

110TH CONGRESS
2D SESSION

S. 2968

To provide emergency assistance for families receiving assistance under part A of title IV of the Social Security Act and low-income working families.

IN THE SENATE OF THE UNITED STATES

MAY 1, 2008

Mr. ROCKEFELLER introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide emergency assistance for families receiving assistance under part A of title IV of the Social Security Act and low-income working families.

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 “Low-Income Gasoline
5 Assistance Program Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to create new emergency
8 assistance programs to assist families receiving assistance
9 under part A of title IV of the Social Security Act and

1 low-income working families to meet the increasing price
2 of gasoline.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) COVERED ACTIVITIES.—The term “covered
6 activities” means—

7 (A) work activities;

8 (B) education directly related to employ-
9 ment; or

10 (C) activities related to necessary sched-
11 uled medical treatment.

12 (2) GASOLINE.—The term “gasoline” has the
13 meaning given the term in section 4083(a)(2) of the
14 Internal Revenue Code of 1986.

15 (3) HOUSEHOLD.—The term “household” has
16 the meaning given the term in section 2603 of the
17 Low-Income Home Energy Assistance Act of 1981
18 (42 U.S.C. 8622).

19 (4) POVERTY LEVEL; STATE MEDIAN IN-
20 COME.—The terms “poverty level” and “State me-
21 dian income” have the meanings given the terms in
22 section 2603 of the Low-Income Home Energy As-
23 sistance Act of 1981.

24 (5) SECRETARY.—The term “Secretary” means
25 the Secretary of Health and Human Services.

1 (6) STATE.—The term “State” means each of
2 the several States, the District of Columbia, and the
3 Commonwealth of Puerto Rico.

4 (7) WORK ACTIVITIES.—The term “work activi-
5 ties” has the meaning given the term in section
6 407(d) of the Social Security Act (42 U.S.C.
7 607(d)).

8 **SEC. 4. EMERGENCY ASSISTANCE PROGRAMS.**

9 The Secretary shall make grants to States from allot-
10 ments made under section 5 to enable the States to estab-
11 lish emergency assistance programs and to provide,
12 through the programs, payments to eligible households to
13 enable the households to purchase gasoline.

14 **SEC. 5. STATE ALLOTMENTS.**

15 From the funds appropriated under section 12 for a
16 fiscal year and remaining after the reservation made in
17 section 11, the Secretary shall allot to each State an
18 amount that bears the same relation to such remainder
19 as the amount the State receives under section 675B of
20 the Community Services Block Grant Act (42 U.S.C.
21 9906) for that year bears to the amount all States receive
22 under that section for that year.

23 **SEC. 6. STATE APPLICATIONS.**

24 (a) IN GENERAL.—To be eligible to receive a grant
25 under this Act, a State shall submit an application to the

1 Secretary at such time, in such manner, and containing
2 such information as the Secretary may require.

3 (b) CONTENTS.—At a minimum, the application shall
4 contain—

5 (1) information designating a State agency to
6 carry out the emergency assistance program in the
7 State, which shall be—

8 (A) the State agency specified in the State
9 plan submitted under section 402 of the Social
10 Security Act (42 U.S.C. 602); or

11 (B) the State agency designated under sec-
12 tion 676(a) of the Community Services Block
13 Grant Act (42 U.S.C. 9908(a)); and

14 (2) information describing the emergency as-
15 sistance program to be carried out in the State.

16 **SEC. 7. ELIGIBLE HOUSEHOLDS.**

17 (a) IN GENERAL.—To be eligible to receive a pay-
18 ment from a State under this Act, a household shall sub-
19 mit an application to the State at such time, in such man-
20 ner, and containing such information as the State may
21 require.

