

Proposed amendment:

() CORRECTION OF REFERENCE.--Section 454(32)(A), as added by section 371(b)(3) of PRWORA, is amended by striking "section 459A(d)(2)" and inserting "section 459A(d)".

Sec. 375: CSE for Indian tribes:

1. COOPERATIVE AGREEMENTS WITH STATES.

Problems: Sec. 454(33) of the Social Security Act, as added by sec. 375(a) of PRWORA, requires several minor amendments to permit implementation.

This provision as drafted sets threshold conditions for tribal participation in a cooperative agreement that represent burdensome and unnecessary barriers. This provision requires a tribal court system to have the authority to establish paternity, establish, modify and enforce support orders, and have child support guidelines established by the tribe or tribal organization. Some tribes may have the authority to accomplish some, but not all, of these functions, and may be willing to use State procedures and guidelines. Amendments made by paragraphs (1) and (2) below would permit tribal participation in cooperative agreements without requiring them to provide all services listed and to adopt tribal guidelines.

This provision also requires amendments (made by paragraphs (3) and (4) below) to conform terminology to that used in title IV-D generally.

Proposed amendments:

() COOPERATIVE AGREEMENTS BY INDIAN TRIBES AND STATES FOR CSE.--Section 454(33), as added by section 375(a)(3) of PRWORA, is amended--

(1) by striking "and enforce support orders, and" and inserting "or enforce support orders, or";

(2) by striking "guidelines established by such tribe or organization" and inserting "guidelines established or adopted by such tribe or organization";

(3) by striking "funding collected" and inserting "collections"; and

(4) by striking "such funding" and inserting such collections".

2. DIRECT FEDERAL FUNDING TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

A. TECHNICAL CORRECTION.

Proposed amendment:

() CORRECTION OF SUBSECTION DESIGNATION.--Section 455(b), as added by section 375(b) of PRWORA, is redesignated as section 455(f).

B. DIRECT GRANTS TO TRIBES.

Problems: Sec. 455(f) of the Social Security Act, as added by sec. 375(b) of PRWORA (and redesignated by the preceding amendment), provides for direct funding of Indian tribes to deliver child support services, but requires that eligible tribes meet all State plan requirements under title IV-D. This requirement would make the direct grant authority effectively inoperative, by preventing any tribe from qualifying for funding. The proposed amendment would authorize direct funding to a tribe that could demonstrate the ability to operate a CSE program meeting the statutory objectives.

Proposed amendment:

() DIRECT GRANTS TO TRIBES.--Section 455(f) of the Social Security Act, (as redesignated by the previous amendment) is amended to read as follows:

"(f) The Secretary is authorized to make direct payments under this part to an Indian tribe or tribal organization that demonstrates to the satisfaction of the Secretary that it has the capacity to operate a child support enforcement program meeting the objectives of this part, including establishment of paternity, establishment, modification, and enforcement of support orders, and location of absent parents. The Secretary shall promulgate regulations establishing the requirements which must be met by an Indian tribe or tribal organization to be eligible for a grant under this subsection."

**TITLE IV--RESTRICTING WELFARE AND
PUBLIC BENEFITS FOR ALIENS**

Secs. 402, 403, 412, 431: cross-cutting amendments concerning exceptions to benefit limitations:

1. CORRECTIONS TO REFERENCE CONCERNING ALIENS WHOSE DEPORTATION IS WITHHELD.

Problem: Various provisions of title IV of PRWORA except certain refugees and asylees from general rules limiting aliens' eligibility for Federal, State, or local public benefits. The reference in these provisions to the statutory authority to withhold deportation does not take into account amendments to this authority by the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208), which amended the provision (previously at sec. 243(h) of the INA) and recodified it at sec. 241(b)(3). The following proposed amendments reflect that change, which takes effect April 1, 1997, so that an alien whose deportation is withheld under the new provision is treated the same as one whose case was adjudicated under the old provision.

Proposed amendments:

() EXCEPTIONS TO BENEFIT LIMITATIONS: CORRECTIONS TO REFERENCE CONCERNING ALIENS WHOSE DEPORTATION IS WITHHELD.--
Sections 402(a)(2)(A)(iii), 402(b)(2)(A)(iii), 403(b)(1)(C), 412(b)(1)(C), and 431(b)(5) of PRWORA are each amended by striking "section 243(h) of such Act" and inserting "section 243(h) of such Act (as in effect before enactment of section 307 of P.L. 104-208) or section 241(b)(3) of such Act (as amended by section 305(a) of P.L. 104-208)".

2. EXCEPTIONS FOR CERTAIN AMERASIAN IMMIGRANTS.

Problem: Certain Amerasian children born in Vietnam of U.S. military or civilian personnel are admitted into the U.S. as legal immigrants under sec. 584 of the Foreign Operations, Export

Financing, and Related Programs Appropriations Act, 1988, as amended. Sec. 584 provides for according these children and accompanying family members the same treatment as refugees, permitting them to immigrate without sponsors and making them eligible for refugee assistance under the INA. Prior to enactment of PRWORA, these immigrants were eligible for all benefits for which refugees were eligible. However, they are not included in the groups of refugees and asylees accorded a time-limited exception to the limitations on eligibility for benefits under title IV.

The following amendments would add this group to the category of refugees and asylees qualifying for these exceptions.

Proposed amendments:

() TREATMENT OF CERTAIN AMERASIAN IMMIGRANTS AS REFUGEES.--

(1) AMENDMENTS TO EXCEPTIONS FOR REFUGEES/ASYLEES.--

(A) FOR PURPOSES OF SSI AND FOOD STAMPS.--Section 402(a)(2)(A) of PRWORA is amended--

(i) by striking "; or" at the end of clause

(ii);

(ii) by striking the period at the end of clause (iii) and inserting "; or"; and

(iii) by adding at the end the following new clause:

"(iv) an alien is admitted to the United States as an Amerasian immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as incorporated into section 101(e) of the joint resolution making further continuing appropriations for the fiscal year 1988, Public

Law. 100-202, and amended by the 9th proviso under Migration and Refugee Assistance in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, Public Law 101-513."

(B) FOR PURPOSES OF TANF, SSBG, AND MEDICAID.--

Section 402(b)(2)(A) is amended--

(i) by striking "; or" at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting "; or"; and

(iii) by adding at the end the following new clause:

"(iv) an alien described in subsection (a)(2)(A)(iv) until 5 years after the date of such alien's entry into the United States."

(C) FOR PURPOSES OF EXCEPTION FROM 5-YEAR LIMITED ELIGIBILITY OF QUALIFIED ALIENS.--Section 403(b)(1) of PRWORA is amended by adding at the end the following new subparagraph:

"(D) An alien described in section 402(a)(2)(A)(iv)."

(D) FOR PURPOSES OF CERTAIN STATE PROGRAMS.--

Section 412(b)(1) of PRWORA is amended by adding at the end the following new subparagraph:

"(D) An alien described in section
402(a)(2)(A)(iv).".

(2) EFFECTIVE DATE.--The amendment made by this subsection shall be effective with respect to periods beginning on or after October 1, 1997.

3. CLARIFICATIONS OF EXCEPTIONS FOR VETERANS AND ACTIVE DUTY MILITARY.

Problems: (1) Veterans and active duty military personnel are excepted from the limitations under title IV of PRWORA on eligibility for SSI and food stamps (sec. 402(a)); eligibility for TANF, SSBG, and Medicaid (sec. 402(b)); the five-year limited eligibility for means-tested Federal benefits (sec. 403); and eligibility for State public benefit programs (sec. 412). However, in defining "veteran" these provisions refer only to 38 U.S.C. 101, thus omitting certain categories of individuals defined as veterans under other provisions of 38 U.S.C. Thus, for example, 38 U.S.C. 107 defines certain individuals serving in the military forces of the Philippines as veterans for purposes of certain benefits). 38 U.S.C. 1101 and 1301 define as veterans individuals who died on active military duty, for purposes of treating their survivors as the survivors of veterans.

(2) The same provisions of PRWORA provide an exception for the "spouse" or unmarried dependent child of a veteran or active duty military personnel. Under some interpretations, the term "spouse" does not include widow or widower. As a result, it is not clear whether aliens who qualify for SSI as spouses of veterans or military service personnel would lose or retain their SSI eligibility if the veteran or military service personnel dies. This seems contrary to the intent of the provision to provide access to these programs for dependents of persons who have served in the military service.

The following amendments clarify the definition of "veteran" used in title IV to include all veterans, and clarify the exceptions to include the widows and widowers of veterans and active duty military personnel.

Proposed amendments:

() CLARIFICATION OF VETERANS' AND ACTIVE DUTY MILITARY
EXCEPTIONS TO ELIGIBILITY LIMITATIONS.--

(1) DEFINITION OF "VETERAN".--Sections 402(a)(2)(C)(i), 402(b)(2)(C)(i), 403(b)(2)(A), and 412(b)(3)(A) of PRWORA are each amended by striking "section 101 of".

(2) EXCEPTION APPLICABLE TO WIDOWS AND WIDOWERS.--
Sections 402(a)(2)(C)(iii), 402(b)(2)(C)(iii), 403(b)(2)(C), and 412(b)(3)(C) of PRWORA are each amended by inserting "(including widow or widower)" after "spouse".

Sec. 401: ineligibility of non-qualified aliens for Federal public benefits:

1. CLARIFICATION OF MEDICARE ENTITLEMENT.

Problem:

Prior to enactment of PRWORA, Medicare benefits were not restricted on the basis of citizenship. The prohibition on receiving "Federal public benefits" in sec. 401(c)(1)(B) of PRWORA would preclude Medicare benefits to an individual who is not a "qualified alien" but who is otherwise entitled to them. (For example: an individual legally earns Social Security and Medicare entitlement, is not a U.S. citizen or national, lives outside the U.S., re-enters the U.S. as a legal non-immigrant, enrolls in Medicare during a general enrollment period, but cannot use Medicare benefits.)

Section 401(b)(1) provides exceptions for such a person to receive certain benefits and 401(b)(2) provides exceptions for receipt of Title II Social Security cash benefits, but there is no exception for Medicare.

Proposed amendment:

() CLARIFICATION OF MEDICARE ENTITLEMENT.--Section 401(b)(2) is amended by inserting "or XVIII" after "title II".

Sec. 402: limited eligibility of qualified aliens for certain Federal programs:

1. CLARIFICATION OF QUALIFIED ALIENS' ELIGIBILITY FOR EMERGENCY BENEFITS.

Problem: Sec. 401 of PRWORA makes non-qualified aliens ineligible for Federal public benefits (including benefits under TANF, SSBG, and Medicaid), other than for emergency services specified in sec. 401(b)(1) (including (A) emergency medical services, (B) emergency disaster relief and (D) certain other programs, services, or assistance which the Attorney General finds necessary for the protection of life or safety).

Sec. 402(b) of PRWORA gives States the option to narrow or eliminate qualified aliens' eligibility for benefits under TANF, SSBG, and Medicaid. This provision is silent with respect to emergency benefits under States' TANF and SSBG programs. It includes language preserving qualified aliens' entitlement to emergency benefits under Medicaid, but does so in a confusing manner that has already prompted requests for clarification.

It was surely not Congress' intent to give States the option to deny emergency benefits under these programs to qualified aliens, while preserving mandates that these same services be provided in some cases to undocumented aliens.

Proposed amendment:

() CLARIFICATION OF QUALIFIED ALIENS' ELIGIBILITY FOR EMERGENCY BENEFITS.--Section 402(b) of PRWORA is amended--

(1) in paragraph (1)--

(A) by striking "(1) IN GENERAL.--Notwithstanding" and inserting the following:

"(1) STATE OPTION.--

"(A) IN GENERAL.--Subject to subparagraph (B), notwithstanding"; and

(B) by adding at the end the following:

"(B) LIMITATION.--Nothing in this subsection shall authorize a State to deny to a qualified alien any Federal public benefit specified in section 401(b)(1) under a designated Federal program (as defined in paragraph (3))."; and

(2) in paragraph (3)(C), by striking all that follows "Social Security Act" and inserting a period.

Sec. 403: 5-year limited eligibility for means-tested public benefits:

1. CORRECTION OF REFERENCE CONCERNING CUBAN AND HAITIAN ENTRANTS.

Problem: Section 403(d) of PRWORA makes reference to Cuban and Haitian entrants as defined in section 501(e)(2) of the Refugee Education Assistance Act of 1980 (REAA). However, under the INS interim rule published in the Federal Register on July 12, 1996, all Cuban/Haitian entrants who entered the U.S. since October 10, 1980, are to be considered to have been paroled in an immigration status referred to in section 501(e)(1) of the REAA. A correction to this reference is needed if sec. 403(d) is retained.)

Proposed amendment:

() 5-YEAR LIMITED ELIGIBILITY FOR MEANS-TESTED PUBLIC BENEFITS: SPECIAL RULE FOR CUBAN AND HAITIAN ENTRANTS.--

(1) CORRECTION OF REFERENCE.--Section 403(d) of PRWORA is amended by striking "section 501(e)(2)" and inserting "section 501(e)".

(2) EFFECTIVE DATE.--The amendment made by this subsection shall be effective with respect to periods beginning on or after October 1, 1997.

Sec. 404: notification and information reporting:

1. CORRECTION OF TERMINOLOGY.

Problem: Sec. 404 of PRWORA amends the statutory authorities for TANF, SSI, and public housing programs to require officials administering those programs to notify INS about individuals they are aware are not lawfully present in the U.S. The proposed amendment conforms terminology in these amendments to that used elsewhere in PRWORA and in immigration statutes.

Proposed amendments:

() NOTIFICATION CONCERNING ALIENS NOT LAWFULLY PRESENT:

CORRECTION OF TERMINOLOGY.--Sections 411A and 1631(e)(9) of the Social Security Act, and section 27 of the United States Housing Act of 1937, as added by section 404 of PRWORA, are each amended by striking "unlawfully in the United States" and inserting "not lawfully present in the United States".

Sec. 411: limits on eligibility for State and local public benefit programs:

1. ALIENS' ELIGIBILITY FOR STATE AND LOCAL BENEFITS: CORRECTION OF LIST OF ALIENS LAWFULLY PRESENT.

Problem: Sec. 411(a) of PRWORA provides that an alien not within certain categories is not eligible for any State or local public benefit (subject to certain exceptions). Sec. 411(d) permits a State nevertheless to provide such benefits to "an alien who is not lawfully present in the United States", but only by enacting, after the date of enactment of PRWORA, a State law affirmatively providing for such eligibility.

The structure of sec. 411 indicates its authors' belief that sec. 411(a) included all groups of aliens legally present in the U.S. But in fact there are a handful of other small administrative categories of legal aliens. Consequently, sec. 411 as drafted neither excepts these groups from the ban on eligibility under sec. 411(a), nor allows the State the option to cover them under sec. 411(d).

Proposed amendment:

() ALIENS' ELIGIBILITY FOR STATE AND LOCAL BENEFITS:

CORRECTION OF LIST OF ALIENS LAWFULLY PRESENT.--Section 411(a) of PRWORA is amended--

- (1) by striking "or" at the end of paragraph (2);
- (2) by inserting "or" at the end of paragraph (3); and
- (3) by inserting after paragraph (3) the following

paragraph:

"(4) otherwise lawfully present in the United States,".

