

115TH CONGRESS
2D SESSION

H. R. 5489

To institute reforms to the program of block grants to States for temporary assistance for needy families and the supplemental nutrition assistance program.

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 2018

Mr. ESTES of Kansas introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To institute reforms to the program of block grants to States for temporary assistance for needy families and the supplemental nutrition assistance 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 “Hope Opportunity and
5 Prosperity for Everyone Act” or the “Hope Act”.

1 **TITLE I—TANF PROGRAM**
2 **REFORMS**

3 **SEC. 101. 36-MONTH LIFETIME LIMIT ON ASSISTANCE.**

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

6 (1) in the paragraph heading, by striking “5”
7 and inserting “3”;

8 (2) in subparagraph (A), by striking “60” and
9 inserting “36”; and

10 (3) by striking subparagraph (C) and inserting
11 the following:

12 “(C) AUTHORITY TO PROVIDE ASSISTANCE
13 FOR 1 ADDITIONAL YEAR IN CERTAIN HARD-
14 SHIP CASES.—The State may provide assistance
15 to an individual who is a member of a family
16 to whom the provision of assistance under the
17 State program funded under this part is prohib-
18 ited by subparagraph (A), for not more than 12
19 months after the last month for which the fam-
20 ily would otherwise be eligible for the assist-
21 ance, if the Secretary determines that the indi-
22 vidual—

23 “(i) is the primary caretaker of a dis-
24 abled family member;

1 “(ii) has a disability which precludes
2 long-term employment or requires substan-
3 tial rehabilitation; or

4 “(iii) is experiencing a hardship.”.

5 **SEC. 102. STATES REQUIRED TO EXEMPT PARENTS WITH**
6 **CERTAIN CHILDREN FROM WORK REQUIRE-**
7 **MENTS.**

8 (a) REQUIREMENT.—Section 407(b)(5) of the Social
9 Security Act (42 U.S.C. 607(b)(5)) is amended to read
10 as follows:

11 “(5) EXEMPTION FROM WORK REQUIREMENT
12 FOR PARENTS OF CERTAIN CHILDREN.—A State
13 shall not require a parent of a child to participate
14 in a work activity under the State program funded
15 under this part if—

16 “(A) the child has not attained 3 months
17 of age; or

18 “(B) the child—

19 “(i) was born before the end of the
20 28th week of gestation; and

21 “(ii) is a child with a disability (with-
22 in the meaning of section 602 of the Indi-
23 viduals With Disabilities Education Act).”.

1 (b) PENALTY.—Section 409(a) of such Act (42
2 U.S.C. 609(a)) is amended by adding at the end the fol-
3 lowing:

4 “(17) FAILURE TO EXEMPT PARENTS WITH
5 CERTAIN CHILDREN FROM WORK REQUIREMENTS.—
6 If the Secretary determines that a State to which a
7 grant is made under section 403 for a fiscal year
8 has failed to comply with section 407(b)(5) for the
9 fiscal year, the Secretary may reduce the grant pay-
10 able to the State under section 403(a)(1) for the im-
11 mediately succeeding fiscal year by such amount as
12 the Secretary finds is necessary to induce the State
13 to so comply.”.

14 **SEC. 103. ADDITIONAL PROGRAM PURPOSE.**

15 Section 401(a) of the Social Security Act (42 U.S.C.
16 601(a)) is amended—

17 (1) by striking “and” at the end of paragraph
18 (3);

19 (2) by striking the period at the end of para-
20 graph (4) and inserting “; and”; and

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

22 “(5) prevent and reduce dependency by encour-
23 aging high school graduation, postsecondary edu-
24 cation and training and career development through
25 research-based programming that includes year-

1 round mentoring and 12-month student follow up
2 after high school.”.

3 **SEC. 104. STATES REQUIRED TO CONDUCT 90-DAY REVIEW**
4 **OF RECIPIENTS REQUIRED TO BE IN A WORK**
5 **ACTIVITY.**

6 (a) REQUIREMENT.—Section 408(a) of the Social Se-
7 curity Act (42 U.S.C. 608(a)) is amended by adding at
8 the end the following:

9 “(13) REQUIREMENT TO CONDUCT 90-DAY RE-
10 VIEW OF RECIPIENTS REQUIRED TO BE IN A WORK
11 ACTIVITY.—At the end of the 90-day period that be-
12 gins with the date a recipient of assistance under a
13 State program funded under this part is first re-
14 quired to participate in an activity referred to in sec-
15 tion 407(d)(4), the State shall conduct a review of
16 the participation and determine whether the recipi-
17 ent is making progress in becoming employable and
18 complying with all requirements imposed on the re-
19 cipient under section 407.”.