22 (b) CONTENTS.—The applicant shall include in the
23 application information demonstrating that—

24 (1) 1 or more individuals in the applicant's
25 household individually drive not less than 30 miles

1 per day, or not less than 150 miles per week, to or
2 from covered activities; and

3 (2)(A)(i) 1 or more individuals in that house-
4 hold were receiving assistance (including services)
5 under the State program funded under part A of
6 title IV of the Social Security Act (42 U.S.C. 601
7 et seq.) within the 24-month period ending on the
8 date of submission of the application; and

9 (ii) no individual in that household is receiving
10 that assistance, as of the date of submission of the
11 application;

12 (B)(i) 1 or more individuals in that household
13 are receiving assistance (including services) under
14 that State program; and

15 (ii) such individuals are engaged in work activi-
16 ties and are meeting the other requirements of that
17 part A that are applicable to recipients of such as-
18 sistance;

19 (C) the household meets the eligibility require-
20 ments of section 2605(b)(2)(A) of the Low-Income
21 Home Energy Assistance Act of 1981 (42 U.S.C.
22 8624(b)(2)(A)), other than clause (i) of that section;
23 or

24 (D) the household income for the household
25 does not exceed the greater of—

1 (i) an amount equal to 150 percent of the
 2 poverty level for the State involved; or

3 (ii) an amount equal to 60 percent of the
 4 State median income.

5 (c) RULE.—For purposes of subsection (b)(2)(D), a
 6 State—

7 (1) may not exclude a household from eligibility
 8 for a fiscal year solely on the basis of household in-
 9 come if such income is less than 110 percent of the
 10 poverty level for such State; but

11 (2) may give priority to those households with
 12 the highest gasoline costs or needs in relation to
 13 household income.

14 **SEC. 8. PROGRAM REQUIREMENTS.**

15 (a) DETERMINATION OF TRIGGER AMOUNT.—

16 (1) DETERMINATION OF GASOLINE.—The Sec-
 17 retary of Health and Human Services, in consulta-
 18 tion with the Secretary of Energy, shall determine a
 19 grade of gasoline for which price determinations will
 20 be made under this subsection, which shall be a type
 21 of gasoline that has a specified octane rating or
 22 other specified characteristic.

23 (2) DETERMINATION OF CALCULATION.—The
 24 Secretary of Health and Human Services, in con-
 25 sultation with the Secretary of Energy, shall deter-

1 mine a method for calculating the average per gallon
2 price of the covered grade of gasoline in each State.

3 (3) BASELINE.—The Secretary of Health and
4 Human Services, in consultation with the Secretary
5 of Energy, shall calculate, in accordance with para-
6 graph (2), the average per gallon price of the cov-
7 ered grade of gasoline in each State as of December
8 31, 2007.

9 (4) TRIGGER AND RELEASE PRICES.—The Sec-
10 retary of Health and Human Services, in consulta-
11 tion with the Secretary of Energy, shall calculate—

12 (A) the trigger price for each State by
13 multiplying the price calculated under para-
14 graph (3) by 115 percent; and

15 (B) the release price for each State by
16 multiplying the price calculated under para-
17 graph (3) by 110 percent.

18 (b) PAYMENTS.—

19 (1) AVAILABILITY.—

20 (A) MONTHLY PRICE CALCULATION.—The
21 Secretary of Health and Human Services, in
22 consultation with the Secretary of Energy, shall
23 calculate, in accordance with subsection (a)(2),
24 the average per gallon price of the covered
25 grade of gasoline in each State for each month.

1 (B) DETERMINATION.—If the Secretary of
2 Health and Human Services, in consultation
3 with the Secretary of Energy, determines that
4 the price in a State calculated under subpara-
5 graph (A) for a month—

6 (i) is more than the trigger price for
7 the State, the State shall provide payments
8 in accordance with this subsection for the
9 following month; and

10 (ii) is less than the release price for
11 the State, the State shall suspend provi-
12 sion of the payments, not earlier than 30
13 days after the date of the determination,
14 for the following month.