Sec. 421 (attribution of sponsor's income and resources to alien); sec. 423 (sponsor's affidavit of support):

1. CLARIFICATION FOR STATE DEEMING OF SPONSOR'S INCOME AND RESOURCES TO ALIEN.--

Problem: Sec. 213A of the INA, as added by sec. 423 of PRWORA and amended by sec. 551 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, requires the Attorney General to develop a new legally enforceable affidavit of support. At the same time, sec. 103 of PRWORA repealed the previous deeming authority for sponsored immigrants under sec. 415 of the Social Security Act. As a result, no Federal deeming requirements under title IV-A are in effect for sponsored aliens already in the U.S. or entering prior to implementation of the new affidavit of support. We do not believe the Congress intended this result. The proposed amendments reinstate the previous deeming requirement, and make it applicable to all affidavits of support executed before the effective date of the new requirement.

Proposed amendments:

() DEEMING OF SPONSOR'S INCOME AND RESOURCES TO ALIEN.--

(1) REINSTATEMENT OF REPEALED TITLE IV-A PROVISION.--

Section 103(a) of PRWORA is amended--

(A) by redesignating paragraph (2) as paragraph (3);

(B) by striking "(1) by striking all that precedes section 418 (as added by section 603(b)(2) of this Act)" and inserting the following:

"(1) by redesignating section 415 as section 419, and relocating it after section 418 (as added by section 603(b)(2) of this Act);

"(2) by striking all that precedes such section 418";

(C) in paragraph (3), as redesignated--

(i) by striking "such section 418" and inserting "such section 419"; and

(ii) in the matter inserted by such paragraph, by striking "SEC. 419. DEFINITIONS." and inserting "SEC. 419A. DEFINITIONS.".

(2) APPLICATION OF REINSTATED PROVISION.--

(A) Section 421(d)(1) of PRWORA is amended by striking "the day after the date of the enactment of this Act" and inserting "the date specified by the Attorney General pursuant to section 423(c)".

(B) Section 419 of the Social Security Act, as redesignated and relocated by the amendment made by paragraph (1)(B), is amended in subsection (f)--

(i) by striking "or" at the end of paragraph (4);

(ii) by striking the period at the end of paragraph (5) and inserting "; or"; and

(iv) by adding at the end the following new paragraph:

"(5) admitted into the United States on or after the effective date (as specified by the Attorney General pursuant to section 423(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) of requirements for sponsors' affidavits of support pursuant to section 213A of the Immigration and Nationality Act.".

Sec. 431: definitions:

1. DEFINITIONS OF TERMS USED IN TITLE IV.

Problem: Sec. 431(a) of PRWORA provides that terms used in title IV have the meaning given such terms in the INA. The INA definitions for some terms differ from the long-standing definitions used under the Social Security Act and other statutes establishing benefit programs, notably for family relationships and employment status. To have State and Federal agencies use the benefit statute definitions for most beneficiaries of programs under that Act, while using different definitions for aliens, would impose a significant administrative and financial burden and result in increased errors and litigation.

Proposed amendment:

() DEFINITIONS OF TERMS USED IN TITLE IV.--Section 431(a) of PRWORA is amended to read as follows:

"(a) IN GENERAL.--Except as otherwise provided, as used in this title--

"(1) terms relating to immigration status have the meaning given such terms in applicable statutes relating to immigration and nationality; and

"(2) terms relating to Federal, State, or local public benefit programs, and terms (other than those described in paragraph (1)) relating to eligibility of an individual for benefits under such programs, have the meaning given such terms in applicable statutes (and implementing regulations) providing for such benefits.".

2. TREATMENT OF LAWFULLY PRESENT ALIENS AS "QUALIFIED ALIENS".

Problems: Sec. 431(b) of PRWORA includes within the definition of "qualified alien" a number of categories of aliens lawfully admitted for permanent residence. However, it is silent with respect to two groups which, for purposes of consistency, should be treated as "qualified aliens":

(1) Aliens residing in American Samoa (AS) or the Commonwealth of the Northern Mariana Islands (CNMI). Unlike other U.S. territories, AS and CNMI are not subject to the Immigration and Nationality Act, but rather have their own immigration laws.

(2) Citizens of Freely Associated States admitted into U.S. or its territories. The Compacts of Free Association between the U.S. and the Freely Associated States (FAS) of the Marshall Islands, the Federated States of Micronesia, and Palau, rather than any of the authorities cited in sec.

431(b) of PRWORA, are the legal basis for admission of FAS citizens into the U.S. or its territories or possessions.

Proposed amendment:

() DEFINITION OF "QUALIFIED ALIEN".--Section 431(b) of PRWORA is amended--

(1) by striking "or" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting a comma; and

(3) by adding at the end the following new paragraphs:

"(7) an alien lawfully present in American Samoa or the Commonwealth of the Northern Mariana Islands in an immigration status under the laws of such jurisdiction analogous to any immigration status specified in the preceding paragraphs of this subsection; or

"(8) an alien lawfully present in the United States, or its territories or possessions, pursuant to section 141 of the Compact of Free Association approved in Public Law 99-239 or section 141 of the Compact of Free Association approved in Public Law 99-658, if such section or a successor provision is in effect.".

3. TREATMENT OF BATTERED ALIEN AS "QUALIFIED ALIEN" FOR LIMITED PURPOSES.

Problem: Secs. 501 and 552 of P.L. 104-208 amended secs. 421 (concerning attribution of a sponsor's income to an alien) and 431 (the definition of "qualified alien") of PRWORA to create special rules for certain aliens who are battered or subjected to extreme cruelty by a sponsor or family member.

Under sec. 431, as amended, these individuals are included within the definition of "qualified alien" for purposes of receiving program benefits for which they are otherwise ineligible because of their immigration status, where a substantial connection is found between the battery or cruelty and the need for those benefits.

Under sec. 421, as amended, the abused alien would not be subject to the deeming rules for a period of 12 months. In addition, if certain conditions are met, the abusing individual's income and resources would not be attributed to the abused alien beyond the initial 12-month period.

Amendments to these sections are needed to ensure that the Attorney General (AG) is not responsible for individual determinations under these provisions, as the statutory language seems to require. The agencies administering benefit programs have the expertise necessary to weigh the connection between abuse and need for specific benefits; and both determinations (concerning existence of abuse and need for benefits) need to be made by the same entity to minimize burdens on both administrative agencies and alien applicants. The AG's role would be to issue specific uniform guidelines on which the agencies would base determinations.

In addition, in some respects the statutory language seems clearly at odds with the Congressional intent. First, these provisions do not make clear that the alien is a "qualified alien" only for purposes of the benefit program concerned. Second, the definition covers a battered alien and an alien whose child is battered, but not an alien child whose custodial parent is battered; in these cases, although the parent would be a "qualified alien", the child would not be, and benefits would be unavailable to either parent or child under the numerous statutes which provide benefits only to families with an eligible child.

Proposed amendments:

() BATTERED ALIEN DEFINED AS "QUALIFIED ALIEN" FOR LIMITED PURPOSES.--Section 431(c) of PRWORA, as added by sec. 501 of P.L. 104-208, is amended to read as follows:

"(c) TREATMENT OF CERTAIN BATTERED ALIENS AS QUALIFIED ALIENS.--

"(1) IN GENERAL.--For purposes of eligibility for benefits under a specific Federal, State, or local program, the term 'qualified alien' includes an alien if--

"(A) the agency charged with determining individual eligibility for benefits under such program makes a determination, in accordance with guidance of the Attorney General issued pursuant to paragraph (2), that--

"(i) the alien (or the alien's child or custodial parent) has been battered or subjected to extreme cruelty in the United States--

"(I) by a spouse or parent of the alien (or of the alien's parent), or

"(II) by a member of such spouse or parent's family who was residing in the same household as the alien, and the spouse or parent consented to or acquiesced in such battery or cruelty;

"(ii) the alien did not actively participate in, consent to, or acquiesce in any such battery or cruelty (in cases where the victim is the alien's child); and

"(iii) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided;

"(B) the alien has been approved or has a petition pending which sets forth a prima facie case for--

"(i) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act,

"(ii) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the Act,

"(iii) suspension of deportation and adjustment of status pursuant to section 244(a)(3) of such Act, or

"(iv) status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of such Act, or classification pursuant to clause (i) of section 204(a)(1)(B) of such Act; and

"(C) the individual responsible for such battery or cruelty no longer resides in the same household or family eligibility unit as the victim of such battery or cruelty.

"(2) GUIDANCE BY THE ATTORNEY GENERAL.--After consultation with the Secretaries of Health and Human Services, Agriculture, and Housing and Urban Development, the Commissioner of Social Security, and as appropriate with the heads of other Federal agencies administering benefit

programs, the Attorney General shall issue guidance (in the Attorney General's sole and unreviewable discretion), for purposes of this subsection and section 421(f), on--

"(A) the meaning of the terms 'battery' and 'extreme cruelty'; and

"(B) the standards and methods to be used for determining whether a substantial connection exists between battery or cruelty suffered and an individual's need for benefits under a specific Federal, State, or local program.".

() NON-ATTRIBUTION OF CERTAIN INCOME AND RESOURCES TO BATTERED ALIEN.--Section 421(f) of PRWORA, as added by section 552 of P.L. 104-208, is amended to read as follows:

"(f) SPECIAL RULE FOR BATTERED SPOUSE AND CHILD.--

"(1) Notwithstanding any other provision of this section (but subject to paragraph (2)), subsection (a) shall not apply to benefits for an alien--

"(A) during the 12-month period beginning on the date as of which the alien--

"(i) has been determined to meet the criteria specified in subparagraphs (A) and (C) of section 431(c)(1) because the alien (or the alien's child or custodial parent) has been subjected to battery or extreme cruelty; and

"(ii) (I) is a qualified alien as defined in section 431(b); or

"(II) meets the criteria specified in subparagraph (B) of section 431(c); and

"(B) thereafter (with respect only to the income and resources of the individual responsible for the battery or cruelty), if--

"(i) the alien demonstrates that such battery or cruelty has been recognized in an order of a court or administrative law judge or a determination of the Immigration and Naturalization Service;

"(ii) a substantial connection continues between such battery or cruelty and the need for such benefits, as determined in accordance with the Attorney General's guidance under section 431(c) (2); and

"(iii) the requirement of section 431(c) (1) (C) (concerning separation from the individual responsible for the battery or cruelty) continues to be met.

"(2) REQUIREMENT OF SEPARATION FROM ABUSER.--This subsection shall not apply to an alien during any period in which the alien fails to meet the criteria of section 431(c) (1) (C) .".

Sec. 433: statutory construction:

1. CLARIFICATION OF SCOPE OF TITLE IV: APPLICATION TO BENEFITS PAID TO ALIENS PRESENT IN U.S.

Problem: The provisions of title IV of PRWORA must be read to apply only with respect to aliens present in the U.S. or its territories or possessions in order to avoid results which the Congress cannot have intended. Otherwise, for example, the expansive definition of "Federal public benefit" in sec. 401(c), and the ineligibility of any but "qualified aliens" for Federal public benefits under sec. 401(a), would severely impede normal operations of U.S. embassies, overseas military installations, and other government entities operating or doing business in foreign countries. The lack of such a limitation of scope would also seem to prohibit payments of government pensions or similar benefits to foreign nationals entitled to them. In some cases, such an expansive reading of title IV would be inconsistent with treaty obligations.

The lack of an explicit declaration of this limitation on the scope of title IV has caused considerable anxiety and confusion. It has also prompted suggestions for piecemeal amendments, specifying that title IV does not apply to specific pension or other payments to aliens residing outside the U.S., that would exacerbate the problem by lending support to the very reading that we believe was not intended.

Proposed amendment:

() CLARIFICATION OF SCOPE OF TITLE IV: APPLICATION TO BENEFITS PAID TO ALIENS PRESENT IN U.S.--Section 433 of PRWORA is amended--

(1) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(2) by inserting after subsection (a) the following new subsection:

"(b) BENEFIT LIMITATIONS APPLICABLE ONLY WITH RESPECT TO ALIENS PRESENT IN THE U.S.--The provisions of this title concerning the eligibility of aliens for benefits apply only with

respect to aliens present in the United States or its territories or possessions [NOTE ON ALTERNATIVE DRAFT LANGUAGE: if "territories or possessions" is unclear, specify "Puerto Rico, Guam, the Virgin Islands, American Samoa, or the Commonwealth of the Northern Mariana Islands"].".

Sec. 435. qualifying quarters:

1. DISCLOSURE OF QUARTERS OF COVERAGE INFORMATION.

Problem: Currently, certain qualified aliens with 40 quarters of coverage, as defined by the Social Security Act, which could include quarters of coverage of a spouse or parent under specified circumstances set forth in section 435 of PRWORA, may be eligible for certain welfare benefits. SSA has been asked to provide quarters of coverage information to the States (as well as to the Department of Agriculture for food stamp purposes), so that a determination of eligibility may be made. These requests for disclosure raise Privacy Act issues, as information concerning a third party (spouse or parent) would be disclosed to the States or the Department of Agriculture, or perhaps even to the alien (for due process purposes in an appeal).

SSA could be subject to litigation under the Privacy Act if it releases information concerning an alien or his/her spouse or parent to a State, the Department of Agriculture, or to the alien, for purposes of implementing the quarters of coverage provisions of PRWORA. The proposed amendment provides explicit statutory authority for the release of this information.

Proposed amendment:

() DISCLOSURE OF QUARTERS OF COVERAGE INFORMATION.--Section 435 of PRWORA is amended by adding at the end the following:

"The Commissioner of Social Security is authorized to disclose quarters of coverage information concerning an alien and his or her spouse or parent to a government agency for the purposes of this title.".

TITLE V--CHILD PROTECTION

Sec. 503: national random sample study of child welfare:

1. METHODS PERMITTED FOR CONDUCT OF STUDY.

Problem: Sec. 413(a) of the Social Security Act, by omitting standard language authorizing the Secretary to conduct the required research "directly or through grants, contracts, or interagency agreements", makes the use of grants and interagency agreements unavailable, thus seriously hampering accomplishment of the required activities.

Proposed amendment:

() METHODS PERMITTED FOR CONDUCT OF STUDY.--Section 429A of the Social Security Act, as added by sec. 503 of PRWORA, is amended by inserting "(directly or by grant, contract, or interagency agreement)" after "The Secretary shall conduct".

TITLE VI--CHILD CARE

Sec. 603: authorization of appropriations and entitlement authority:

1. FUNDING FOR CHILD CARE.

A. PERFECTING AND CLARIFYING AMENDMENTS.

Problem: Sec. 418 of the Social Security Act, as added by sec. 603(b) of PRWORA, is confusingly drafted. It contains inexact language that obscures its intended operation. Among other problems, this section includes misleading captions ("AMOUNT" instead of "ALLOTMENT FORMULA", and "MATCHING REQUIREMENT" to describe the formula for determining the Federal matching share State expenditures exceeding historic levels). The appropriations provision fails to make the Federal funds available for two years, although this is necessary to carry out the provisions of subsection (a)(2)(D).

