

107TH CONGRESS  
2D SESSION

# H. R. 4655

To ensure that all States address domestic and sexual violence in their temporary assistance to needy families program.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2002

Mrs. MALONEY of New York introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To ensure that all States address domestic and sexual violence in their temporary assistance to needy families program.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Safety and Self-Suffi-  
5       ciency Act of 2002”.

6       **SEC. 2. ADDRESSING DOMESTIC AND SEXUAL VIOLENCE IN**  
7       **TANF PROGRAM.**

8       Section 402(a)(7) of the Social Security Act (42  
9       U.S.C. 602(a)(7)) is amended to read as follows:

1           “(7) CERTIFICATIONS REGARDING DOMESTIC  
2           AND SEXUAL VIOLENCE.—

3           “(A) GENERAL PROVISIONS.—A certifi-  
4           cation by the chief executive officer of the State  
5           that the State has established and is enforcing  
6           standards and procedures to ensure that domes-  
7           tic and sexual violence is comprehensively ad-  
8           dressed, and a written document outlining how  
9           the State will do the following:

10           “(i) ADDRESS NEEDS OF RECIPI-  
11           ENTS.—Address the needs of a recipient of  
12           assistance under the State program funded  
13           under this part who is or has been sub-  
14           jected to domestic or sexual violence, in-  
15           cluding how the State will—

16           “(I) have trained caseworkers  
17           screen, and, at the option of such a  
18           recipient, assess and identify individ-  
19           uals who are or have been subjected  
20           to domestic or sexual violence;

21           “(II) provide each such recipient  
22           with adequate notice of eligibility and  
23           program requirements, confidentiality  
24           provisions, assessment and program  
25           services, and modifications and waiv-

ers available to such a recipient as well as the process to access such services, modifications, or waivers;

“(III) refer such recipients for appropriate counseling and other supportive services, modify or waive eligibility or program requirements or prohibitions to address domestic violence and sexual assault barriers, and ensure the access of such recipients to job training, vocational rehabilitation, and other employment-related services as appropriate;

“(IV) restrict the disclosure of any identifying information obtained through any process or procedure implemented pursuant to this paragraph absent the recipient’s written consent or unless otherwise required to do so under law; and

“(V) pursuant to a determination of good cause, waive, without time limit, any State or Federal eligibility or program requirement or prohibition for so long as necessary, in every case

1 in which an individual or family re-  
2 ceiving such assistance has been iden-  
3 tified as having been subjected to do-  
4 mestic or sexual violence, and the re-  
5 quirement makes it more difficult for  
6 the individual to address, escape or  
7 recover from the violence, unfairly pe-  
8 nalizes the individual, or makes the  
9 individual or any child of the indi-  
10 vidual unsafe.

11 “(ii) COORDINATION.—Coordinate or  
12 contract with State or tribal domestic vio-  
13 lence coalitions, sexual assault coalitions,  
14 or domestic or sexual violence programs in  
15 the development and implementation of  
16 standards, procedures, training, and pro-  
17 grams required under this part to address  
18 domestic and sexual violence.

19 “(iii) CASEWORKER TRAINING.—Train  
20 caseworkers in—

21 “(I) the nature and dynamics of  
22 domestic or sexual violence and the  
23 ways in which they may act to ob-  
24 struct the economic security or safety

1 of such a recipient or any child of  
2 such a recipient;

3 “(II) the standards, policies and  
4 procedures implemented pursuant to  
5 this part, including the recipient’s  
6 rights and protections, such as notice  
7 and confidentiality;

8 “(III) how to screen for and  
9 identify when domestic or sexual vio-  
10 lence creates barriers to compliance,  
11 and how to make effective referrals  
12 for services and modify eligibility and  
13 program requirements and prohibi-  
14 tions to address domestic and sexual  
15 violence barriers; and

16 “(IV) the process for determining  
17 good cause for noncompliance with an  
18 eligibility or program requirement or  
19 prohibition and granting waivers of  
20 the requirements.

21 “(iv) USE OF QUALIFIED PROFES-  
22 SIONALS.—At State option, enter into con-  
23 tracts with or employ qualified domestic vi-  
24 olence and sexual violence professionals for

1 the provision of services in each of the  
2 fields of domestic or sexual violence.

3 “(B) DEFINITIONS.—In this part:

4 “(i) DOMESTIC OR SEXUAL VIO-  
5 LENCE.—The term ‘domestic or sexual vio-  
6 lence’ has the same meaning as the term  
7 ‘battered or subject to extreme cruelty’ as  
8 defined in section 408(a)(7)(C)(iii).

9 “(ii) QUALIFIED PROFESSIONAL DE-  
10 FINED.—The term qualified professional’  
11 includes a State or local victim services or-  
12 ganization with recognized expertise in the  
13 dynamics of domestic or sexual violence  
14 who has as 1 of its primary purposes to  
15 provide services to victims of domestic or  
16 sexual violence, such as a sexual assault  
17 crisis center or domestic violence program,  
18 or an individual trained by such an organi-  
19 zation.”.