20 (b) PENALTY.—Section 409(a) of such Act (42
21 U.S.C. 609(a)), as amended by section 102(b) of this Act,
22 is amended by adding at the end the following:

23 “(18) FAILURE TO CONDUCT 90-DAY REVIEW
24 OF RECIPIENTS REQUIRED TO BE IN A WORK ACTIV-
25 ITY.—If the Secretary determines that a State to

1 which a grant is made under section 403 for a fiscal
2 year has failed to comply with section 408(a)(13) for
3 the fiscal year, the Secretary may reduce the grant
4 payable to the State under section 403(a)(1) for the
5 immediately succeeding fiscal year by such amount
6 as the Secretary finds is necessary to induce the
7 State to so comply.”.

8 **SEC. 105. STATE REQUIREMENT AND PROHIBITION RELAT-**
9 **ING TO RECIPIENTS WITH DISABILITIES.**

10 (a) REQUIREMENT; PROHIBITION.—Section 408(a)
11 of the Social Security Act (42 U.S.C. 608(a)), as amended
12 by section 104(a) of this Act, is amended by adding at
13 the end the following:

14 “(14) REQUIREMENT AND PROHIBITION RELAT-

15 ING TO RECIPIENTS WITH DISABILITIES.—

16 “(A) REQUIREMENT TO REQUIRE RECIPI-

17 ENT CLAIMING DISABILITY TO PROVIDE PHYSI-

18 CIAN STATEMENT OF LIMITATION ON ABILITY

19 TO WORK AND EXPECTED DURATION OF LIM-

20 TATION.—A State to which a grant is made

21 under section 403 for a fiscal year shall require

22 a recipient of assistance who claims a disability

23 to provide the State with a certification from a

24 licensed physician of the limitations on the abil-

25 ity of the recipient to participate in work activi-

1 ties (as defined in section 407) and the ex-
2 pected duration of the limitations.

3 “(B) PROHIBITION ON REQUIRING RECIPI-
4 ENT WITH DISABILITY TO PARTICIPATE IN
5 WORK ACTIVITY INCONSISTENT WITH THE DIS-
6 ABILITY.—A State to which a grant is made
7 under section 403 for a fiscal year shall not re-
8 quire a recipient of assistance under the State
9 program funded under this part with a dis-
10 ability (as defined in section 3 of the Americans
11 With Disabilities Act of 1990) to participate in
12 a work activity if the disability prevents the re-
13 cipient from meaningful participation in the ac-
14 tivity.”.

15 (b) PENALTY.—Section 409(a) of such Act (42
16 U.S.C. 609(a)), as amended by sections 102(b) and
17 104(b) of this Act, is amended by adding at the end the
18 following:

19 “(19) FAILURE TO COMPLY WITH REQUIRE-
20 MENT OR PROHIBITION RELATING TO RECIPIENTS
21 WITH DISABILITIES.—If the Secretary determines
22 that a State to which a grant is made under section
23 403 for a fiscal year has failed to comply with sec-
24 tion 408(a)(14) for the fiscal year, the Secretary
25 may reduce the grant payable to the State under

1 section 403(a)(1) for the immediately succeeding fis-
2 cal year by such amount as the Secretary finds is
3 necessary to induce the State to so comply.”.

4 **SEC. 106. STATES REQUIRED TO ESTABLISH PROGRESSIVE**
5 **PERIODS OF INELIGIBILITY FOR CASH AS-**
6 **SISTANCE FOR NONCOMPLIANCE WITH RE-**
7 **QUIREMENTS RELATING TO CHILD SUPPORT.**

8 Section 408(a)(2) of the Social Security Act (42
9 U.S.C. 608(a)(2)) is amended—

10 (1) by striking “State—” and inserting “State
11 shall—”; and

12 (2) by striking subparagraphs (A) and (B) and
13 inserting the following:

14 “(A) in the case of the first such failure to
15 cooperate, deny cash assistance to the indi-
16 vidual for 3 months;

17 “(B) in the case of the second such failure
18 to cooperate, deny cash assistance to the indi-
19 vidual for 6 months;

20 “(C) in the case of the third such failure
21 to cooperate, deny cash assistance to the indi-
22 vidual for 12 months; or

23 “(D) in the case of any such failure to co-
24 operate after the third such failure to cooper-

1 ate, deny cash assistance to the individual for
2 10 years.”.