Proposed amendments:

() TITLE IV-A FUNDING FOR CHILD CARE.--Section 418(a) of the Social Security Act, as added by section 603(b) of PRWORA, is amended--

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking "in an amount equal to" and inserting "of an amount equal to the greater of";

(2) in paragraph (1)(A)--

(A) by striking "the sum of";

(B) by striking "amounts expended" and inserting "expenditures"; and

(C) by striking "section--" and all that follows and inserting "subsections (g) and (i) of section 402";

(D) by striking the semicolon at the end of subparagraph (B) and inserting a period; and

(E) by striking "whichever is greater";

(3) in paragraph (2)(B), to read as follows:

"(B) ALLOTMENTS TO STATES.--The total amount available for payments to States under this paragraph, as determined under subparagraph (A), shall be allotted among the States on the formula used for determining the amount of Federal payments to each State under section 403(n) (as in effect before October 1, 1995);

(4) in paragraph (2)(C), to read as follows:

"(C) FEDERAL MATCHING OF STATE EXPENDITURES EXCEEDING HISTORICAL EXPENDITURES.--The Secretary shall pay to each eligible State for a fiscal year an amount equal to the lesser of the State's allotment under subparagraph (B) or the Federal medical assistance percentage for such State for fiscal year 1995 (as defined in section 1905(b)) of so much of expenditures by the State for child care in such fiscal year as exceed the total amount of expenditures by the State (including expenditures from amounts made available from Federal funds) in fiscal year 1994 or 1995 (whichever is greater) for the programs described in paragraph (1)(A)."; and

(5) in paragraph (3), by striking "for fiscal year 2002." and inserting the following:

"for fiscal year 2002,
to remain available, in each case, through the end of the
succeeding fiscal year.".

B. DATA USED TO CALCULATE STATE EXPENDITURES IN BASE PERIOD.

Problem: Sec. 418 establishes a new maintenance of effort (MOE) requirement, based on historic State expenditures for child care, as a condition of a State's receiving Federal funds in addition to a "general entitlement" grant based on historic Federal payments. This provision does not specify the data to be used to determine Federal or State expenditures in the base years; it would be highly desirable to do so to eliminate uncertainty and the potential for disagreement.

HHS has computed the sec. 418 general entitlement and MOE levels for each State using the data sources required to be used (per sec. 403(a)(1)(D)(ii) and (iii)(III)) to calculate base-period child care expenditures for purposes of the State family assistance grant under title IV-A. We believe use of these data sources is equitable to the States and that the data, as they are fixed, are the best data available.

Proposed amendment:

() Section 418(a) of the Social Security Act, as added by section 603(b) of PRWORA, is amended by adding at the end the following new paragraph:

"(5) DATA USED TO DETERMINE STATE AND FEDERAL SHARES OF EXPENDITURES.--In making the determinations concerning expenditures required under paragraphs (1) and (2)(C), the Secretary shall use the data sources specified in clauses (ii) and (iii)(III) of section 403(a)(1)(D).".

C. FUNDING FOR TERRITORIES.

Problem: Sec. 418 provides no mandatory child care funds for territories, although the territories have operated child care programs under sec. 402(g) of the Social Security Act (as in effect before PRWORA) which this section replaces. In contrast, sec. 6580 of the CCDBG defines Puerto Rico as a State, and reserves 1/2 of 1 percent of the child care discretionary funds for Guam, American Samoa, the US Virgin Islands, and the Northern Marianas.

The territories may use their TANF grants for child care purposes, but those funds are subject to the payment ceiling amounts at section 1108 of the Social Security Act, and the "TANF clock" runs for families receiving child care under the TANF program. (As a practical matter, territories also have less flexibility than States to transfer TANF funds to the CCDBG or title XX, because such a transfer would undermine their eligibility for the additional matching funds at sec. 1108(b) of the Social Security Act.)

We propose setting aside 1/2 of 1 percent of sec. 418 funds for allotment among the territories, thus giving territories access to all child care funds, instead of only to the CCDBG discretionary fund. As a matter of equity, the territories should be eligible for a set-aside of the section 418 funds dedicated to child care, as are the tribal grantees. Since the new statute created a unified child care program, there should not be a discrepancy between categories of grantees that are eligible for child care funds.

We recommend including Puerto Rico among the territories for this purpose (rather than defining it as a State, as does sec. 6580 of the CCDBG Act).

We also recommend delaying the effective date until FY 1998, to avoid having to take back from States grant funds they are already relying on receiving.

Proposed amendment:

() GRANT FUNDS FOR TERRITORIES.--

(1) GRANT AUTHORITY.--Section 418(a) of the Social Security Act is further amended by adding at the end the following new paragraph:

"(6) TERRITORIES.--

"(A) IN GENERAL.--The Secretary shall reserve one-half of 1 percent of the amount appropriated under paragraph (3) for fiscal year 1998 and each succeeding fiscal year, for payments to the territories specified in subparagraph (C) in accordance with subparagraph (B).

"(B) DISTRIBUTION FORMULA.--The Secretary shall pay to each territory specified in subparagraph (C) for a fiscal year an amount bearing the same ratio to the amount set aside for such fiscal year under subparagraph (A) as payments to such territory for fiscal year 1995 under the Child Care and Development Block Grant Act bore to total payments to all such territories under such Act for such fiscal year.

"(C) TERRITORIES DEFINED.-- The territories eligible for payments under this paragraph are Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands."

(2) CONFORMING AMENDMENTS.--

(A) EXCLUSION FROM REMAINDER GRANTS TO STATES.-- Section 418(a)(2)(A) is amended by striking "the reservation described in paragraph (4)" and inserting "the reservations described in paragraphs (4) and (6)".

(B) TRANSFER OF GRANT FUNDS TO CCDBG PROGRAM.--

Section 418(c) is amended by adding at the end: "For purposes of this subsection, the term "State" includes the territories specified in subsection (a)(6)(C).".

(C) EXEMPTION FROM SECTION 1108 CEILING.--Section 1108(a) of the Social Security Act [as previously amended: see amendments relating to sec. 103(b) of PRWORA] is further amended by adding at the end the following new subparagraph:

"(E) CHILD CARE GRANT.--Any payment under section 418(a)(6).".

Sec. 612: report by the Secretary:

1. REPORT TO CONGRESS.

Problem: Under sec. 658K of the CCDBG Act, as amended by sec. 611 of PRWORA, States would begin transmitting biannual reports to the Secretary with aggregate data on December 31, 1997. Under sec. 658L of the CCDBG Act, as amended by sec. 612 of PRWORA, the Secretary's reports to Congressional committees would become biennial, with the first due July 31, 1997.

The July 1997 due date does not make sense, since the first biannual State reports will not yet be due. The proposed amendment would enable the first HHS report to incorporate the information in the initial set of new State reports.

Proposed amendment:

() REPORT TO CONGRESS.--Section 658L of the CCDBG Act, as amended by section 612 of PRWORA, is amended by striking "1997" and inserting "1998".

TITLE VIII--FOOD STAMPS AND COMMODITY DISTRIBUTION

TITLE IX--MISCELLANEOUS

Sec. 846: expanded forfeiture for food stamp violations:

1. CRIMINAL FORFEITURE: CORRECTIONS TO CONFORM TO OTHER CRIMINAL FORFEITURE STATUTES.

Problem: Sec. 15(h) of the Food Stamp Act of 1977, as added by section 846(b) of PRWORA, attempts to make criminal forfeiture available in food stamp cases. As a technical matter, however, it mixes concepts of criminal and civil forfeiture. For example, it provides for forfeiture as part of the sentence following a criminal conviction (clearly a criminal forfeiture concept) but also provides for the exemption of property belonging to innocent owners (a civil forfeiture concept). The following amendment revises sec. 846(b) to make it more consistent with other criminal forfeiture statutes.

Proposed amendment:

(a) CRIMINAL FORFEITURE: CORRECTIONS TO CONFORM TO OTHER CRIMINAL FORFEITURE STATUTES.--Section 15(h) of the Food Stamp Act of 1977, as added by section 846(b) of PRWORA, is amended--

(1) by striking paragraphs (1), (2), and (3);

(2) by redesignating paragraph (4) as paragraph (3);

and

(3) by inserting before paragraph (3), as so redesignated, the following new paragraphs:

"(1) IN GENERAL.--Any person convicted of a violation of subsection (b) or (c) shall forfeit to the United States, irrespective of any provision of State law--

"(A) any of such person's property, used in a transaction or attempted transaction, to commit or to

facilitate the commission of such violation (other than a misdemeanor); and

"(B) any property, real or personal, constituting, derived from, or traceable to any proceeds such person obtained directly or indirectly as a result of such violation.

"The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed under this section, that the person forfeit to the United States all property described in this subsection.

"(2) APPLICABILITY OF GENERAL CRIMINAL FORFEITURE STATUTE.--All property subject to forfeiture under this subsection, any seizure and disposition thereof, and any proceeding relating thereto, shall be governed by section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. §853), with the exception of subsection (d), which shall not apply to forfeitures under this section."

Secs. 891, 907: electronic benefits transfer:

1. DUPLICATIVE PROVISIONS.

Problem: We note that Congress addresses electronic benefits transfer in two sections of PRWORA -- 891 and 907. These sections amend the same provision of law (sec. 904 of the Electronic Fund Transfer Act), with virtually identical language. One or the other should be deleted.

APPENDIX A

Self-Explanatory Corrections to Text

"PART A--BLOCK GRANTS TO STATES FOR TEMPORARY ASSISTANCE
FOR NEEDY FAMILIES

"SEC. 401. PURPOSE.

"(a) IN GENERAL.--The purpose of this part is to increase the flexibility of States in operating a program designed to--

"(1) provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;

"(2) end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;

"(3) prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and

"(4) encourage the formation and maintenance of two-parent families.

"(b) NO INDIVIDUAL ENTITLEMENT.--This part shall not be interpreted to entitle any individual or family to assistance under any State program funded under this part.

"SEC. 402. ELIGIBLE STATES; STATE PLAN.

"(a) IN GENERAL.--As used in this part, the term 'eligible State' means, with respect to a fiscal year, a State **where the chief executive officer that**, during the 2-year period immediately preceding the fiscal year, has submitted to the Secretary a plan that the Secretary has found includes the following:

"(1) OUTLINE OF FAMILY ASSISTANCE PROGRAM.--

"(A) GENERAL PROVISIONS.--A written document that outlines how the State intends to do the following:

"(i) Conduct a program, designed to serve all political subdivisions in the State (not necessarily in a uniform manner), that provides assistance to needy families with (or expecting) children and provides parents with job preparation, work, and support services to enable them to leave the program and become self-sufficient.

"(ii) Require a parent or caretaker receiving assistance under the program to engage in work (as defined by the State) once the State determines the parent or caretaker is ready to engage in work, or once the parent or caretaker has received assistance under the program for 24 months (whether or not consecutive), whichever is earlier.

"(iii) Ensure that parents and caretakers receiving assistance under the program engage in work activities in accordance with section 407.

"(iv) Take such reasonable steps as the State

deems necessary to restrict the use and disclosure of information about individuals and families receiving assistance under the program attributable to funds provided by the Federal Government.

"(v) Establish goals and take action to prevent and reduce the incidence of out-of-wedlock pregnancies, with special emphasis on teenage pregnancies, and establish numerical goals for reducing the illegitimacy

ratio of the State (as defined in section 403(a)(2)(B)) for calendar years 1996 through 2005.

"(vi) Conduct a program, designed to reach State and local law enforcement officials, the education system, and relevant counseling services, that provides education and training on the problem of statutory rape so that teenage pregnancy prevention programs may be expanded in scope to include men.

"(B) SPECIAL PROVISIONS.--

"(i) The document shall indicate whether the State intends to treat families moving into the State from another State differently than other families under the program, and if so, how the State intends to treat such families under the program.

"(ii) The document shall indicate whether the State intends to provide assistance under the program to individuals who are not citizens of the United States, and if so, shall include an overview of such assistance.

"(iii) The document shall set forth objective criteria for the delivery of benefits and the determination of eligibility and for fair and equitable treatment, including an explanation of how the State will provide opportunities for recipients who have been adversely affected to be heard in a State administrative or appeal process.

"(iv) Not later than 1 year after the date of enactment of this Act, unless the chief executive officer of the State opts out of this provision by notifying the Secretary, a State shall, consistent with the exception provided in section 407(e)(2), require a parent or caretaker receiving assistance under the program who, after receiving such assistance for 2 months is not exempt from work requirements and is not engaged in work, as determined under section 407(c), to participate in community service employment, with minimum hours per week and tasks to be determined by the State.

"(2) CERTIFICATION THAT THE STATE WILL OPERATE A CHILD SUPPORT ENFORCEMENT PROGRAM.--A certification by the chief executive officer of the State that, during the fiscal year, the State will operate a child support enforcement program under the State plan approved under part D.

"(3) CERTIFICATION THAT THE STATE WILL OPERATE A FOSTER CARE AND ADOPTION ASSISTANCE PROGRAM.--A certification by the chief executive officer of the State that, during the fiscal year, the State will operate a foster care and adoption assistance program under the State plan approved under part E, and that the State will take such actions as

are necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the State plan under title XIX.

"(4) CERTIFICATION OF THE ADMINISTRATION OF THE PROGRAM.--A certification by the chief executive officer of the State specifying which State agency or agencies will administer and ~~or~~ supervise the program referred to in paragraph (1) for the fiscal year, which shall include assurances that local governments and private sector organizations--

"(A) have been consulted regarding the plan and design of welfare services in the State so that services are provided in a manner appropriate to local populations; and

"(B) have had at least 45 days to submit comments on the plan and the design of such services.

"(5) CERTIFICATION THAT THE STATE WILL PROVIDE INDIANS WITH EQUITABLE ACCESS TO ASSISTANCE.--A certification by the chief executive officer of the State that, during the fiscal year, the State will provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government.

"(6) CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD AND ABUSE.--A certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.

"(7) OPTIONAL CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE THAT THE STATE WILL SCREEN FOR AND IDENTIFY DOMESTIC VIOLENCE.--

"(A) IN GENERAL.--At the option of the State, a certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to--

"(i) screen and identify individuals receiving assistance under this part with a history of **being victimized by** domestic violence while maintaining the confidentiality of such individuals;

"(ii) refer such individuals to counseling and supportive services; and

"(iii) waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk

of further domestic violence.

"(B) DOMESTIC VIOLENCE DEFINED.--For purposes of this paragraph, the term 'domestic violence' has the same meaning as the term 'battered or subjected to extreme cruelty', as defined in section 408(a)(7)(C)(iii).

"(b) PUBLIC AVAILABILITY OF STATE PLAN SUMMARY.--The State shall make available to the public a summary of any plan submitted by the State under this section.

"SEC. 403. GRANTS TO STATES.

"(a) GRANTS.--

"(ii) BONUS YEAR.--The term 'bonus year' means fiscal years 1999, 2000, 2001, and 2002.

"(D) APPROPRIATION.--Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal years 1999 through 2002, such sums as are necessary for grants under this paragraph.

"(3) SUPPLEMENTAL GRANT FOR POPULATION INCREASES IN CERTAIN STATES.--

"(A) IN GENERAL.--Each qualifying State shall, subject to subparagraph (F), be entitled to receive from the Secretary--

"(i) for fiscal year 1998 a grant in an amount equal to 2.5 percent of the total amount required to be paid to the State under former section 403 (as in effect during fiscal year 1994) for fiscal year 1994; and

"(ii) for each of fiscal years 1999, 2000, and 2001, a grant in an amount equal to the sum of--

"(I) the amount (if any) required to be paid to the State under this paragraph for the immediately preceding fiscal year; and

"(II) 2.5 percent of the sum of--

"(aa) the total amount required to be paid to the State under former section 403 (as in effect during fiscal year 1994) for fiscal year 1994; and

"(bb) the amount (if any) required to be paid to the State under this paragraph for the fiscal year preceding the fiscal year for which the grant is to be made.

"(B) PRESERVATION OF GRANT WITHOUT INCREASES FOR STATES FAILING TO REMAIN QUALIFYING STATES.--Each State that is not a qualifying State for a fiscal year specified in subparagraph (A)(ii) but was a qualifying State for a prior fiscal year shall, subject to subparagraph (F), be entitled to receive from the Secretary for the specified fiscal year, a grant in an amount equal to the amount required to be paid to the State under this paragraph for the most recent fiscal year for which the State was a qualifying State.

