act.

4 (b) ALLOTMENT OF FUNDS.—Section 510(a) (42  
5 U.S.C. 710(a)) is amended—

6 (1) in the matter preceding paragraph (1), by  
7 striking “an application for the fiscal year under  
8 section 505(a)” and inserting “, for the fiscal year,  
9 an application under section 505(a), and an applica-  
10 tion under this section (in such form and meeting  
11 such terms and conditions as determined appropriate  
12 by the Secretary),”; and

13 (2) in paragraph (2), to read as follows:

14 “(2) the percentage that would be determined  
15 for the State under section 502(c)(1)(B)(ii) if the  
16 calculation under such section took into consider-  
17 ation only those States that transmitted both such  
18 applications for such fiscal year.”.

19 (c) REALLOTMENT OF FUNDS.—Section 510 (42  
20 U.S.C. 710(a)) is amended by adding at the end the fol-  
21 lowing new subsection:

22 “(e)(1) With respect to allotments under subsection  
23 (a) for fiscal year 2006 and subsequent fiscal years, the  
24 amount of any allotment to a State for a fiscal year that  
25 the Secretary determines will not be required to carry out

1 a program under this section during such fiscal year or  
2 the succeeding fiscal year shall be available for reallocation  
3 from time to time during such fiscal years on such dates  
4 as the Secretary may fix, to other States that the Sec-  
5 retary determines—

6           “(A) require amounts in excess of amounts pre-  
7 viously allotted under subsection (a) to carry out a  
8 program under this section; and

9           “(B) will use such excess amounts during such  
10 fiscal years.

11           “(2) Reallocations under paragraph (1) shall be made  
12 on the basis of such States’ applications under this sec-  
13 tion, after taking into consideration the population of low-  
14 income children in each such State as compared with the  
15 population of low-income children in all such States with  
16 respect to which a determination under paragraph (1) has  
17 been made by the Secretary.

18           “(3) Any amount reallocated under paragraph (1) to  
19 a State is deemed to be part of its allotment under sub-  
20 section (a).”.

21           (d) EFFECTIVE DATE.—The amendments made by  
22 this section shall be effective with respect to the program  
23 under section 510 of the Social Security Act for fiscal  
24 years 2006 and succeeding fiscal years.

1           **TITLE VIII—TRANSITIONAL**  
2           **MEDICAL ASSISTANCE**

3   **SEC. 801. EXTENSION OF MEDICAID TRANSITIONAL MED-**  
4                   **ICAL ASSISTANCE PROGRAM THROUGH FIS-**  
5                   **CAL YEAR 2006.**

6           (a) IN GENERAL.—Section 1925(f) (42 U.S.C.  
7 1396r–6(f)) is amended by striking “2003” and inserting  
8 “2006”.

9           (b) CONFORMING AMENDMENT.—Section  
10 1902(e)(1)(B) (42 U.S.C. 1396a(e)(1)(B)) is amended by  
11 striking “September 30, 2003” and inserting “the last  
12 date (if any) on which section 1925 applies under sub-  
13 section (f) of that section”.

14           (c) EFFECTIVE DATE.—The amendments made by  
15 this section shall take effect on April 1, 2005.

16   **SEC. 802. ADJUSTMENT TO PAYMENTS FOR MEDICAID AD-**  
17                   **MINISTRATIVE COSTS TO PREVENT DUPLICA-**  
18                   **TIVE PAYMENTS AND TO FUND EXTENSION**  
19                   **OF TRANSITIONAL MEDICAL ASSISTANCE.**

20           (a) IN GENERAL.—Section 1903 (42 U.S.C. 1396b)  
21 is amended—

22                   (1) in subsection (a)(7), by striking “section  
23 1919(g)(3)(B)” and inserting “subsection (x) and  
24 section 1919(g)(3)(C)”; and

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

1       “(x) ADJUSTMENTS TO PAYMENTS FOR ADMINISTRA-  
2 TIVE COSTS TO FUND EXTENSION OF TRANSITIONAL  
3 MEDICAL ASSISTANCE.—

4           “(1) REDUCTIONS IN PAYMENTS FOR ADMINIS-  
5 TRATIVE COSTS.—Effective for each of the last 2  
6 calendar quarters in fiscal year 2005 and for each  
7 calendar quarter in fiscal year 2006, the Secretary  
8 shall reduce the amount paid under subsection  
9 (a)(7) to each State by an amount equal to 45 per-  
10 cent for calendar quarters in fiscal year 2005, and  
11 80 percent for calendar quarters in fiscal year 2006,  
12 of one-quarter of the annualized amount determined  
13 for the medicaid program under section 16(k)(2)(B)  
14 of the Food Stamp Act of 1977 (7 U.S.C.  
15 2025(k)(2)(B)).

16           “(2) ALLOCATION OF ADMINISTRATIVE  
17 COSTS.—None of the funds or expenditures de-  
18 scribed in section 16(k)(5)(B) of the Food Stamp  
19 Act of 1977 (7 U.S.C. 2025(k)(5)(B)) may be used  
20 to pay for costs—

21           “(A) eligible for reimbursement under sub-  
22 section (a)(7) (or costs that would have been el-  
23 igible for reimbursement but for this sub-  
24 section); and

1           “(B) allocated for reimbursement to the  
 2           program under this title under a plan submitted  
 3           by a State to the Secretary to allocate adminis-  
 4           trative costs for public assistance programs;  
 5           except that, for purposes of subparagraph (A), the  
 6           reference in clause (iii) of that section to ‘subsection  
 7           (a)’ is deemed a reference to subsection (a)(7) and  
 8           clause (iv)(II) of that section shall be applied as if  
 9           ‘medicaid program’ were substituted for ‘food stamp  
 10          program’.”.

11          (b) **EFFECTIVE DATE.**—The amendments made by  
 12          subsection (a) shall take effect on April 1, 2005.

## 13           **TITLE IX—EFFECTIVE DATE**

### 14          **SEC. 901. EFFECTIVE DATE.**

15          (a) **IN GENERAL.**—Except as otherwise provided in  
 16          this Act, this Act and the amendments made by this Act  
 17          shall take effect on October 1, 2005.

18          (b) **EXCEPTION.**—In the case of a State plan under  
 19          part A or D of title IV of the Social Security Act which  
 20          the Secretary determines requires State legislation in  
 21          order for the plan to meet the additional requirements im-  
 22          posed by the amendments made by this Act, the effective  
 23          date of the amendments imposing the additional require-  
 24          ments shall be 3 months after the first day of the first  
 25          calendar quarter beginning after the close of the first reg-

1 ular session of the State legislature that begins after the  
2 date of the enactment of this Act. For purposes of the  
3 preceding sentence, in the case of a State that has a 2-  
4 year legislative session, each year of the session shall be  
5 considered to be a separate regular session of the State  
6 legislature.

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