3 **SEC. 107. STATES REQUIRED TO ESTABLISH CRIMINAL PEN-**
4 **ALTIES FOR FRAUD AGAINST THE PROGRAM,**
5 **AND PROVIDE ASSISTANCE TO REPRESENTA-**
6 **TIVE PAYEE OF CHILD WHOSE PARENT IS**
7 **CONVICTED OF SUCH A FRAUD.**

8 (a) REQUIREMENTS.—Section 408(a) of the Social
9 Security Act (42 U.S.C. 608(a)), as amended by sections
10 104(a) and 105(a) of this Act, is amended by adding at
11 the end the following:

12 “(15) REQUIREMENTS RELATING TO FRAUD
13 AGAINST THE STATE PROGRAM.—

14 “(A) ESTABLISHMENT OF CRIMINAL PEN-
15 ALTIES.—A State to which a grant is made
16 under section 403 for a fiscal year shall estab-
17 lish at least the following criminal penalties for
18 fraud against the State program funded under
19 this part:

20 “(i) If the amount involved is less
21 than \$50, 20 hours of work in community
22 service, as directed by a State court.

23 “(ii) If the amount involved is more
24 than \$50 but not more than \$500, 40

1 hours of work in community service, as di-
2 rected by a State court.

3 “(iii) If the amount involved is more
4 than \$500 but not more than \$1,500, 60
5 hours of work in community service, as di-
6 rected by a State court.

7 “(iv) If the amount involved is more
8 than \$1,500 but not more than \$20,000,
9 100 hours of work in community service,
10 as directed by a State court.

11 “(v) If the amount involved is more
12 than \$20,000 but not more than \$100,000,
13 imprisonment for 5 or more years but less
14 than 10 years.

15 “(vi) If the amount involved is more
16 than \$100,000, imprisonment for 10 years
17 or more but less than 25 years.

18 “(B) PROVISION OF ASSISTANCE TO REP-
19 RESENTATIVE PAYEE OF CHILD WHOSE PARENT
20 IS CONVICTED OF FRAUD.—A State to which a
21 grant is made under section 403 for a fiscal
22 year shall provide the assistance that would
23 otherwise be provided to a family that includes
24 a parent who has been convicted of committing
25 a fraud against the State program funded

1 under this part, to a representative payee who
2 shall be designated by the Secretary in accord-
3 ance with procedures similar to those prescribed
4 by and under section 1631(a)(2) for the des-
5 ignation of representative payees, and who shall
6 use the assistance for the benefit of the family.
7 The provisions of section 1631(a)(2) pertaining
8 to misuse of benefits shall apply with respect to
9 misuse of the assistance, except that in such
10 provisions ‘Secretary’ shall be substituted for
11 ‘Commissioner of Social Security’.

12 “(C) FRAUD DEFINED.—In subparagraph
13 (A), the term ‘fraud’ means knowingly making
14 a false representation to the State in applying
15 for, or receiving, assistance from the State pro-
16 gram funded under this part, or in providing in-
17 formation with respect to another person who is
18 applying for, or receiving the assistance.”.

19 (b) PENALTY.—Section 409(a) of such Act (42
20 U.S.C. 609(a)), as amended by sections 102(b), 104(b),
21 and 105(b) of this Act, is amended by adding at the end
22 the following:

23 “(20) REQUIREMENTS RELATING TO FRAUD
24 AGAINST THE STATE PROGRAM.—If the Secretary
25 determines that a State to which a grant is made

1 under section 403 for a fiscal year has failed to com-
2 ply with section 408(a)(15) for the fiscal year, the
3 Secretary may reduce the grant payable to the State
4 under section 403(a)(1) for the immediately suc-
5 ceeding fiscal year by such amount as the Secretary
6 finds is necessary to induce the State to so comply.”.

7 **SEC. 108. STATES REQUIRED TO COUNT INCOME OF COHAB-**
8 **ITING PERSONS IN ASSISTANCE DETERMINA-**
9 **TIONS.**

10 (a) REQUIREMENT.—Section 408(a) of the Social Se-
11 curity Act (42 U.S.C. 608(a)), as amended by sections
12 104(a), 105(a), and 107(a) of this Act, is amended by
13 adding at the end the following:

14 “(16) REQUIREMENT TO COUNT INCOME OF CO-
15 HABITING PERSONS IN ASSISTANCE DETERMINA-
16 TIONS.—In determining the eligibility of a family for
17 assistance, or the amount of assistance to be pro-
18 vided to a family, under a State program funded
19 under this part, the State shall consider as available
20 to the family the income of all individuals who have
21 been living with the family for at least the preceding
22 2 years.”.

23 (b) PENALTY.—Section 409(a) of such Act (42
24 U.S.C. 609(a)), as amended by sections 102(b), 104(b),

1 105(b), and 107(b) of this Act, is amended by adding at
 2 the end the following:

3 “(21) FAILURE TO COUNT INCOME OF COHAB-
 4 ITING PERSONS IN ASSISTANCE DETERMINATIONS.—
 5 If the Secretary determines that a State to which a
 6 grant is made under section 403 for a fiscal year
 7 has failed to comply with section 408(a)(16) for the
 8 fiscal year, the Secretary shall reduce the grant pay-
 9 able to the State under section 403(a)(1) for the im-
 10 mediately succeeding fiscal year by an amount equal
 11 to—”.