"(C) QUALIFYING STATE.--

"(i) IN GENERAL.--For purposes of this paragraph, a State is a qualifying State for a fiscal year if--

"(I) the level of welfare spending per poor person by the State for the immediately preceding fiscal year is less than the national average level of State welfare spending per poor person for such preceding fiscal year; and

"(II) the population growth rate of the State

(as determined by the Bureau of the Census) for the most recent fiscal year for which information is available exceeds the average population growth rate for all States (as so determined) for such most recent fiscal year.

"(ii) STATE MUST QUALIFY IN FISCAL YEAR 1998.--

~~1997.~~---

Notwithstanding clause (i), a State shall not be a qualifying State for any fiscal year after 1998 by reason

"(B) ELIGIBILITY CHANGES NOT COUNTED.--The regulations required by subparagraph (A) shall not take into account families that are diverted from a State program funded under this part as a result of differences in eligibility criteria under a State program funded under this part and eligibility criteria under the State program operated under the State plan approved under part A (as such plan and such part were in effect on September 30, 1995). Such regulations shall place the burden on the Secretary to prove that such families were diverted as a direct result of differences in such eligibility criteria.

"(4) STATE OPTION TO INCLUDE INDIVIDUALS RECEIVING ASSISTANCE UNDER A TRIBAL FAMILY ASSISTANCE PLAN.--For purposes of paragraphs (1)(B) and (2)(B), a State may, at its option, include families in the State that are receiving assistance under a tribal family assistance plan approved under section 412.

"(5) STATE OPTION FOR PARTICIPATION REQUIREMENT EXEMPTIONS.--For any fiscal year, a State may, at its option, not require an individual who is a single custodial parent caring for a child who has not attained 12 months of age to engage in work, and may disregard such an individual in determining the participation rates under subsection (a) for not more than 12 months.

"(c) ENGAGED IN WORK.--

"(1) GENERAL RULES.--

"(A) ALL FAMILIES.--For purposes of subsection (b)(1)(B)(i), a recipient is engaged in work for a month in a fiscal year if the recipient is participating in work activities for at least the minimum average number of hours per week specified in the following table during the month, not fewer than 20 hours per week of which are attributable to an activity described in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (12) of subsection (d), subject to this subsection:

"If the month is in fiscal year:	The minimum average number of hours per week is:
1997.....	20
1998.....	20
1999.....	25
2000 or thereafter.....	30.

"(B) 2-PARENT FAMILIES.--For purposes of subsection (b)(2)(B), an individual is engaged in work for a month in a

Act" and inserting "section 404(e), 464, or 1137 of the Social Security Act".

SEC. 111. DEVELOPMENT OF PROTOTYPE OF COUNTERFEIT-RESISTANT SOCIAL SECURITY CARD REQUIRED.

(a) DEVELOPMENT.--

(1) IN GENERAL.--The Commissioner of Social Security (in this section referred to as the "Commissioner") shall, in accordance with this section, develop a prototype of a counterfeit-resistant social security card. Such prototype card shall--

(A) be made of a durable, tamper-resistant material such as plastic or polyester,

(B) employ technologies that provide security features, such as magnetic stripes, holograms, and integrated circuits, and

(C) be developed so as to provide individuals with reliable proof of citizenship or legal resident alien status.

(2) ASSISTANCE BY ATTORNEY GENERAL.--The Attorney General of the United States shall provide such information and assistance as the Commissioner deems necessary to enable the Commissioner to comply with this section.

(b) STUDY AND REPORT.--

(1) IN GENERAL.--The Commissioner shall conduct a study and issue a report to Congress which examines different methods of improving the social security card application process.

(2) ELEMENTS OF STUDY.--The study shall include an evaluation of the cost and work load implications of issuing a counterfeit-resistant social security card for all individuals over a 3-, 5-, and 10-year period. The study shall also evaluate the feasibility and cost implications of imposing a user fee for replacement cards and cards issued to individuals who apply for such a card prior to the scheduled 3-, 5-, and 10-year phase-in options.

(3) DISTRIBUTION OF REPORT.--The Commissioner shall submit copies of the report described in this subsection along with a facsimile of the prototype card as described in subsection (a) to the Committees on Ways and Means and Judiciary of the House of Representatives and the Committees on Finance and Judiciary of the Senate within 1 year after the date of the enactment of this Act.

SEC. 112. MODIFICATIONS TO THE JOB OPPORTUNITIES FOR CERTAIN LOW-INCOME INDIVIDUALS PROGRAM.

Section 505 of the Family Support Act of 1988 (42 U.S.C.

1315 note) is amended--

(1) in the heading, by striking "demonstration";

(2) by striking "demonstration" each place such term appears;

(3) in subsection (a), by striking "in each of fiscal years" and all that follows through "10" and inserting "shall enter into agreements with";

(4) in subsection (b)(3), by striking "aid to families with dependent children under part A of title IV of the Social Security Act" and inserting "assistance under the program funded **under** part A of title IV of the Social Security Act ~~of~~ **in** the State in which the individual resides";

(5) in subsection (c)--

"(b) REQUIREMENTS.--The study required by subsection (a) shall--

"(1) have a longitudinal component; and

"(2) yield data reliable at the State level for as many States as the Secretary determines is feasible.

"(c) PREFERRED CONTENTS.--In conducting the study required by subsection (a), the Secretary should--

"(1) carefully consider selecting the sample from cases of confirmed abuse or neglect; and

"(2) follow each case for several years while obtaining information on, among other things--

"(A) the type of abuse or neglect involved;

"(B) the frequency of contact with State or local agencies;

"(C) whether the child involved has been separated from the family, and, if so, under what circumstances;

"(D) the number, type, and characteristics of out-of-home placements of the child; and

"(E) the average duration of each placement.

"(d) REPORTS.--

"(1) IN GENERAL.--From time to time, the Secretary shall prepare reports summarizing the results of the study required by subsection (a).

"(2) AVAILABILITY.--The Secretary shall make available to the public any report prepared under paragraph (1), in writing or in the form of an electronic data tape.

"(3) AUTHORITY TO CHARGE FEE.--The Secretary may charge and collect a fee for the furnishing of reports under paragraph (2).

"(e) APPROPRIATION.--Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary for each of fiscal years 1996 through 2002 \$6,000,000 to carry out this section."

SEC. 504. REDESIGNATION OF SECTION 1123.

The Social Security Act is amended by redesignating section 1123, the second place it appears (42 U.S.C. 1320a-1a), as section 1123A.

SEC. 505. KINSHIP CARE.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended--

(1) by striking "and" at the end of paragraph ~~(16)~~

(17);

(2) by striking the period at the end of paragraph ~~(17)~~ (18) and inserting "; and"; and

(3) by adding at the end the following:

"~~(18)~~ (19) provides that the State shall consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant State child protection standards.".

TITLE VI--CHILD CARE

SEC. 601. SHORT TITLE AND REFERENCES.

(a) SHORT TITLE.--This title may be cited as the "Child Care and Development Block Grant Amendments of 1996".

payment (as determined under this subsection) for the fiscal year in which the redistribution is made.

"(3) APPROPRIATION.--For grants under this section, there are appropriated--

- "(A) \$1,967,000,000 for fiscal year 1997;
- "(B) \$2,067,000,000 for fiscal year 1998;
- "(C) \$2,167,000,000 for fiscal year 1999;
- "(D) \$2,367,000,000 for fiscal year 2000;
- "(E) \$2,567,000,000 for fiscal year 2001; and
- "(F) \$2,717,000,000 for fiscal year 2002.

"(4) INDIAN TRIBES.--The Secretary shall reserve not less than 1 percent, and not more than 2 percent, of the aggregate amount appropriated to carry out this section in each fiscal year for payments to Indian tribes and tribal organizations.

"(b) USE OF FUNDS.--

"(1) IN GENERAL.--Amounts received by a State under this section shall only be used to provide child care assistance. Amounts received by a State under a grant under subsection (a)(1) shall be available for use by the State without fiscal year limitation.

"(2) USE FOR CERTAIN POPULATIONS.--A State shall ensure that not less than 70 percent of the total amount of funds received by the State in a fiscal year under this section are used to provide child care assistance to families who are receiving assistance under a State program under this part, families who are attempting through work activities to transition off of such assistance program, and families who are at risk of becoming dependent on such assistance program.

"(c) APPLICATION OF CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT of 1990.--Notwithstanding any other provision of law, amounts provided to a State under this section shall be transferred to the lead agency under the Child Care and Development Block Grant Act of 1990, integrated by the State into the programs established by the State under such Act, and be subject to requirements and limitations of such Act.

"(d) DEFINITION.--As used in this section, the term 'State' means each of the 50 States ~~or~~ and the District of Columbia."

SEC. 604. LEAD AGENCY.

Section 658D(b) (42 U.S.C. 9858b(b)) is amended--

(1) in paragraph (1)--

(A) in subparagraph (A), by striking "State" the first place that such appears and inserting "governmental or nongovernmental"; and

(B) in subparagraph (C), by inserting "with sufficient time and Statewide distribution of the

notice of such hearing," after "hearing in the State";
and (2) in paragraph (2), by striking the second
sentence.

SEC. 605. APPLICATION AND PLAN.

Section 658E (42 U.S.C. 9858c) is amended--

(1) in subsection (b)--

(A) by striking "implemented--" and all that
follows through "(2)" and inserting "implemented"; and

(B) by striking "for subsequent State plans";

(2) in subsection (c)--

(A) in paragraph (2)--

(i) in subparagraph (A)--

(I) in clause (i) by striking ", other than through assistance provided under paragraph (3)(C),"; and

(II) by striking "except" and all that follows through "1992", and inserting "and provide a detailed description of the procedures the State will implement to carry out the requirements of this subparagraph";

(ii) in subparagraph (B)--

(I) by striking "Provide assurances" and inserting "Certify"; and

(II) by inserting before the period at the end "and provide a detailed description of such procedures";

(iii) in subparagraph (C)--

(I) by striking "Provide assurances" and inserting "Certify"; and

(II) by inserting before the period at the end "and provide a detailed description of how such record is maintained and is made available";

(iv) by amending subparagraph (D) to read as follows:

"(D) CONSUMER EDUCATION INFORMATION.--Certify that the State will collect and disseminate to parents of eligible children and the general public, consumer education information that will promote informed child care choices.";

(v) in subparagraph (E), to read as follows:

"(E) COMPLIANCE WITH STATE LICENSING REQUIREMENTS.--

"(i) IN GENERAL.--Certify that the State has in effect licensing requirements applicable to child care services provided within the State, and provide a detailed description of such requirements and of how such requirements are effectively enforced. Nothing in the preceding sentence shall be construed to require that licensing requirements be applied to specific types of providers of child care services.

"(ii) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.--In lieu of any licensing and regulatory requirements applicable under State and local law, the Secretary, consultation with Indian tribes and tribal organizations, shall develop minimum child care standards (that appropriately reflect tribal needs and available resources) that shall be applicable to Indian tribes and tribal organizations receiving assistance under this subchapter.";

(vi) in subparagraph (F) by striking "Provide assurances" and inserting "Certify";

(vii) in subparagraph (G) by striking "Provide assurances" and inserting "Certify"; and

(viii) by striking subparagraphs (H), (I), and (J) and inserting the following:

"(H) MEETING THE NEEDS OF CERTAIN POPULATIONS.--
Demonstrate the manner in which the State will meet the
specific child care needs of families who are receiving
assistance under a State program under part A of title IV of
the Social Security Act, families who are attempting

(3) by striking "Education and Labor" and inserting "Economic and Educational Opportunities".

SEC. 613. ALLOTMENTS.

Section 6580 (42 U.S.C. 9858m) is amended--

(1) in subsection (a)--

(A) in paragraph (1)--

(i) by striking "POSSESSIONS" and inserting "POSSESSIONS";

(ii) by inserting "and" after "States,"; and

(iii) by striking ", and the Trust Territory of the Pacific Islands"; and

(B) in paragraph (2), by striking "more than 3 percent" and inserting "less than 1 percent, and not more than 2 percent,";

(2) in subsection (c)--

(A) in paragraph (5) by striking "our" and inserting "out"; and

(B) by adding at the end thereof the following new paragraph:

"(6) CONSTRUCTION OR RENOVATION OF FACILITIES.--

"(A) REQUEST FOR USE OF FUNDS.--An Indian tribe or tribal organization may submit to the Secretary a request to use amounts provided under this subsection for construction or renovation purposes.

"(B) DETERMINATION.--With respect to a request submitted under subparagraph (A), and except as provided in subparagraph (C), upon a determination by the Secretary that adequate facilities are not otherwise available to an Indian tribe or tribal organization to enable such tribe or organization to carry out child care programs in accordance with this subchapter, and that the lack of such facilities will inhibit the operation of such programs in the future, the Secretary may permit the tribe or organization to use assistance provided under this subsection to make payments for the construction or renovation of facilities that will be used to carry out such programs.

"(C) LIMITATION.--The Secretary may not permit an Indian tribe or tribal organization to use amounts provided under this subsection for construction or renovation if such use will result in a decrease in the level of child care services provided by the tribe or organization as compared to the level of such services provided by the tribe or organization in the fiscal year preceding the year for which the determination under subparagraph ~~(A)~~ (B) is being made.

"(D) UNIFORM PROCEDURES.--The Secretary shall

develop and implement uniform procedures for the solicitation and consideration of requests under this paragraph."; and

(3) in subsection (e), by adding at the end thereof the following new paragraph:

"(4) INDIAN TRIBES OR TRIBAL ORGANIZATIONS.--Any portion of a grant or contract made to an Indian tribe or tribal organization under subsection (c) that the Secretary determines is not being used in a manner consistent with the provision of this subchapter in the period for which the grant or contract is made available, shall be allotted by the Secretary to other

tribes or organizations that have submitted applications under subsection (c) in accordance with their respective needs."

SEC. 614. DEFINITIONS.

Section 658P (42 U.S.C. 9858n) is amended--

(1) in paragraph (2), in the first sentence by inserting "or as a deposit for child care services if such a deposit is required of other children being cared for by the provider" after "child care services"; and

(2) by striking paragraph (3);

(3) in paragraph (4)(B), by striking "75 percent" and inserting "85 percent";

(4) in paragraph (5)(B)--

(A) by inserting "great grandchild, sibling (if such provider lives in a separate residence)," after "grandchild,";

(B) by striking "is registered and"; and

(C) by striking "State" and inserting "applicable".

(5) by striking paragraph (10);

(6) in paragraph (13)--

(A) by inserting ~~"or"~~ "and" after "Samoa,"; and

(B) by striking ", and the Trust Territory of the Pacific Islands";

(7) in paragraph (14)--

(A) by striking "The term" and inserting the following:

"(A) IN GENERAL.--The term"; and

(B) by adding at the end thereof the following new subparagraph:

"(B) OTHER ORGANIZATIONS.--Such term includes a Native Hawaiian Organization, as defined in section 4009(4) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C.4909(4)) and a private nonprofit organization established for the purpose of serving youth who are Indians or Native Hawaiians.".

