

109TH CONGRESS
1ST SESSION

H. R. 4010

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2005

Mr. UDALL of New Mexico (for himself, Ms. CARSON, Mr. CLEAVER, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. KANJORSKI, Mr. MCINTYRE, Mr. PALLONE, and Mr. WEXLER) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Low-Income Gasoline
5 Assistance Program Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to create new emergency
8 assistance programs to assist families receiving assistance

1 under part A of title IV of the Social Security Act and
2 low-income working families to meet the increasing price
3 of gasoline.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

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

8 (A) work activities;

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

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

13 (2) GASOLINE.—The term “gasoline” has the
14 meaning given the term in section 4082 of the Inter-
15 nal Revenue Code of 1986.

16 (3) HOUSEHOLD.—The term “household” has
17 the meaning given the term in section 2603 of the
18 Low-Income Home Energy Assistance Act of 1981
19 (42 U.S.C. 8622).

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

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

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

6 (7) WORK ACTIVITIES.—The term “work activi-
7 ties” has the meaning given the term in section
8 407(d) of the Social Security Act (42 U.S.C.
9 607(d)).

10 **SEC. 4. EMERGENCY ASSISTANCE PROGRAMS.**

11 The Secretary shall make grants to States, from al-
12 lotments made under section 5, to enable the States to
13 establish emergency assistance programs and to provide,
14 through the programs, payments to eligible households to
15 enable the households to purchase gasoline.

16 **SEC. 5. STATE ALLOTMENTS.**

17 From the funds appropriated under section 13 for a
18 fiscal year and remaining after the reservation made in
19 section 12, the Secretary shall allot to each State an
20 amount that bears the same relation to such remainder
21 as the amount the State receives under section 675B of
22 the Community Services Block Grant Act (42 U.S.C.
23 9906) for that year bears to the amount all States receive
24 under that section for that year.

1 **SEC. 6. STATE APPLICATIONS.**

2 (a) IN GENERAL.—To be eligible to receive a grant
3 under this Act, a State shall submit an application to the
4 Secretary at such time, in such manner, and containing
5 such information as the Secretary may require.

6 (b) CONTENTS.—At a minimum, the application shall
7 contain—

8 (1) information designating a State agency to
9 carry out the emergency assistance program in the
10 State, which shall be—

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

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

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

19 **SEC. 7. PARTICIPATION OF INDIAN TRIBES.**

20 (a) RESERVATION.—If, with respect to a State, the
21 Secretary—

22 (1) receives a request from the governing body
23 of an Indian tribe or tribal organization in the State
24 that assistance under this Act be made directly to
25 the tribe or organization; and

1 (2) determines that the members of the tribe or
2 organization would be better served by means of
3 grants made directly to provide benefits under this
4 Act,

5 the Secretary shall reserve from amounts that would oth-
6 erwise be allotted to the State under section 5 for the fis-
7 cal year the amount determined under subsection (b) of
8 this section.

9 (b) DETERMINATION OF RESERVED AMOUNT.—The
10 Secretary shall reserve from amounts that would otherwise
11 be allotted to the State, not less than 100 percent of an
12 amount that bears the same ratio to the State allotment
13 for the fiscal year involved as the population of all eligible
14 Indians for whom a determination has been made under
15 subsection (a) bears to the population of all individuals
16 in the State who are eligible for assistance through a grant
17 made under this Act.

18 (c) AWARDS.—The sums reserved by the Secretary
19 on the basis of a determination made under subsection (a)
20 shall be made available by grant to the Indian tribe or
21 tribal organization serving the individuals for whom such
22 a determination has been made.

23 (d) PLAN.—In order for an Indian tribe or tribal or-
24 ganization to be eligible for a grant award for a fiscal year
25 under this section, the tribe or organization shall submit

1 to the Secretary a plan for the fiscal year that meets such
2 criteria as the Secretary may prescribe by regulation.

3 (e) DEFINITIONS.—In this section:

4 (1) INDIAN TRIBE; TRIBAL ORGANIZATION.—

5 The terms “Indian tribe” and “tribal organization”
6 mean a tribe, band, or other organized group recog-
7 nized in the State in which the tribe, band, or group
8 resides, or considered by the Secretary of the Inte-
9 rior, to be an Indian tribe or an Indian organization
10 for any purpose.

11 (2) INDIAN.—The term “Indian” means a
12 member of an Indian tribe or of a tribal organiza-
13 tion.

14 **SEC. 8. ELIGIBLE HOUSEHOLDS.**

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

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

22 (1) in the case of a household that is not lo-
23 cated in Hawaii, 1 or more individuals in the appli-
24 cant’s household individually drive not less than 30

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

3 (2)(A) the household meets the eligibility re-
4 quirements of section 2605(b)(2)(A) of the Low-In-
5 come Home Energy Assistance Act of 1981 (42
6 U.S.C. 8624(b)(2)(A)), other than clause (i) of that
7 section; or

8 (B) the household income for the household
9 does not exceed the greater of—

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

12 (ii) an amount equal to 60 percent of the
13 State median income.