12 **SEC. 109. REQUIREMENT THAT BENEFIT CARDS INCLUDE**
 13 **PHOTOGRAPH OF RECIPIENT.**

14 (a) REQUIREMENT.—Section 408(a) of the Social Se-
 15 curity Act (42 U.S.C. 608(a)), as amended by sections
 16 104(a), 105(a), 107(a), and 108(a) of this Act, is amend-
 17 ed by adding at the end the following:

18 “(17) REQUIREMENT THAT BENEFIT CARDS IN-
 19 CLUDE PHOTOGRAPH OF RECIPIENT.—A State to
 20 which a grant is made under section 403 for a fiscal
 21 year that issues a document that may be used by a
 22 recipient of assistance under the State program
 23 funded under this part to access the assistance shall
 24 include a photograph of the recipient on the face of
 25 the document.”.

1 (b) PENALTY.—Section 409(a) of such Act (42
2 U.S.C. 609(a)), as amended by sections 102(b), 104(b),
3 105(b), 107(b), and 108(b) of this Act, is amended by
4 adding at the end the following:

5 “(22) FAILURE TO INCLUDE PHOTOGRAPH OF
6 RECIPIENT ON BENEFIT CARD.—If the Secretary de-
7 termines that a State to which a grant is made
8 under section 403 for a fiscal year has failed to com-
9 ply with section 408(a)(17) for the fiscal year, the
10 Secretary shall reduce the grant payable to the State
11 under section 403(a)(1) for the immediately suc-
12 ceeding fiscal year by an amount equal to—”.

13 **SEC. 110. ELECTRONIC VERIFICATION OF APPLICANT IDEN-**
14 **TITY.**

15 (a) REQUIREMENT.—Section 408(a) of the Social Se-
16 curity Act (42 U.S.C. 608(a)), as amended by sections
17 104(a), 105(a), 107(a), 108(a), and 109(a) of this Act,
18 is amended by adding at the end the following:

19 “(18) REQUIREMENT TO ELECTRONICALLY
20 VERIFY APPLICANT IDENTITY.—A State to which a
21 grant is made under section 403 for a fiscal year
22 shall verify, by electronic means, the identity of each
23 individual who applies for assistance from the State
24 program funded under this part.”.

1 (b) PENALTY.—Section 409(a) of such Act (42
2 U.S.C. 609(a)), as amended by sections 102(b), 104(b),
3 106(b), 107(b), 108(b), and 109(b) of this Act, is amend-
4 ed by adding at the end the following:

5 “(23) FAILURE TO ELECTRONICALLY VERIFY
6 APPLICANT INFORMATION.—

7 “(A) IN GENERAL.—If the Secretary deter-
8 mines that a State to which a grant is made
9 under section 403 for a fiscal year has failed to
10 comply with section 408(a)(18) for the fiscal
11 year, the Secretary shall reduce the grant pay-
12 able to the State under section 403(a)(1) for
13 the immediately succeeding fiscal year by an
14 amount equal to 10 percent of the State family
15 assistance grant.

16 “(B) PENALTY BASED ON SEVERITY OF
17 FAILURE.—The Secretary shall impose reduc-
18 tions under subparagraph (A) with respect to a
19 fiscal year based on the degree of noncompli-
20 ance.”.

1 **TITLE II—SUPPLEMENTAL NU-**
2 **TRITION ASSISTANCE PRO-**
3 **GRAM REFORMS**

4 **SEC. 201. REPEAL OF BROAD-BASE CATEGORICAL ELIGI-**
5 **BILITY.**

6 Section 5(a) of the Food and Nutrition Act of 2008
7 (7 U.S.C. 2014(a)) is amended by striking the third sen-
8 tence.

9 **SEC. 202. MANDATORY COOPERATION WITH CHILD SUP-**
10 **PORT AGENCIES.**

11 Section 6(l)(1) of the Food and Nutrition Act of 2008
12 (7 U.S.C. 2015(l)(1)) is amended by striking “At the op-
13 tion of a State agency, subject” and inserting “Subject”.

14 **SEC. 203. WORK REQUIREMENT.**

15 Section 6(o) of the Food and Nutrition Act of 2008
16 (7 U.S.C. 2015(o)) is amended—

17 (1) in paragraph (4)(a)—

18 (A) by striking “reside—” and inserting
19 “reside has an unemployment rate of over 10
20 percent.”; and

21 (B) by striking clauses (i) and (ii);

22 (2) by striking paragraph (6); and

23 (3) by redesignating paragraph (7) as para-
24 graph (6).

○