APPENDIX B

Cost Table

Estimated Federal Cost Impacts under Technical Proposals to Amend Selected Sections of P.L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, fiscal years 1997-2002
(\$ in millions)

<i>Total</i>	<i>Section</i>	<i>Fiscal year</i>						<i>1997-2002</i>
		<i><u>1997</u></i>	<i><u>1998</u></i>	<i><u>1999</u></i>	<i><u>2000</u></i>	<i><u>2001</u></i>	<i><u>2002</u></i>	
<i><u>Title I - Block Grants for TANF</u></i>								
<i>103(a)</i>	<i>Advance State plan requirement</i>							
	<i>Calculation of bonus for decrease in illegitimacy</i>							
	<i>Contingency Fund</i>							
	<i>Amendment of inconsistent terminology</i>							
	<i>Responsibility for administering contingency fund</i>							
	<i>Availability of TANF loans to Indian tribes</i>							
	<i>State option to exclude individuals subject to tribal work programs from State participation rates</i>							
	<i>Amendments to mandatory work requirements</i>							
	<i>Inconsistent standards for engagement in work . .</i>							
	<i>Penalties against individuals: Inconsistent provisions</i>							
	<i>Assignment of support rights: Clarification</i>							
<i>103(a)</i>	<i>Time limit on benefits: Disregard of certain assistance to reservation residents</i>							

PRWORA

Blank spaces mean that that provision has negligible cost or savings.

Estimated Federal Cost Impacts under Technical Proposals to Amend Selected Sections of P.L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, fiscal years 1997-2002
(\$ in millions)

<i>Total</i>	<i>Section</i>	<i>Fiscal year</i>						<i>1997-2002</i>
		<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	
	<i>Requirement to maintain level of historic effort</i>							
	<i>Definition of qualified State expenditures: Benefits for aliens</i>							
	<i>Reduction for failure to meet MOE requirement: applicable percentage</i>							
	<i>Definition of historic State expenditures</i>							
	<i>Definition of expenditures by the State</i>							
	<i>Penalties for noncompliance with CSE requirements .</i>							
	<i>Exclusions from reasonable cause penalty exceptions .</i>							
	<i>Penalties not avoidable through corrective compliance plans</i>							
	<i>Data collection and reporting</i>							
	<i>Grants to Indian tribes that received JOBS funds . . .</i>							
<i>103(a)</i>	<i>Research, evaluations, and national studies</i>							
	<i>Methods available for conduct of research</i>							
	<i>Funding of previously authorized demonstrations .</i>							
	<i>State child poverty reports</i>							

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Estimated Federal Cost Impacts under Technical Proposals to Amend Selected Sections of P.L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, fiscal years 1997-2002
(\$ in millions)

<i>Total</i>	<i>Section</i>	<i>Fiscal year</i>						<i>1997-2002</i>
		<i><u>1997</u></i>	<i><u>1998</u></i>	<i><u>1999</u></i>	<i><u>2000</u></i>	<i><u>2001</u></i>	<i><u>2002</u></i>	
	<i>Definition of Indian tribes in Alaska</i>							
<i>103(b)</i>	<i>Federal payments for TANF programs in territories . . Multiple territorial maintenance of effort requirements</i>							
<i>104</i>	<i>Services provided by charitable, religious, or private organizations: Clarifications concerning religiously affiliated providers</i>							
<i>106</i>	<i>Report on data processing: Clarifying amendment . . .</i>							
<i>108</i>	<i>Conforming amendments to Social Security Act Amendments to Title IV-D: Performance standards for State paternity establishment programs: Deletion of obsolete language Distribution formula: Amendment concerning Medicaid cases to conform to change made concerning Title IV-A cases</i>							
<i>108</i>	<i>Assignment of support rights to States: Correction of references Amendments to Title IV-E: Uniform methodology for determining Medicaid and Foster Care Adoption Assistance Entitlements</i>							

PRWORA

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Estimated Federal Cost Impacts under Technical Proposals to Amend Selected Sections of P.L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, fiscal years 1997-2002
(\$ in millions)

<i>Total</i>	<i>Section</i>	<i>Fiscal year</i>						<i>1997-2002</i>
		<i><u>1997</u></i>	<i><u>1998</u></i>	<i><u>1999</u></i>	<i><u>2000</u></i>	<i><u>2001</u></i>	<i><u>2002</u></i>	
<i>115</i>	<i>Denial of assistance and benefits for certain drug-related convictions: Application of provision only to conduct occurring before enactment</i>							
<i>116</i>	<i>Effective dates; transition: Reporting requirements applicable to transition period</i>							
<i><u>Title II - SSI</u></i>								
<i>202(b)</i>	<i>Denial of SSI benefits for fugitive felons and probation and parole violators</i>							
<i>203</i>	<i>Treatment of prisoners</i>							
<i>211</i>	<i>Application to current recipients - eligibility redeterminations</i>							
<i>212(b)</i>	<i>Disability eligibility redeterminations required for SSI recipients who attain 18 years of age</i>							
<i>212</i>	<i>Continuing disability review required for low birth weight babies</i>							

PRWORA

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Estimated Federal Cost Impacts under Technical Proposals to Amend Selected Sections of P.L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, fiscal years 1997-2002
(\$ in millions)

<i>Total</i>	<i>Section</i>	<i>Fiscal year</i>						<i>1997-2002</i>
		<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	
<i>213(a)</i>	<i>Requirements to establish an account</i>							
<i>214</i>	<i>Reduction in cash benefits to institutional individuals whose medical costs are covered by private insurance</i>	<i>(a)</i>	<i>(a)</i>	<i>(a)</i>	<i>(a)</i>	<i>(a)</i>	<i>(a)</i>	<i>(a)</i>
<i><u>Title III - Child Support</u></i>								
<i>301</i>	<i>State obligation to provide CSE services: State plan requirements: Clarifying amendment</i>							
	<i>Correction of reference</i>							
<i>302</i>	<i>Distribution of CSE collections: Limits on collections retained by State and Federal governments</i>							
	<i>Collections for families receiving assistance from Indian tribes</i>							
	<i>Study and Report</i>							

(a) The technical proposal to amend this section has offsetting effects. Replacing the list of specific types of facilities with the general term "medical treatment facility" would decrease benefit payments, whereas providing benefits based on the full FBR to children whose benefits are subject to the \$30 payment standard, but whose stay in a treatment facility is anticipated to be for three or fewer months, would increase benefit payments. The net impact on benefit payments is difficult to quantify but is presumed to be negligible.

PRWORA

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Estimated Federal Cost Impacts under Technical Proposals to Amend Selected Sections of P.L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, fiscal years 1997-2002
(\$ in millions)

<i>Total</i>	<i>Section</i>	<i>Fiscal year</i>						
		<i><u>1997</u></i>	<i><u>1998</u></i>	<i><u>1999</u></i>	<i><u>2000</u></i>	<i><u>2001</u></i>	<i><u>2002</u></i>	<i><u>1997-2002</u></i>
302	<i>Continuation of assignments</i>							
	<i>Conforming amendment</i>							
313	<i>State directory of new hires: Civil money penalty amount</i>							
316	<i>Expansion of FPLS: Child custody and visitation orders:</i>							
	<i>Deletion of incorrect insertion</i>							
	<i>FPLS access to certain IRS records</i>							
	<i>Availability of data in registries for research</i>							
317	<i>Use of social security numbers in CSE: Collection and use of</i>							
	<i>social security numbers in CSE: Conforming amendments to</i>							
	<i>Title II of SSA</i>							
321	<i>Adoption of uniform State laws: Deadline for State</i>							
	<i>adoption of UIFSA</i>							
341	<i>Performance-based incentives and penalties: Correction</i>							
	<i>of reference</i>							
345	<i>Technical assistance: Means available for provision of</i>							
	<i>technical assistance, operation of FPLS</i>							
	<i>Availability of certain FPLS funds until expended . . .</i>							

PRWORA

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Estimated Federal Cost Impacts under Technical Proposals to Amend Selected Sections of P.L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, fiscal years 1997-2002
(\$ in millions)

Total	Section	Fiscal year						1997-2002
		<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	
362 (a)	Clarify the exemption of certain VA benefits from legal process for enforcement of child support or alimony obligations.....							
366	Definition of support order							
371	International support enforcement: Correction of reference							
375	CSE for Indian tribes: Cooperative agreements with States							
	Direct Federal funding to Indian tribes and tribal organizations							
	Technical Correction							
	Direct grants to tribes							
<u>Title IV - Restricting welfare and public benefits for aliens</u>								
	Exceptions to benefit limitations: Corrections to reference concerning aliens whose deportation is withheld							
	Exceptions for certain Amerasian Immigrants		3	3	2	2	2	12
	Clarifications of exceptions for veterans and active duty military							

PRWORA

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Estimated Federal Cost Impacts under Technical Proposals to Amend Selected Sections of P.L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, fiscal years 1997-2002
(\$ in millions)

<i>Total</i>	<i>Section</i>	<i>Fiscal year</i>						<i>1997-2002</i>
		<i><u>1997</u></i>	<i><u>1998</u></i>	<i><u>1999</u></i>	<i><u>2000</u></i>	<i><u>2001</u></i>	<i><u>2002</u></i>	
<i>401</i>	<i>Ineligibility of non-qualified aliens for Federal public benefits: Clarification of Medicare entitlement</i>							
<i>401</i>	<i>Clarification of qualified aliens' eligibility for emergency benefits</i>							
<i>403</i>	<i>5-year limited eligibility for means-tested public benefits: Correction of reference concerning Cuban and Haitian entrants</i>		<i>1</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>3</i>	<i>10</i>
<i>404</i>	<i>Notification and information reporting. Correction of terminology.....</i>							
<i>411</i>	<i>Aliens' eligibility for State and local benefits: Correction of list of aliens lawfully present</i>							
<i>421</i>	<i>Attribution of sponsor's income and resources to alien Clarification for State deeming of sponsor's income and resources to alien</i>							
<i>423</i>	<i>Sponsor's affidavit of support</i>							

PRWORA

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Estimated Federal Cost Impacts under Technical Proposals to Amend Selected Sections of P.L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, fiscal years 1997-2002
(\$ in millions)

Total	Section	Fiscal year						1997-2002
		<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	
431	<i>Definitions: Definitions relating to family relationships, employment, status, and similar matters</i>							
	<i>Treatment of lawfully present aliens from freely associated States as "qualified aliens"</i>							
	<i>Treatment of battered alien as "qualified alien" for limited purposes</i>							
	<i>Definition of qualified alien</i>							
435	<i>Qualifying quarters</i>							
<u>Title V - Child Protection</u>								
503	<i>National random sample study of child welfare: Methods permitted for conduct of study</i>							

PRWORA

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Estimated Federal Cost Impacts under Technical Proposals to Amend Selected Sections of P.L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, fiscal years 1997-2002
(\$ in millions)

<i>Section</i>		<i>Fiscal year</i>						
<i>Total</i>		<u><i>1997</i></u>	<u><i>1998</i></u>	<u><i>1999</i></u>	<u><i>2000</i></u>	<u><i>2001</i></u>	<u><i>2002</i></u>	<u><i>1997-2002</i></u>
<u><i>Title VI - Child Care</i></u>								
603	<i>Authorization of appropriations and entitlement authority:</i>							
	<i>Perfecting and clarifying amendments</i>							
	<i>Data used to calculate State expenditures in base period</i>							
	<i>Funding for territories</i>							
612	<i>Report by the Secretary: Report to Congress</i>							
<u><i>Miscellaneous</i></u>								
891,907	<i>Electronic benefiits transfer (EBT): Duplicative provisions</i>							
<u><i>Title VIII - Food Stamps and Commodity Distribution</i></u>								
846	<i>Expanded forfeiture: corrections to conform to other criminal forfeiture statutes.....</i>							
<i>TOTAL COSTS, all sections</i>		<i>4</i>	<i>4</i>	<i>4</i>	<i>5</i>	<i>5</i>		<i>22</i>

PRWORA

Blank spaces mean that that provision has negligible cost or savings.

All or None → Carol
→ Chris
→ Monahan

OUTSTANDING ISSUES (TOP TEN PLUS ONE)

1. HHS Q/A's from 10/23

- OMB reviewing - commitment to HHS is to get answer Mon or Tues

2. Technicals

- Report due next week; in OMB circulation
- WH to review hot issues - Friday meeting - see attached list

3. Administrative Decisions with Budget Implications -- In Process

- SSI Kids
- Food Stamps 18-50's
- Cost Neutrality Waivers/Transitional Medicaid

4. Medicaid Manual

- HCFA hopes to hand out next week as initial draft and begin consultation
- WH/OMB to review/decide by Monday whether any issues need to be pulled before circulating draft

5. Medicaid "Bucket" Issue

- Final options for legal review by WHC and HHS Counsel
 - By early next week, need agreement on whether should be in legislative package
- Diana should clarify impact of the December issue*

6. Means Tested Benefits

- Counsels are still communicating among themselves; letter to DOJ anticipated
- DOJ turnaround should be rapid
- Decision could be by Thanksgiving; could be wrapped into broader verification

7. TANF Plan Issues

- 6 states with one month cushion on front end; two months on back end
- California - assurances acceptable on state spending??
- NY/NJ problems - are we OK with their approach

8. Medicaid - \$500 million

- HCFA paper circulated
- are we comfortable with their targeting approach rather than straight formula?

9. Medicaid Waiver (b)/(d) issue

- are we OK with option #3?
- WH, OMB to confer, answer needed on Monday a.m.

10. "All or None" Issue

- are we OK with "all"?
- WH, OMB to confer, answer needed on Monday a.m.

* Carol - expansion - Romer Chiles
* Chris
NA Min ok if
Zabone are OK

11. Medicaid - TANF eligibility linkages

- WH/OMB to review HHS paper on general approach
- get back to HHS on comfort level

* John Monahan

Other

Disability Reg

Cuban/Haitians

Non p.m. -
ESweeney - CDF
prefers 7/96 to 6/95
Faster care + CMA

TECHNICALS

1. Strategy

- generally need to consider release strategy, timing, format, etc.

2. Issues

- Move administering agency for contingency fund from Treasury to HHS

[- Title XX transfer - eliminates 2 for 1 CCDBG requirement (p.4)

- drops 20% voc. ed clarification Put back @ own req? - BR issue

- allows penalties to be less than 5 percent (p.9) BR issue

- including spending on aliens in MOE (p. 10-11) KA dislikes - gaming

[- no state child poverty reports until three months after regs (p. 20)

- reporting requirements between January and July (p.25)

- add Medicare to programs even non-qualified alien can get (p.41)

[fixing the "bucket issue" by technical amendment (pp 42-43)

- Cuban/Haitian fix (pp 43-44)

- add 40 quarters exception to Federal means tested benefits (SSA p. 34)

- SSA: no technical on non-covered quarters (is that OK?)

- limit deeming of spouses to when living together (SSA p. 36)

- privacy issue: allows SSA to reveal spouse/parent quarters (p. 42)

- religiously affiliated organizations (DOJ 1-6)

- interstate immigrants - add constitutionality (DOJ 6-8) ?

- limit Gramm to crimes post enactment (DOJ 8-10)

tech??