20 **SEC. 3. ASSESSMENT.**

21 Section 408(b) of the Social Security Act (42 U.S.C.  
22 608(b)) is amended—

23 (1) in paragraph (1), by striking “and employ-  
24 ability” and inserting “employability, and potential  
25 barriers, including domestic or sexual violence, men-

tal or physical health, learning disability, substance abuse, English as a second language, or insufficient housing, transportation or child care,”; and

(2) in paragraph (2)(A)—

(A) by striking “and” at the end of clause

(iv);

(B) by striking the period at the end of

clause (v) and inserting a semicolon; and

(C) by adding at the end the following:

“(vi) documents the individual’s receipt of adequate notice of program requirements, confidentiality provisions, assessment and program services, and waivers available to individuals who have or may have been subjected to domestic or sexual violence, as well as the process to access such services or waivers; and

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

#### **SEC. 4. REVIEW AND CONCILIATION PROCESS.**

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

“(12) REVIEW AND CONCILIATION PROCESS.—

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

“(B) CONSIDERATIONS.—Before so imposing a sanction or penalty against an individual, the State shall specifically consider whether the individual has been or is being subjected to domestic or sexual violence, and if such violence is identified, make a reasonable effort to modify or waive program requirements or prohibitions, and offer the individual referral to voluntary services to address the violence.”.

**SEC. 5. STATE OPTION TO INCLUDE SURVIVORS IN WORK PARTICIPATION RATES.**

Section 407(b)(2) of the Social Security Act (42 U.S.C. 607(b)(2)) is amended by adding at the end the following:

“(6) STATE OPTION TO INCLUDE SURVIVORS IN WORK PARTICIPATION RATES.—A State may consider an individual who, in a month, is receiving



1 services or a waiver described in section 402(a)(7)  
 2 as being engaged in work for the month for purposes  
 3 of subsection (b)(1)(B)(i).”.

4 **SEC. 6. EXCLUSION OF SURVIVORS OF DOMESTIC OR SEX-**  
 5 **UAL VIOLENCE FROM 20 PERCENT LIMITA-**  
 6 **TION ON HARDSHIP EXCEPTION.**

7 Section 408(a)(7)(C) of the Social Security Act (42  
 8 U.S.C. 608(a)(7)(C)) is amended—

9 (1) by striking clause (i) and inserting the fol-  
 10 lowing:

11 “(i) IN GENERAL.—The State may ex-  
 12 empt a family from the application of sub-  
 13 paragraph (A)—

14 “(I) by reason of hardship; or

15 “(II) if the family includes an in-  
 16 dividual who has been subjected to do-  
 17 mestic or sexual violence.”;

18 (2) in clause (ii), by striking “clause (i)” and  
 19 inserting “clause (i)(I)”; and

20 (3) in clause (iii), by striking “clause (i)” and  
 21 inserting “clause (i)(II)”.

22 **SEC. 7. TECHNICAL ASSISTANCE.**

23 Section 413 of the Social Security Act (42 U.S.C.  
 24 613) is amended by adding at the end the following:

25 “(j) TECHNICAL ASSISTANCE.—

1           “(1) GRANTS TO VICTIMS SERVICES ORGANIZA-  
2           TIONS.—The Secretary shall make a grant to one or  
3           more national victims services organizations for the  
4           purpose of identifying and providing technical assist-  
5           ance with respect to model standards and proce-  
6           dures, practices and training designed to comprehen-  
7           sively address domestic and sexual violence, includ-  
8           ing for individuals with multiple barriers to employ-  
9           ment or compliance with program requirements, and  
10          move individuals subjected to domestic or sexual vio-  
11          lence into employment without compromising the  
12          safety of any individual.

13          “(2) GRANTS TO STATES.—The Secretary shall  
14          make grants to States and localities to contract with  
15          a State or tribal domestic violence coalition or sexual  
16          assault coalition or joint domestic and sexual vio-  
17          lence coalition to—

18               “(A) provide training to caseworkers and  
19               technical assistance regarding screening, assess-  
20               ing, and providing services to address domestic  
21               or sexual violence, modifying or waiving eligi-  
22               bility or program requirements or prohibitions,  
23               and assisting individuals subjected to domestic  
24               or sexual violence to secure and retain employ-  
25               ment; and

1           “(B) develop and implement demonstration  
2           projects to promote best practices in serving in-  
3           dividuals who have been subjected to domestic  
4           or sexual violence, with priority given to pro-  
5           grams that contract with qualified profes-  
6           sionals.

7           “(3) LIMITATIONS ON AUTHORIZATION OF AP-  
8           PROPRIATIONS.—

9           “(A) For grants under paragraph (1),  
10          there are authorized to be appropriated to the  
11          Secretary not more than \$1,000,000 for fiscal  
12          year 2003.

13          “(B) For grants under paragraph (2),  
14          there are authorized to be appropriated to the  
15          Secretary not more than \$10,000,000 for each  
16          of fiscal years 2003 through 2007.”.

17 **SEC. 8. PENALTIES FOR NONCOMPLIANCE.**

18          Section 409(a) of the Social Security Act (42 U.S.C.  
19          609(a)) is amended by adding at the end the following:

20          “(15) PENALTY FOR FAILURE TO COMPLY WITH  
21          REQUIREMENTS RELATING TO DOMESTIC OR SEXUAL  
22          VIOLENCE.—If the Secretary determines that a  
23          State to which a grant is made under section 403  
24          in a fiscal year has failed to comply with subsection  
25          (a)(12) or (b) (to the extent relating to domestic or

1 sexual violence) of section 408 during the fiscal year,  
2 the Secretary shall reduce the grant payable to the  
3 State under section 403(a)(1) for the immediately  
4 succeeding fiscal year by an amount equal to 5 per-  
5 cent of the State family assistance grant for such  
6 succeeding fiscal year.”.

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