15 (2) GENERAL AUTHORITY.—Except as provided
16 in subsection (c), the State shall use funds received
17 through a grant made under section 4 (including a
18 grant increased under section 11(2)) and any funds
19 made available to the State under section 404(d)(4)
20 of the Social Security Act (42 U.S.C. 604(d)(4)) to
21 make payments under this Act to eligible house-
22 holds.

23 (3) PERIOD.—An eligible household with an ap-
24 plication approved under section 7 may receive pay-
25 ments under this Act for not more than 3 months.

1 The household may submit additional applications
2 under section 7, and may receive payments under
3 this Act for not more than 3 months for each such
4 application approved by the State.

5 (4) AMOUNT.—The State shall make the pay-
6 ments in amounts of not less than \$100, and not
7 more than \$165, per month. The State may deter-
8 mine the amount of the payments on a sliding scale,
9 taking into consideration the household income of
10 the eligible households.

11 (c) STATE ADMINISTRATION.—The State may use
12 not more than 10 percent of the funds described in sub-
13 section (b)(2) to pay for the cost of administering this Act.

14 (d) DEFINITIONS.—In this section:

15 (1) COVERED GRADE.—The term “covered
16 grade” means the grade of gasoline determined
17 under subsection (a)(1).

18 (2) RELEASE PRICE.—The term “release price”
19 means the release price calculated under subsection
20 (a)(4)(B).

21 (3) TRIGGER PRICE.—The term “trigger price”
22 means the trigger price calculated under subsection
23 (a)(4)(A).

1 **SEC. 9. TREATMENT OF BENEFITS.**

2 (a) INCOME OR RESOURCES.—Notwithstanding any
3 other law, the value of any payment provided under this
4 Act shall not be treated as income or resources for pur-
5 poses of—

6 (1) any other Federal or federally assisted pro-
7 gram that bases eligibility, or the amount of bene-
8 fits, on need; or

9 (2) the Internal Revenue Code of 1986.

10 (b) TANF ASSISTANCE.—For purposes of part A of
11 title IV of the Social Security Act (42 U.S.C. 601 et seq.),
12 a payment provided under this Act shall not be considered
13 to be assistance provided by a State under that part, re-
14 gardless of whether the State uses funds made available
15 under section 404(d)(4) of the Social Security Act (42
16 U.S.C. 604(d)(4)) to make payments under this Act. The
17 period for which such payments are provided under this
18 Act shall not be considered to be part of the 60-month
19 period described in section 408(a)(7) of the Social Secu-
20 rity Act (42 U.S.C. 608(a)(7)).

21 **SEC. 10. AUTHORITY TO USE FUNDS FOR TEMPORARY AS-**
22 **SISTANCE FOR NEEDY FAMILIES.**

23 Section 404(d) of the Social Security Act (42 U.S.C.
24 604(d)) is amended—

25 (1) in paragraph (3)(A), by striking “paragraph
26 (1)” and inserting “paragraph (1) or (4)”; and

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

2 “(4) OTHER STATE PROGRAMS.—A State may
3 use funds from any grant made to the State under
4 section 403(a) for a fiscal year to carry out a State
5 program pursuant to the Low-Income Gasoline As-
6 sistance Program Act.”.

7 **SEC. 11. DISCRETIONARY ACTIVITIES BY THE SECRETARY.**

8 The Secretary of Health and Human Services may
9 reserve not more than 5 percent of the funds appropriated
10 under section 12 for a fiscal year—

11 (1) to pay for the cost of administering this
12 Act; and

13 (2) to increase the cost of a grant made to a
14 State under section 4, in any case in which the Sec-
15 retary determines that emergency conditions relating
16 to gasoline prices exist in that State.

17 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) IN GENERAL.—There is authorized to be appro-
19 priated to carry out this Act \$2,000,000,000 for fiscal
20 year 2008 and each subsequent fiscal year.

21 (b) AVAILABILITY.—Any sums appropriated under
22 subsection (a) for a fiscal year shall remain available until
23 the end of the succeeding fiscal year.

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