2nd Revision

LEGISLATIVE REFERRAL MEMORANDUM
Distribution List

LRM NO: 5762

FILE NO: 2946

SUBJECT: *2nd Revision* Administration Proposed Draft Bill: Technical and Confirming

Amendments to P.L. 104-193 (Welfare Reform)

Texas + Florida

No bucket

partial bucket

AGENCIES:

7-AGRICULTURE - Marvin Shapiro - 2027201516
29-DEFENSE - Samuel T. Brick, Jr. - 7038971305
30-EDUCATION - Jack Kristy - 2024018313
39-Federal Emergency Management Agency - John P. Carey - 2028484105
52-HHS - Sondra S. Wallace - 2028907760
54-HUD - Jeff Lischer - 2027081793
59-INTERIOR - Jane Lyder - 2022086706

62-LABOR - Robert A. Shapiro - 2022198201
71-National Council on Disability - Speed Davis - 2022722004
89-Office of National Drug Control Policy - John Carnevale - 2023956738
92-Office of Personnel Management - James N. Woodruff - 2026081424
110-Social Security Administration - Judy Chesser - 2023586030
114-STATE - Julia C. Norton - 2026474463
118-TREASURY - Richard S. Carro - 2026221146
128-US Trade Representative - Fred Montgomery - 2023953475
129-VETERANS AFFAIRS - Robert Coy - 2022736666

EOP:

Apfel_K
Smith_C
Min_N
Bianchi_S
White_B
Fontenot_K
Cash_L
Farkas_J
Dean_D
Lau_E
Smalligan_J
Green_R
Shireman_R
Fairhall_L
Mertens_S
Haun_D
Turco_K
Schwartz_K
Redburn_S
Stack_T
Clendenin_B
Miller_M
Washington_B
Highsmith_N
Taylor_W
Oliven_L
James_E. Irene
Ross_L
Bromberg_E
Reed_B
Ben-Ami_J
Fortuna_D
Warnath_S
Malley_R
Brostrom_M
Kagan_E
Chirwa_D
O'Connor_J
OMB-LA
Kolaian_A
Damus_R
Schroeder_I
Pellicci_R
Murr_J
Forsgren_J
Bernstein_M

Stalls assuming must amend state plan 7
**state plans - no design*
on Q+A
**guidance should be out*
state legis process
MOE for non-state
state process?
they want no

**JBA re work particip rates disc. + generally*

Harmonizing MA/FC dates

Immings + MOE - not countable toward MOE

→ JBA: tough cells

MBreenberg - Haskins see a glitch

Title XX transfer

20% voc ed - may not be a technical, they are tough interp → no voc ed, after c/83
Chasm waiver vs. non-waiver

Put in Jan legs

Clarify from HHS? - guidance

Get NGA to ask JBA

Clarify - did guidance clarify waivers ses/penalties

**Reinst waiver issue that > 1/2 state plans in*

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

LRM NO: 5762

FILE NO: 2946

URGENT

11/18/96

LEGISLATIVE REFERRAL MEMORANDUM

Total Page(s): 19

TO: Legislative Liaison Officer See Distribution below:

FROM: Janet FORSGREN

(for) Assistant Director for Legislative Reference

OMB CONTACT: Melinda HASKINS 395-3923 Legislative Assistant's Line: 395-3923
C=US, A=TELEMAIL, P=GOV+EOP, O=OMB, OU1=LRD, S=HASKINS, G=MELINDA, I=D
haskins_m@a1.eop.gov

SUBJECT:

2nd Revision Administration Proposed Draft Bill: *Technical and Conforming*
Amendments to P.L. 104-193 (Welfare Reform)

DEADLINE: Noon, Wednesday, November 20, 1996

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President.

Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS:**2ND REVISION TO LRM #5762.**

The Justice Department has asked that the attached pages (revised page 42a and new pages 46-60) be added to its part of the proposal making technical and conforming amendments to P.L. 104-193 (welfare reform) [see LRM #5762; 11/14/96.] Please note that Justice has revised the page 42a that was sent to you on Friday, Nov. 15th; therefore, please disregard the original page 42a and replace it with the attached revised 42a (which is to be inserted after page 42 of the Justice packet).

2nd Revision

LRM NO: 5762
FILE NO: 2946

_____ Concur
 _____ No Objection
 _____ No Comment
 _____ See proposed edits on pages _____
 _____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

Revised Pg.
42a

H. R. 3734—230

judicial review, the Secretary shall not be liable for the value of any sales lost during the disqualification period."

SEC. 846. EXPANDED CRIMINAL FORFEITURE FOR VIOLATIONS.

(a) **FORFEITURE OF ITEMS EXCHANGED IN FOOD STAMP TRAFFICKING.**—The first sentence of section 15(g) of the Food Stamp Act of 1977 (7 U.S.C. 2024(g)) is amended by striking "or intended to be furnished".

(b) **CRIMINAL FORFEITURE.**—Section 15 of the Food Stamp Act of 1977 (7 U.S.C. 2024) is amended by adding at the end the following:

"(h) **CRIMINAL FORFEITURE.**—

"(1) **IN GENERAL.**—In imposing a sentence on a person convicted of an offense in violation of subsection (b) or (c), a court shall order, in addition to any other sentence imposed under this section, that the person forfeit to the United States all property described in paragraph (2).

"(2) **PROPERTY SUBJECT TO FORFEITURE.**—All property, real and personal, used in a transaction or attempted transaction, to commit, or to facilitate the commission of, a violation (other than a misdemeanor) of subsection (b) or (c), or proceeds traceable to a violation of subsection (b) or (c), shall be subject to forfeiture to the United States under paragraph (1).

"(3) **INTEREST OF OWNER.**—No interest in property shall be forfeited under this subsection as the result of any act or omission established by the owner of the interest to have been committed or omitted without the knowledge or consent of the owner.

"(4) **PROCEEDS.**—The proceeds from any sale of forfeited property and any monies forfeited under this subsection shall be used—

"(A) first, to reimburse the Department of Justice for the costs incurred by the Department to initiate and complete the forfeiture proceeding;

"(B) second, to reimburse the Department of Agriculture Office of Inspector General for any costs the Office incurred in the law enforcement effort resulting in the forfeiture;

"(C) third, to reimburse any Federal or State law enforcement agency for any costs incurred in the law enforcement effort resulting in the forfeiture; and

"(D) fourth, by the Secretary to carry out the approval, reauthorization, and compliance investigations of retail stores and wholesale food concerns under section 9."

SEC. 847. LIMITATION ON FEDERAL MATCH.

Section 16(a)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)(4)) is amended by inserting after the comma at the end the following: "but not including recruitment activities."

SEC. 848. STANDARDS FOR ADMINISTRATION.

(a) **IN GENERAL.**—Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended by striking subsection (b).

(b) **CONFORMING AMENDMENTS.**—

(1) The first sentence of section 11(g) of the Food Stamp Act of 1977 (7 U.S.C. 2020(g)) is amended by striking "the Secretary's standards for the efficient and effective administration of the program established under section 16(b)(1) or".

Replace (b)
With text on
Pg. 43

(46)

Additional Technical Amendments -- Title IV (Alien Benefits)**Issue: Section 404, Notification and Information Reporting****Proposal: Amend Section 404(b) to read as follows:**

"(b) INFORMATION REPORTING UNDER TITLE IV OF THE SOCIAL SECURITY ACT.—Part A of title IV of the Social Security Act is amended by inserting the following new section after section 411:

'SEC. 411A. STATE REQUIRED TO PROVIDE CERTAIN INFORMATION.

Each State to which a grant is made under section 403 shall, in the form and manner prescribed by the Attorney General and upon request of the Immigration and Naturalization Service but not less than once a year, furnish the Immigration and Naturalization Service with identifying information as specified by the Attorney General on any individual who the State knows is not lawfully present in the United States.'."

Proposal: Amend Section 404(c)(2) to read as follows:

"(2) by adding at the end the following new paragraph:

'(9) Notwithstanding any other provision of law, the Commissioner shall, in the form and manner prescribed by the Attorney General and upon request of the Immigration and Naturalization Service but not less than once a year, furnish the Immigration and Naturalization Service with identifying information as specified by the Attorney General on any individual who the Commissioner knows is not lawfully present in the United States, and shall ensure that each agreement entered into under section 1616(a) with a State provides that the State shall furnish such information with respect to any individual who the State knows is not lawfully present in the United States.'."

(47)

Proposal: Amend Section 404(d) to read as follows:

"(d) **INFORMATION REPORTING FOR HOUSING PROGRAMS.**—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

'SEC. 27. PROVISION OF INFORMATION TO LAW ENFORCEMENT AND OTHER AGENCIES.

Notwithstanding any other provision of law, the Secretary shall, in the form and manner prescribed by the Attorney General and upon request of the Immigration and Naturalization Service but not less than once a year, furnish the Immigration and Naturalization Service with identifying information as specified by the Attorney General on any individual who the Secretary knows is not lawfully present in the United States, and shall ensure that each contract for assistance entered into under section 6 or 8 of this Act with a public housing agency provides that the public housing agency shall furnish such information with respect to any individual who the public housing agency knows is not lawfully present in the United States.' "

• **Reasoning:** These proposed amendments to Section 404 would: (1) authorize the Attorney General to prescribe the form, manner, and content of reports made to the Immigration and Naturalization Service by the States, the Social Security Administration, and the Department of Housing and Urban Development; (2) eliminate the quarterly reporting requirements and authorizes the Attorney General to specify the frequency of the reports subject to a requirement that the reports be made at least once a year; and (3) change the wording from "unlawfully in the United States" to "not lawfully present in the United States," which is a wording that renders the section consistent with other references to "lawfully present" contained in other sections of the Welfare Reform Act and Title V of the 1996 Immigration Act.

(48)

In the form and manner prescribed
by the Attorney General

H.R. 8734-163

for Cuban and Haitian entrants as defined in section 801(e)(2) of the Refugee Education Assistance Act of 1980.

SEC. 404. NOTIFICATION AND INFORMATION REPORTING.

(a) NOTIFICATION.—Each Federal agency that administers a program to which section 401, 402, or 403 applies shall, directly or through the States, post information and provide general notification to the public and to program recipients of the changes regarding eligibility for any such program pursuant to this subtitle.

(b) INFORMATION REPORTING UNDER TITLE IV OF THE SOCIAL SECURITY ACT.—Part A of title IV of the Social Security Act is amended by inserting the following new section after section 411:

"SEC. 411A. STATE REQUIRED TO PROVIDE CERTAIN INFORMATION.

"Each State to which a grant is made under section 403 shall ~~at least 4 times annually~~ and upon request of the Immigration and Naturalization Service furnish the Immigration and Naturalization Service with the name and address of, and other identifying information on, any individual who the State knows is unlawfully in the United States."

(c) SSI.—Section 1631(e) of such Act (42 U.S.C. 1989(e)) is amended—

(1) by redesignating the paragraphs (6) and (7) inserted by sections 206(d)(2) and 206(f)(1) of the Social Security Independence and Programs Improvement Act of 1994 (Public Law 103-298; 108 Stat. 1514, 1515) as paragraphs (7) and (8), respectively; and

(2) by adding at the end the following new paragraph:

"(9) Notwithstanding any other provision of law, the Commissioner shall, at least 4 times annually and upon request of the Immigration and Naturalization Service (hereafter in this paragraph referred to as the 'Service'), furnish the Service with the name and address of, and other identifying information on, any individual who the Commissioner knows is unlawfully in the United States, and shall ensure that each agreement entered into under section 1616(a) with a State provides that the State shall furnish such information at such times with respect to any individual who the State knows is unlawfully in the United States."

(d) INFORMATION REPORTING FOR HOUSING PROGRAMS.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

"SEC. 37. PROVISION OF INFORMATION TO LAW ENFORCEMENT AND OTHER AGENCIES.

"Notwithstanding any other provision of law, the Secretary shall, at least 4 times annually and upon request of the Immigration and Naturalization Service (hereafter in this section referred to as the 'Service'), furnish the Service with the name and address of, and other identifying information on, any individual who the Secretary knows is unlawfully in the United States, and shall ensure that each contract for assistance entered into under section 6 or 8 of this Act with a public housing agency provides that the public housing agency shall furnish such information at such times with respect to any individual who the public housing agency knows is unlawfully in the United States."

as specified by the Attorney General.

, but not less than once a year,

not lawfully present

49

H.R. 3784-163

for Cuban and Haitian entrants as defined in section 501(e)(2) of the Refugee Education Assistance Act of 1980.

SEC. 404. NOTIFICATION AND INFORMATION REPORTING.

(a) NOTIFICATION.—Each Federal agency that administers a program to which section 401, 402, or 403 applies shall, directly or through the States, post information and provide general notification to the public and to program recipients of the changes regarding eligibility for any such program pursuant to this subtitle.

(b) INFORMATION REPORTING UNDER TITLE IV OF THE SOCIAL SECURITY ACT.—Part A of title IV of the Social Security Act is amended by inserting the following new section after section 411:

"SEC. 411A. STATE REQUIRED TO PROVIDE CERTAIN INFORMATION.

"Each State to which a grant is made under section 408 shall, at least 4 times annually and upon request of the Immigration and Naturalization Service, furnish the Immigration and Naturalization Service with the name and address of, and other identifying information on, any individual who the State knows is unlawfully in the United States."

(c) SSI.—Section 1631(e) of such Act (42 U.S.C. 1383(e)) is amended—

(1) by redesignating the paragraphs (6) and (7) inserted by sections 208(d)(2) and 208(f)(1) of the Social Security Independence and Programs Improvement Act of 1994 (Public Law 103-298; 108 Stat. 1514, 1515) as paragraphs (7) and (8), respectively; and

(2) by adding at the end the following new paragraph:

"(9) Notwithstanding any other provision of law, the Commissioner shall, at least 4 times annually and upon request of the Immigration and Naturalization Service, furnish the Service with the name and address of, and other identifying information on, any individual who the Commissioner knows is unlawfully in the United States, and shall ensure that each agreement entered into under section 1616(a) with a State provides that the State shall furnish such information at such times with respect to any individual who the State knows is unlawfully in the United States."

(d) INFORMATION REPORTING FOR HOUSING PROGRAMS.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1497 et seq.) is amended by adding at the end the following new section:

"SEC. 27. PROVISION OF INFORMATION TO LAW ENFORCEMENT AND OTHER AGENCIES.

"Notwithstanding any other provision of law, the Secretary shall, at least 4 times annually and upon request of the Immigration and Naturalization Service (hereafter in this section referred to as the 'Service'), furnish the Service with the name and address of, and other identifying information on, any individual who the Secretary knows is unlawfully in the United States, and shall ensure that each contract for assistance entered into under section 6 or 8 of this Act with a public housing agency provides that the public housing agency shall furnish such information at such times with respect to any individual who the public housing agency knows is unlawfully in the United States."

In the form and manner prescribed by the Attorney General

as specified by the Attorney General,

not lawfully present

, but not less than once a year.

Immigration and Naturalization

not lawfully present

(50)

H. R. 3734-163

for Cuban and Haitian entrants as defined in section 501(e)(2) of the Refugee Education Assistance Act of 1980.

SEC. 404. NOTIFICATION AND INFORMATION REPORTING.

(a) NOTIFICATION.—Each Federal agency that administers a program to which section 401, 402, or 403 applies shall, directly or through the States, post information and provide general notification to the public and to program recipients of the changes regarding eligibility for any such program pursuant to this subtitle.

(b) INFORMATION REPORTING UNDER TITLE IV OF THE SOCIAL SECURITY ACT.—Part A of title IV of the Social Security Act is amended by inserting the following new section after section 411:

"SEC. 411A. STATE REQUIRED TO PROVIDE CERTAIN INFORMATION.

"Each State to which a grant is made under section 403 shall, at least 4 times annually and upon request of the Immigration and Naturalization Service, furnish the Immigration and Naturalization Service with the name and address of, and other identifying information on, any individual who the State knows is unlawfully in the United States."

(c) SSI.—Section 1631(e) of such Act (42 U.S.C. 1383(e)) is amended—

(1) by redesignating the paragraphs (6) and (7) inserted by sections 206(d)(2) and 206(f)(1) of the Social Security Independence and Programs Improvement Act of 1994 (Public Law 103-296; 108 Stat. 1514, 1516) as paragraphs (7) and (8), respectively; and

(2) by adding at the end the following new paragraph:

"(9) Notwithstanding any other provision of law, the Commissioner shall, at least 4 times annually and upon request of the Immigration and Naturalization Service (hereafter in this paragraph referred to as the 'Service'), furnish the Service with the name and address of, and other identifying information on, any individual who the Commissioner knows is unlawfully in the United States, and shall ensure that each agreement entered into under section 1610(a) with a State provides that the State shall furnish such information at such times with respect to any individual who the State knows is unlawfully in the United States."