14 (c) RULE.—For purposes of subsection (b)(2)(B), a
15 State—

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

20 (2) may give priority to those households with
21 the highest gasoline costs or needs in relation to
22 household income.

23 **SEC. 9. PROGRAM REQUIREMENTS.**

24 (a) DETERMINATION OF TRIGGER AMOUNT.—

1 (1) DETERMINATION OF GASOLINE.—The Sec-
2 retary of Health and Human Services, in consulta-
3 tion with the Secretary of Energy, shall determine a
4 grade of gasoline for which price determinations will
5 be made under this subsection, which shall be a type
6 of gasoline that has a specified octane rating or
7 other specified characteristic.

8 (2) DETERMINATION OF CALCULATION.—The
9 Secretary of Health and Human Services, in con-
10 sultation with the Secretary of Energy, shall deter-
11 mine a method for calculating the average per gallon
12 price of the covered grade of gasoline in each State.

13 (3) BASELINE.—The Secretary of Health and
14 Human Services, in consultation with the Secretary
15 of Energy, shall calculate, in accordance with para-
16 graph (2), the average per gallon price of the cov-
17 ered grade of gasoline in each State for January
18 2005.

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

22 (A) the trigger price for each State by
23 multiplying the price calculated under para-
24 graph (3) by 115 percent; and

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

4 (b) PAYMENTS.—

5 (1) AVAILABILITY.—

6 (A) MONTHLY PRICE CALCULATION.—The
7 Secretary of Health and Human Services, in
8 consultation with the Secretary of Energy, shall
9 calculate, in accordance with subsection (a)(2),
10 the average per gallon price of the covered
11 grade of gasoline in each State for each month.

12 (B) DETERMINATION.—If the Secretary of
13 Health and Human Services, in consultation
14 with the Secretary of Energy, determines that
15 the price in a State calculated under subpara-
16 graph (A) for a month—

17 (i) is more than the trigger price for
18 the State, the State shall provide payments
19 in accordance with this subsection for the
20 following month; and

21 (ii) is less than the release price for
22 the State, the State shall suspend provi-
23 sion of the payments, not earlier than 30
24 days after the date of the determination,
25 for the following month.

1 (2) GENERAL AUTHORITY.—Except as provided
2 in subsection (c), the State shall use funds received
3 through a grant made under section 4 (including a
4 grant increased under section 11(2)) and any funds
5 made available to the State under section 404(d)(4)
6 of the Social Security Act (42 U.S.C. 604(d)(4)) to
7 make payments under this Act to eligible house-
8 holds.

9 (3) PERIOD.—An eligible household with an ap-
10 plication approved under section 7 may receive pay-
11 ments under this Act for not more than 3 months.
12 The household may submit additional applications
13 under section 7, and may receive payments under
14 this Act for not more than 3 months for each such
15 application approved by the State.

16 (4) AMOUNT.—The State shall make the pay-
17 ments in amounts of not less than \$25, and not
18 more than \$75, per month. The State may deter-
19 mine the amount of the payments on a sliding scale,
20 taking into consideration the household income of
21 the eligible households.

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

25 (d) DEFINITIONS.—In this section:

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

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

7 (3) TRIGGER PRICE.—The term “trigger price”
8 means the trigger price calculated under subsection
9 (a)(4)(A).

10 **SEC. 10. TREATMENT OF BENEFITS.**

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

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

18 (2) the Internal Revenue Code of 1986.

19 (b) TANF ASSISTANCE.—For purposes of part A of
20 title IV of the Social Security Act (42 U.S.C. 601 et seq.),
21 a payment provided under this Act shall not be considered
22 to be assistance provided by a State under that part, re-
23 gardless of whether the State uses funds made available
24 under section 404(d)(4) of the Social Security Act (42
25 U.S.C. 604(d)(4)) to make payments under this Act. The

1 period for which such payments are provided under this
2 Act shall not be considered to be part of the 60-month
3 period described in section 408(a)(7) of the Social Secu-
4 rity Act (42 U.S.C. 608(a)(7)).

5 **SEC. 11. AUTHORITY TO USE FUNDS FOR TEMPORARY AS-**
6 **SISTANCE FOR NEEDY FAMILIES.**

7 Section 404(d) of the Social Security Act (42 U.S.C.
8 604(d)) is amended—

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

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

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

17 **SEC. 12. DISCRETIONARY ACTIVITIES BY THE SECRETARY.**

18 The Secretary of Health and Human Services may
19 reserve not more than 5 percent of the funds appropriated
20 under section 13 for a fiscal year—

21 (1) to pay for the cost of administering this
22 Act; and

23 (2) to increase the cost of a grant made to a
24 State under section 4, in any case in which the Sec-

1 retary determines that emergency conditions relating
2 to gasoline prices exist in that State.

3 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There is authorized to be appro-
5 priated to carry out this Act \$500,000,000 for fiscal year
6 2006 and each subsequent fiscal year.

7 (b) AVAILABILITY.—Any sums appropriated under
8 subsection (a) for a fiscal year shall remain available until
9 the end of the succeeding fiscal year.

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