(d) INFORMATION REPORTING FOR HOUSING PROGRAMS.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1487 et seq.) is amended by adding at the end the following new section:

"SEC. 27. PROVISION OF INFORMATION TO LAW ENFORCEMENT AND OTHER AGENCIES.

"Notwithstanding any other provision of law, the Secretary shall, at least 4 times annually and upon request of the Immigration and Naturalization Service (hereafter in this section referred to as the 'Service'), furnish the Service with the name and address of, and other identifying information on, any individual who the Secretary knows is unlawfully in the United States, and shall ensure that each contract for assistance entered into under section 6 or 8 of this Act with a public housing agency provides that the public housing agency shall furnish such information at such times with respect to any individual who the public housing agency knows is unlawfully in the United States."

not lawfully present

as specified by the Attorney General,

in the form and manner prescribed by the Attorney General

not lawfully present

, but not less than once a year,

Immigration and Naturalization

(51)

Issue: Technical amendment to Section 411(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Reconciliation Act)

Proposal: Amend Section 411(d) to read as follows:

"A State may provide that an alien who is not otherwise eligible for State or local public benefits under subsection (a) is eligible for such benefits only through the enactment of a State law after the date of this Act which affirmatively provides for such eligibility."

Reasoning: Section 411(a) of the Reconciliation Act makes all but certain specified aliens ineligible for state and local public benefits. Section 411(d) authorizes states to grant state and local benefits to aliens by a passing a law. Because the definition of the term "lawfully present" includes classes of aliens that are not listed in section 411(a), a contradiction is created by the use of the words "not lawfully present in the United States" in section 411(d). If, for example, "lawfully present" in section 411(d) is read to mean the same as in 8 C.F.R. section 103.12, then a gap is created so that some lawfully present aliens who are ineligible for benefits under 411(a) cannot be granted benefits under the exception in 411(d). For example, under the regulation, persons in temporary protected status (TPS) are lawfully present, but they are barred from state and local benefits by section 411(a). However, 411(d) only allows states to make an exception for aliens who are "not lawfully present in the United States." Thus, under the current wording of section 411(d), TPS aliens would be irrevocably barred from state and local benefits. At the same time, section 411(d) would allow states to grant benefits to aliens who enter the United States without being inspected

(52)

and admitted and who are in no way lawfully present. This would result in the absurdity of treating some lawfully present aliens worse than unlawfully present aliens. The technical amendment would cure this problem by removing the reference to lawfully present and granting states the authority to make eligible for benefits all aliens who are otherwise ineligible under section 411(a).

(53)

H.R. 3734-184

Subtitle B—Eligibility for State and Local Public Benefits Programs

SEC. 411. ALIENS WHO ARE NOT QUALIFIED ALIENS OR NONIMMIGRANTS INELIGIBLE FOR STATE AND LOCAL PUBLIC BENEFITS.

(a) **IN GENERAL.**—Notwithstanding any other provision of law and except as provided in subsections (b) and (d), an alien who is not—

- (1) a qualified alien (as defined in section 481),
 - (2) a nonimmigrant under the Immigration and Nationality Act, or
 - (3) an alien who is paroled into the United States under section 212(d)(5) of such Act for less than one year,
- is not eligible for any State or local public benefit (as defined in subsection (c)).

(b) **EXCEPTIONS.**—Subsection (a) shall not apply with respect to the following State or local public benefits:

(1) Assistance for health care items and services that are necessary for the treatment of an emergency medical condition (as defined in section 1903(v)(3) of the Social Security Act) of the alien involved and are not related to an organ transplant procedure.

(2) Short-term, non-cash, in-kind emergency disaster relief.

(3) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease.

(4) Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General, in the Attorney General's sole and unreviewable discretion after consultation with appropriate Federal agencies and departments, which (A) deliver in-kind services at the community level, including through public or private nonprofit agencies; (B) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and (C) are necessary for the protection of life or safety.

(c) **STATE OR LOCAL PUBLIC BENEFIT DEFINED.**—

(1) Except as provided in paragraphs (2) and (3), for purposes of this subtitle the term "State or local public benefit" means—

(A) any grant, contract, loan, professional license, or commercial license provided by an agency of a State or local government or by appropriated funds of a State or local government; and

(B) any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a State or local government or by appropriated funds of a State or local government.

(2) Such term shall not apply—

(54)

H. R. 8734-165

(A) to any contract, professional license, or commercial license for a nonimmigrant whose visa for entry is related to such employment in the United States; or

(B) with respect to benefits for an alien who as a work authorized nonimmigrant or as an alien lawfully admitted for permanent residence under the Immigration and Nationality Act qualified for such benefits and for whom the United States under reciprocal treaty agreements is required to pay benefits, as determined by the Secretary of State, after consultation with the Attorney General

(S) Such term does not include any Federal public benefit under section 4001(c).

(d) **STATE AUTHORITY TO PROVIDE FOR ELIGIBILITY OF ILLEGAL ALIENS FOR STATE AND LOCAL PUBLIC BENEFITS.**—A State may provide that an alien who is not lawfully present in the United States is eligible for any State or local public benefit for which such alien would otherwise be ineligible under subsection (a) only through the enactment of a State law after the date of the enactment of this Act which affirmatively provides for such eligibility.

SEC. 412. STATE AUTHORITY TO LIMIT ELIGIBILITY OF QUALIFIED ALIENS FOR STATE PUBLIC BENEFITS.

(a) **IN GENERAL.**—Notwithstanding any other provision of law and except as provided in subsection (b), a State is authorized to determine the eligibility for any State public benefits of an alien who is a qualified alien (as defined in section 431), a non-immigrant under the Immigration and Nationality Act, or an alien who is paroled into the United States under section 212(d)(5) of such Act for less than one year.

(b) **EXCEPTIONS.**—Qualified aliens under this subsection shall be eligible for any State public benefits.

(1) TIME-LIMITED EXCEPTION FOR REFUGEES AND ASYLEES.

(A) An alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act until 5 years after the date of an alien's entry into the United States.

(B) An alien who is granted asylum under section 208 of such Act until 5 years after the date of such grant of asylum.

(C) An alien whose deportation is being withheld under section 242(b) of such Act until 5 years after such withholding.

(2) CERTAIN PERMANENT RESIDENT ALIENS.—An alien who—

(A) is lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act; and

(B)(i) has worked 40 qualifying quarters of coverage as defined under title II of the Social Security Act or can be credited with such qualifying quarters as provided under section 435, and (ii) in the case of any such qualifying quarter creditable for any period beginning after December 31, 1996, did not receive any Federal means-tested public benefit (as provided under section 408) during any such period.

(3) **VETERAN AND ACTIVE DUTY EXCEPTION.**—An alien who is lawfully residing in any State and is—

otherwise

is eligible for such benefits

(55)

Issue: Sections 402, 403, 412, and 431, Withholding of Deportation**Proposal:**

Amend Section 402(a)(2)(A)(iii) to read as follows:

"(iii) an alien's deportation is withheld under section 243(h) (as that section was in effect before being amended by section 307 of P.L. 104-208) or section 241(b)(3) (as amended by section 305(a) of P.L. 104-208) of such Act."

Amend Section 402(b)(2)(A)(iii) as follows:

"(iii) An alien whose deportation is being withheld under section 243(h) (as that section was in effect before being amended by section 307 of P.L. 104-208) or section 241(b)(3) (as amended by section 305(a) of P.L. 104-208) of such Act until 5 years after such withholding."

Amend Section 403(b)(1)(C) as follows:

"(C) An alien whose deportation is being withheld under section 243(h) (as that section was in effect before being amended by section 307 of P.L. 104-208) or section 241(b)(3) (as amended by section 305(a) of P.L. 104-208) of such Act."

Amend Section 412(b)(1)(C) as follows:

"(C) An alien whose deportation is being withheld under section 243(h) (as that section was in effect before being amended by section 307 of P.L. 104-208) or section 241(b)(3) (as

amended by section 305(a) of P.L. 104-208) of such Act until 5 years after such withholding."

Amend Section 431(b)(5) as follows:

"an alien whose deportation is being withheld under section 243(h) (as that section was in effect before being amended by section 307 of P.L. 104-208) or section 241(b)(3) (as amended by section 305(a) of P.L. 104-208) of such Act, or".

Reasoning: The Illegal Immigration and Reform and Immigrant Responsibility Act of 1996, P.L. 104-208 (Sept. 30, 1996) amended the INA provision concerning withholding of deportation and recodified it at Section 241(b)(3). These technical amendments conform the welfare bill to reflect that change, which takes effect April 1, 1997, so that an alien whose deportation is withheld under the new provision is treated the same as someone whose case was adjudicated under the old provision, Section 243(h).

H. R. 5734-166

or to any benefit payable under title II of the Social Security Act to which entitlement is based on an application filed in or before the month in which this Act becomes law.

(c) **FEDERAL PUBLIC BENEFIT DEFINED.—**

(1) Except as provided in paragraph (2), for purposes of this title the term "Federal public benefit" means—

(A) any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States; and

(B) any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States.

(2) Such term shall not apply—

(A) to any contract, professional license, or commercial license for a nonimmigrant whose visa for entry is related to such employment in the United States; or

(B) with respect to benefits for an alien who as a work authorized nonimmigrant or as an alien lawfully admitted for permanent residence under the Immigration and Nationality Act qualified for such benefits and for whom the United States under reciprocal treaty agreements is required to pay benefits, as determined by the Attorney General, after consultation with the Secretary of State.

SEC. 402. LIMITED ELIGIBILITY OF QUALIFIED ALIENS FOR CERTAIN FEDERAL PROGRAMS.

(a) **LIMITED ELIGIBILITY FOR SPECIFIED FEDERAL PROGRAMS.—**

(1) **IN GENERAL.**—Notwithstanding any other provision of law and except as provided in paragraph (2), an alien who is a qualified alien (as defined in section 431) is not eligible for any specified Federal program (as defined in paragraph (3)).

(2) **EXCEPTIONS.—**

(A) **TIME-LIMITED EXCEPTION FOR REFUGEES AND ASYLEES.**—Paragraph (1) shall not apply to an alien until 5 years after the date—

(i) an alien is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act;

(ii) an alien is granted asylum under section 208 of such Act; or

(iii) an alien's deportation is withheld under section 248(h) of such Act.

(B) **CERTAIN PERMANENT RESIDENT ALIENS.**—Paragraph

(1) shall not apply to an alien who

(i) is lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act; and

(ii) (I) has worked 40 qualifying quarters of coverage as defined under title II of the Social Security Act or can be credited with such qualifying quarters as provided under section 435, and (II) in the case

(as that section was in effect before being amended by section 307 of P.L. 104-208) or section 241(b)(3) (as amended by section 305 of P.L. 104-208)

H. R. 3734—160

for such benefits may terminate by reason of the provisions of this subsection.

(II) **RECERTIFICATION CRITERIA.**—With respect to any recertification under subclause (I), the State agency shall apply the eligibility criteria for applicants for benefits under such program.

(III) **GRANDFATHER PROVISION.**—The provisions of this subsection and the recertification under subclause (I) shall only apply with respect to the eligibility of an alien for a program for months beginning on or after the date of recertification, if on the date of enactment of this Act the alien is lawfully residing in any State and is receiving benefits under such program on such date of enactment.

(3) **SPECIFIED FEDERAL PROGRAM DEFINED.**—For purposes of this title, the term "specified Federal program" means any of the following:

(A) **SSI.**—The supplemental security income program under title XVI of the Social Security Act, including supplementary payments pursuant to an agreement for Federal administration under section 1616(a) of the Social Security Act and payments pursuant to an agreement entered into under section 212(b) of Public Law 93-86.

(B) **FOOD STAMPS.**—The food stamp program as defined in section 3(h) of the Food Stamp Act of 1977.

(b) **LIMITED ELIGIBILITY FOR DESIGNATED FEDERAL PROGRAMS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law and except as provided in section 403 and paragraph (2), a State is authorized to determine the eligibility of an alien who is a qualified alien (as defined in section 431) for any designated Federal program (as defined in paragraph (3)).

(2) **EXCEPTIONS.**—Qualified aliens under this paragraph shall be eligible for any designated Federal program.

(A) **TIME-LIMITED EXCEPTION FOR REFUGEES AND ASYLEES.**—

(i) An alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act until 5 years after the date of an alien's entry into the United States.

(ii) An alien who is granted asylum under section 208 of such Act until 5 years after the date of such grant of asylum.

(iii) An alien whose deportation is being withheld under section 243(h) of such Act until 5 years after such withholding.

(B) **CERTAIN PERMANENT RESIDENT ALIENS.**—An alien who

(i) is lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act; and

(ii) (I) has worked 40 qualifying quarters of coverage as defined under title II of the Social Security Act or can be credited with such qualifying quarters as provided under section 485, and (II) in the case of any such qualifying quarter creditable for any period

as that section was in effect before being amended by section 307 of P.L. 104-208) or section 241(b)(3) (as amended by section 305(a) of P.L. 104-208)

H.R. 8784-181

beginning after December 31, 1996, did not receive any Federal means-tested public benefit (as provided under section 403) during any such period.

(C) **VETERAN AND ACTIVE DUTY EXCEPTION.**—An alien who is lawfully residing in any State and is—

(i) a veteran (as defined in section 101 of title 38, United States Code) with a discharge characterized as an honorable discharge and not on account of alienage,

(ii) on active duty (other than active duty for training) in the Armed Forces of the United States, or

(iii) the spouse or unmarried dependent child of an individual described in clause (i) or (ii).

(D) **TRANSITION FOR THOSE CURRENTLY RECEIVING BENEFITS.**—An alien who on the date of the enactment of this Act is lawfully residing in any State and is receiving benefits under such program on the date of the enactment of this Act shall continue to be eligible to receive such benefits until January 1, 1997.

(3) **DESIGNATED FEDERAL PROGRAM DEFINED.**—For purposes of this title, the term "designated Federal program" means any of the following:

(A) **TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.**—The program of block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act.

(B) **SOCIAL SERVICES BLOCK GRANT.**—The program of block grants to States for social services under title XX of the Social Security Act.

(C) **MEDICAID.**—A State plan approved under title XIX of the Social Security Act, other than medical assistance described in section 401(b)(1)(A).

SEC. 403. FIVE-YEAR LIMITED ELIGIBILITY OF QUALIFIED ALIENS FOR FEDERAL MEANS-TESTED PUBLIC BENEFIT.

(a) **IN GENERAL.**—Notwithstanding any other provision of law and except as provided in subsections (b), (c), and (d), an alien who is a qualified alien (as defined in section 401) and who enters the United States on or after the date of the enactment of this Act is not eligible for any Federal means-tested public benefit for a period of 5 years beginning on the date of the alien's entry into the United States with a status within the meaning of the term "qualified alien".

(b) **EXCEPTIONS.**—The limitation under subsection (a) shall not apply to the following aliens:

(1) **EXCEPTION FOR REFUGEES AND ASYLEES.**—

(A) An alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act.

(B) An alien who is granted asylum under section 208 of such Act.

(C) An alien whose deportation is being withheld under section 243(b) of such Act.

(2) **VETERAN AND ACTIVE DUTY EXCEPTION.**—An alien who is lawfully residing in any State and is—

(as that section was in effect before being amended by section 307 of P.L. 104-208) (as amended by section 305(a) of P.L. 104-208) or section 241 (as amended by section 305(a) of P.L. 104-208)

307
 (as that section was in effect before being amended by section 241(b)(3) (as amended by section 305(a) of P.L. 104-208) or section 241(b)(3) (as amended by section 305(a) of P.L. 104-208)

H.R. 8784—170

(or parents) of such child is a qualified alien (as defined in section 491).

(7) Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General, in the Attorney General's sole and unreviewable discretion after consultation with appropriate Federal agencies and departments, which (A) deliver in-kind services at the community level, including through public or private nonprofit agencies; (B) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and (C) are necessary for the protection of life or safety.

(8) Programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965, and titles III, VII, and VIII of the Public Health Service Act.

(9) Benefits under the Head Start Act.

(10) Means-tested programs under the Elementary and Secondary Education Act of 1965.

(11) Benefits under the Job Training Partnership Act.

Subtitle D—General Provisions

SEC. 481. DEFINITIONS.

(a) **IN GENERAL.**—Except as otherwise provided in this title, the terms used in this title have the same meaning given such terms in section 101(a) of the Immigration and Nationality Act.

(b) **QUALIFIED ALIEN.**—For purposes of this title, the term "qualified alien" means an alien who, at the time the alien applies for, receives, or attempts to receive a Federal public benefit, is—

(1) an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act,

(2) an alien who is granted asylum under section 208 of such Act,

(3) a refugee who is admitted to the United States under section 207 of such Act,

(4) an alien who is paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year,

(5) an alien whose deportation is being withheld under section 243(b) of such Act, or

(6) an alien who is granted conditional entry pursuant to section 209(a)(7) of such Act as in effect prior to April 1, 1980.

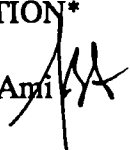
SEC. 482. VERIFICATION OF ELIGIBILITY FOR FEDERAL PUBLIC BENEFITS.

(a) **IN GENERAL.**—Not later than 18 months after the date of the enactment of this Act, the Attorney General of the United States, after consultation with the Secretary of Health and Human Services, shall promulgate regulations requiring verification that a person applying for a Federal public benefit (as defined in section 401(c)), to which the limitation under section 401 applies, is a qualified alien and is eligible to receive such benefit. Such regulations shall, to the extent feasible, require that information requested and exchanged be similar in form and manner to information requested and exchanged under section 1187 of the Social Security Act.

Miana

THE WHITE HOUSE
WASHINGTON

MEMORANDUM TO DISTRIBUTION*

From: Jeremy Ben-Ami 
Subject: Welfare Reform Technical Amendments Bill
Date: December 12, 1996

As most of you know, HHS and SSA will be sending a package of technical amendments to the welfare reform bill to Congress on Monday. This fulfills a statutory requirement to provide such a report within 90 days of the statute's enactment. The amendments included are truly technical, straightening out inconsistencies and providing necessary clarifications. OMB and DPC have coordinated an interagency review process that also encompassed various White House offices.

This package bears no relation to the President's Welfare to Work Initiative and is not related to the budget proposals that are being developed to fulfill the President's commitment to amend certain elements of the welfare reform bill.

HHS plans to provide the package to intergovernmental groups and to the press on Monday. Their exact plans, internal talking points, a summary of the bill, and a list of agency contacts are attached.

Please call me with questions.

Distribution*

Leon Panetta
Erskine Bowles
Harold Ickes
Evelyn Lieberman
Carol Rasco
Laura Tyson
Gene Sperling
Bruce Reed
John Hilley
Janet Murguia
Jack Quinn
Marcia Hale

Alexis Herman
Kitty Higgins
Todd Stern
Rahm Emanuel
Mike McCurry
Mary Ellen Glyn
Don Baer
Frank Raines
Ken Apfel
Emily Bromberg
Elena Kagan

TALKING POINTS (INTERNAL)
Welfare Reform Technical Amendments Package

The Secretary of Health and Human Services and the Commissioner of the Social Security Administration have submitted a report to Congress containing proposals for technical and conforming amendments to the welfare reform bill enacted August 22, 1996.

- o The report contains exclusively technical amendments. The proposals maintain the spirit and the intent of the newly enacted legislation.
- o This report is mandated by the new legislation, which required that such a report be submitted within 90 days of enactment of the statute.
- o Most of these proposals have no cost. A few have minor costs or savings which offset each other, but the package as a whole has no significant budget impact.

This report does not contain any major policy changes to the new welfare law.

- o Policy proposals from the administration, such as a new welfare to work initiative, are under review and are not included in this package.

The reform of welfare programs is proceeding smoothly, and these technical changes and corrections will further the implementation process. We hope to work closely with Republican and Democratic members of Congress to ensure speedy, bipartisan action on this package.

**Report on Welfare Reform Technical Amendments
Roll-Out Activities**

HHS and SSA plan to submit the report to Congress on welfare reform technical amendments on **Monday, December 16 at 2 PM**. The package will include the cover letter from the Secretary and the Commissioner, the Executive Summary and the proposals. Individually addressed packages will be delivered to the attached distribution list of leadership, chairs and ranking members of relevant committees of Congress. Prior to the delivery on Monday, HHS and SSA legislative staff will make calls to alert key staff of the upcoming submission.

On Monday afternoon, HHS intergovernmental affairs office will make the package available to the key state, local and union groups, per the attached list.

The HHS press office will send the package to the New York Times (Robert Pear) and the Washington Post (Judy Havemann) and inform them that the package has been submitted to Congress. HHS and SSA will handle press calls using the attached internal talking points and referring inquiries to other agencies as appropriate.

Attachments: Congressional distribution list
Intergovernmental contact list
Agency contacts for press and hill calls
Internal Talking Points
Executive Summary

12/11/96

Summary of Technical and Conforming Amendments to Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193)

Implementation of the Personal Responsibility and Work Opportunity Reconciliation Act is proceeding smoothly at both the federal and state levels. To date, 37 states have submitted Temporary Assistance for Needy Families (TANF) state plans, and many have already begun to reform their welfare programs. The changes in other programs are also proceeding smoothly.

Section 113 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) directs the Secretary of Health and Human Services and the Commissioner of Social Security, in consultation with other federal agencies, to submit to the appropriate committees of Congress legislative proposals for technical and conforming amendments necessary to bring the statutory language into conformity with the policies enacted in this new legislation.

A thorough consultation process was conducted among affected agencies to identify provisions in the new law that require technical or conforming amendments to PRWORA. Each proposal includes an explanation of the specific problem that has been identified and a statutory amendment to address the problem in a manner that maintains the spirit and intent of the new law. Early enactment of these technical and conforming amendments will assist the Administration and the States to implement the new law successfully.

Amendments are proposed to the following Titles: Title I (Block Grants for Temporary Assistance for Needy Families (TANF)), Title II (Supplemental Security Income), Title III (Child Support), Title IV (Restricting Welfare and Public Benefits for Aliens), Title V (Child Protection), Title VI (Child Care), and Title VIII (Food Stamps and Commodity Distribution). With the exception of two amendments, which have some costs, we estimate that all of the amendments have negligible costs.

The following summarizes the type and nature of the technical amendments contained in this report.

Resolve Inconsistent Terminology: In several instances, the new law inadvertently uses incorrect or inconsistent terminology. For example, PRWORA establishes mandatory work requirements, but uses the phrase "participating in work activities" in some places and the phrase "making progress in work activities" in others. To resolve this inconsistency, an amendment is proposed to use the phrase "participating in work activities" throughout these provisions. (p.6)

Conform Dates: Amendments are proposed to conform or revise a number of dates utilized in the statute. For example, the new law requires states to "look back" to prior AFDC eligibility standards to determine eligibility for Medicaid and for Foster Care and Adoption Assistance. However, the statute utilizes two different look back dates (June 1, 1995 and July 16, 1996) -- creating administrative burdens on the states. An amendment is proposed to use the July 16, 1996 look-back date for both programs. (p.31)

Make Data Elements Uniform: Upon further review of the data and reporting requirements in PRWORA, several amendments are proposed to ensure reference to uniform, accurate and available data sources. The new law does not, for example, specify the data used to calculate historic state expenditures for maintenance of effort purposes. In order to establish a fixed and consistent maintenance of effort level, an amendment is proposed to specify that the same data elements used to calculate the TANF state family assistance grants be used to calculate historic state expenditures. (p.13)

Another data problem arises with the state bonus for reductions in rates of illegitimacy. While the statute explicitly requires the calculation of one data source on a fiscal-year basis, this data is currently available on a calendar-year basis only. Thus, an amendment is proposed to allow calculation of the bonus using the data available on a calendar-year basis in order to avoid the burden and expense of new data collection requirements. (p.3)

Clarify Congressional Intent: Several amendments are proposed to conform statutory language to congressional intent. For example, the new law establishes several penalties on states for failure to comply with various provisions. However, it also prohibits imposition of the penalties in certain reasonable cause instances and then makes specified exceptions to the reasonable cause prohibition. Because the conference report specifies additional exceptions to the reasonable cause prohibition (e.g. failure to repay the loan fund, and failure to replace grant reductions caused by penalties) beyond those included in the statute, an amendment is proposed to include those specified exceptions in statute. (p.18)

Another amendment is proposed to clarify congressional intent with respect to access to federal programs for qualified alien widow(er)s of persons who have served in the military. While the new law prohibits certain federal benefits for qualified aliens, it provides an exception for the spouse or unmarried dependent

child of veterans or active duty military personnel. In order to clarify that qualified alien widow(er)s do not lose eligibility for these benefits when the veteran or active duty personnel dies, an amendment is proposed to except widow(er)s of such personnel from the general prohibition. (p.66)

Close Gaps Between Previous Law and New Statute: In a few instances, the transition from the previous law to the new statute inadvertently left gaps in the application or coverage of various laws. For example, the Attorney General is required to develop a new legally enforceable affidavit of support for aliens entering the country after enactment of PRWORA. At the same time, the authority for states to deem sponsor income for aliens already in the country was repealed. Because this leaves states with no authority to deem sponsor income for current aliens, an amendment is proposed to reinstate the previous deeming requirement, and make it applicable to all affidavits of support executed before the effective date of the new requirement. (p.72)

Conform Provisions and Correct Citations: A number of amendments are proposed to correct citations and references in the new law, and to add further conforming amendments.

List of Members to Whom Technical Amendments Will Be Sent

SENATE

Leadership

Maj. Leader	Asst. Leader	D. Leader	D. Whip
Lott	Nickles	Daschle	Ford

Agriculture

Chair	Ranking	New Chair	New Ranking
Lugar	Leahy	Lugar	Harkin

Appropriations

Hatfield	Byrd	Stevens	Byrd

Budget

Domenici	Exon	Domenici	Lautenberg

Finance

Roth	Moynihan	Roth	Moynihan

Judiciary

Hatch	Biden	Hatch	Leahy

Indian Affairs

McCain	Inouye	Nighthorse-Campbell	Inouye

Labor and Human Resources

Kassebaum	Kennedy	Jeffords	Kennedy

HOUSE**Leadership**

Speaker	Maj. Leader	D. Leader	D. Whip
Gingrich	Armey	Gephardt	Bonior

Agriculture

Roberts	de la Garza	Smith	Stenholm
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Appropriations

Livingston	Obey	Livingston	Obey
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Budget

Kasich	Sabo	Kasich	Spratt
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Commerce

Bliley	Dingell	Bliley	Dingell
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Economic and Educational Opportunities

Goodling	Clay	Goodling	Clay
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Judiciary

Hyde	Conyers	Hyde	Conyers
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Ways and Means

Archer	Gibbons	Archer	Rangel
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Welfare Technicals Rollout -- IGA Distribution

APWA

NCSL

NGA

DGA

NACO

Conference of Mayors

League of Cities

SEIU

AFL-CIO

AFSCME

Welfare Technicals Rollout -- Agency ContactsPress Calls

HHS:	Melissa Skolfield	(202) 690-6853
SSA:	Phil Gambino	(410) 965-8904 ;

Hill Calls

HHS:	Mary Bourdette/Patricia Savage	(202) 690-6311
SSA:	Judy Chessser/Bill Daly	(202) 358-6030
DOJ:	Faith Burton/Greg Jones	(202) 514-1653
VA:	Jack Thompson	(202) 273-6316



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Assistant Secretary
for Legislation

Washington, D.C. 20201

November 15, 1996

MEMORANDUM

TO : Ken Apfel
FROM : Rich Tarplin *Rich*
SUBJECT: HHS Technicals

The attached highlights several issues included in the HHS package of technical and conforming amendments to give you a sense of the level of policy considerations under discussion. Throughout the development of this package, we sought to limit inclusion to those amendments that maintain the spirit and intent of the new law. Please let me or Mary Bourdette know if you have any further questions or concerns.

P.S. We received the DOJ amendments after you and I spoke yesterday. At first glance, it seems that several will not qualify as technical and conforming for the purpose of this exercise.

Among the many technical, conforming and perfecting amendments being proposed by HHS, the following are highlighted to indicate the level of policy issues being considered.

✓ 1. Limitation on Amount Transferable to Title XX Programs (p.4). State authority to transfer funds from the new TANF Block Grant to other program areas was the subject of considerable Congressional debate. The provisions finally enacted are cumbersome and confusing, and a clarification has been proposed to make clear that states may transfer up to 10 percent of TANF funds to the Social Services Block Grant.

✓ 2. Maintenance of Effort/Spending for Aliens (p. 10). There is confusion in the statute with respect to a state's ability to count state spending for aliens ineligible for federal benefits toward their maintenance of effort. An amendment is proposed to allow states to count such spending toward their MOE.

CDF issue
(prefer later MA date of 7/96 to earlier IV-E date of 6/95)
3. Uniform Look-Back Dates for Titles IV-E and XIX (p. 23). In order to ensure against state restriction in (AFDC derived) eligibility for Foster Care and Adoption Assistance and Medicaid, the new statute requires states to base eligibility on pre-PRWORA standards. Because the look-back dates for Titles IV-E and XIX are different, however, options are proposed to make the dates and methodology consistent.

4. Direct Grants to Tribes for Child Support Enforcement (p. 37). While the new statute allows direct funding to tribes to operate child support enforcement systems, it also would require that tribes selecting the option meet *all* the child support enforcement requirements imposed on states. A clarification is proposed to give the Secretary discretion with regard to the requirements imposed on tribes.

5. Clarification of Medicare Entitlement (p. 41). The new prohibition on federal public benefits for non-qualified aliens may restrict Medicare benefits for some aliens otherwise entitled to them. A clarification is proposed to conform with the treatment of Social Security benefits.

budget
6. Clarification of State Option to Provide Medicaid to Qualified Aliens Barred from SSI (p. 42). While states have the option to provide Medicaid to qualified aliens, it may be difficult under current Medicaid rules for some states to exercise the option with respect to aliens barred from SSI. An amendment is proposed to allow these states a new Medicaid option to provide benefits to qualified aliens no longer eligible for SSI.

Steve
7. Clarification to Reinstate Deeming of Sponsors Income and Resources to Aliens (p. 45). While the statute requires the establishment of a new legally enforceable affidavit of support, it repealed the current deeming provisions applicable to qualified aliens already in the U.S. The provisions that allow states to deem for currently qualified aliens are reinstated.

8. Child Care Funding for Territories (p. 50). While the statute reserves one-half of one percent of the Discretionary Child Care funds for the territories, it failed to reserve any of the Mandatory Child Care Funds for the territories. An amendment is proposed to reserve one-half of one percent of the total child care funds for the territories.