AMENDMENTS SUBMITTED

THE PERSONAL RESPONSIBILITY, WORK OPPORTUNITY, AND MEDICAID RESTRUCTING ACT OF 1996

FORD (AND REID) AMENDMENT NO. 4940

Mr. FORD (for himself and Mr. REID) proposed an amendment to the bill, S. 1566, supra, as follows:

Strike section 408(a)(8) of the Social Security Act, as added by section 2103(a)(1), and insert the following:

"(8) No assistance for more than 5 years for failure to ensure minor dependent children are in school; or for failing to have or work toward a high school diploma or its equivalent.

(A) In general.—Except as provided in subparagraphs (B) and (C), a State to which a grant is made under section 403 shall not use any part of the grant to provide assistance—

(i) to a family that includes an adult who has received assistance under any State program funded under this part commences unless such adult is engaged in work as required by section 402(a)(1)(A)(ii) or exempted by the State by reason of hardship pursuant to subparagraph (C); or

(ii) for more than 24 consecutive months after the date the State program funded under this part commences; or

(iii) to a family that includes an adult who has received assistance under any State program funded under this part attributable to funds provided by the Federal Government—

(I) for 60 months (whether or not consecutive) after the date the State program funded under this part commences; or

(II) for more than 24 consecutive months after the date the State program funded under this part commences; or

(B) Minor child exception.—In determining the number of months for which an individual who has received assistance under any State program funded under this part attributable to funds provided by the Federal Government—

(i) engaged in work as required by section 402(a)(1)(A)(ii); or

(ii) exempted by the State from such 24 consecutive month limitation by reason of hardship pursuant to subparagraph (C)."

ASHCROFT AMENDMENT NO. 4941

Mr. ASHCROFT proposed an amendment to the bill, S. 1566, supra, as follows:

Strike section 408(a)(8) of the Social Security Act, as added by section 2103(a)(1), and insert the following:

"(8) No assistance for more than 5 years for failure to ensure minor dependent children are in school; or for failing to have or work toward a high school diploma or its equivalent.

(A) In general.—Except as provided in subparagraphs (B) and (C), a State to which a grant is made under section 403 shall not use any part of the grant to provide assistance—

(I) to a family that includes an adult who has received assistance under any State program funded under this part commences unless such adult is engaged in work as required by section 402(a)(1)(A)(ii) or exempted by the State by reason of hardship pursuant to subparagraph (C); or

(II) for more than 24 consecutive months after the date the State program funded under this part commences; or

(III) to a family that includes an adult who is older than age 20 and younger than age 51, who has received assistance under any State program funded under this part attributable to funds provided by the Federal Government—

(A) In general.—Except as provided in subparagraphs (B) and (C), a State to which a grant is made under section 403 shall not use any part of the grant to provide assistance to a family that includes an adult who has received assistance under any State program funded under this part attributable to funds provided by the Federal Government for 60 months (whether or not consecutive) after the date the State program funded under this part commences. However, a State shall not use any part of such grant to provide assistance to a family that includes an adult who has received assistance under any State program funded under this part attributable to funds provided by the Federal Government for more than 24 consecutive months unless such an adult is—

(i) engaged in work as required by section 402(a)(1)(A)(ii); or

(ii) exempted by the State from such 24 consecutive month limitation by reason of hardship pursuant to subparagraph (C)."

ASHCROFT AMENDMENT NO. 4942

Mr. ASHCROFT proposed an amendment to amendment No. 4941 proposed by him to the bill, S. 1566, supra, as follows:

In lieu of the matter proposed to be inserted by the amendment, insert the following:

"(8) No assistance for more than 5 years for failure to ensure minor dependent children are in school; or for failing to have or work toward a high school diploma or its equivalent.

(A) In general.—Except as provided in subparagraphs (B) and (C), a State to which a grant is made under section 403 shall not use any part of the grant to provide assistance—

(I) to a family that includes an adult who has received assistance under any State program funded under this part commences unless such adult is engaged in work as required by section 402(a)(1)(A)(ii); or

(II) for more than 24 consecutive months after the date the State program funded under this part commences; or

(III) to a family that includes an adult who has received assistance under any State program funded under this part attributable to funds provided by the Federal Government—

(A) In general.—Except as provided in subparagraphs (B) and (C), a State to which a grant is made under section 403 shall not use any part of the grant to provide assistance to a family that includes an adult who has received assistance under any State program funded under this part attributable to funds provided by the Federal Government for 60 months (whether or not consecutive) after the date the State program funded under this part commences. However, a State shall not use any part of such grant to provide assistance to a family that includes an adult who has received assistance under any State program funded under this part attributable to funds provided by the Federal Government for more than 24 consecutive months unless such an adult is—

(i) engaged in work as required by section 402(a)(1)(A)(ii); or

(ii) exempted by the State from such 24 consecutive month limitation by reason of hardship pursuant to subparagraph (C)."
ASHCROFT AMENDMENT NO. 4943

Mr. ASHCROFT proposed an amendment to amendment No. 4941 proposed by him to the bill, S. 1956, supra; as follows:

In the language proposed to be inserted by the amendment, strike all after the first word and insert the following:

SANCTUARY FOR CHILDREN ATTEND SCHOOL.—

(A) IN GENERAL.—A State to which a grant is made under section 403 shall not be prohibited from sanctioning a family that includes an adult who has received assistance under any State program funded under this part, the State may disregard any ass-

ANCE under any State program funded under this part attributable to funds provided by the Federal Government or under the food stamp program, as defined in section 3(h) of the Food Stamp Act of 1977, if such adult does not have, or is not working toward attaining, a secondary school diploma or its recognized equivalent unless such adult has been determined in the judgment of medical, psychiatric, or other appropriate professionals to lack the requisite capacity to complete successfully a course of study that would lead to a secondary school diploma or its recognized equivalent.

CONRAD (AND LEAHY) AMENDMENT NO. 4945

Mr. CONRAD (for himself and Mr. LEAHY) proposed an amendment to the bill, S. 1956, supra; as follows:

Section 2101 is amended—

(1) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively;

(2) in paragraph (10), as so redesignated, by inserting “(v)”, and “(vi)”, respectively; and

(3) by striking paragraph (8).
BREUX AMENDMENT NO. 4953
Mr. EXON (for Mr. BREUX) proposed an amendment to the bill, S. 1956, supra; as follows:

At the end of section 2109(a), add the following:

(17) Section 472(c)(2) (42 U.S.C. 672(c)(2)) is amended by striking "nonovertime".

KERREY AMENDMENT NO. 4954
Mr. EXON (for Mr. KERREY) proposed an amendment to the bill, S. 1956, supra; as follows:

At the end of chapter 1 of subtitle A of title IV, add the following:

SEC. 1. DEMONSTRATION PROJECTS.

(a) In General.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall enter into agreements with not more than 5 States that submit an application under this section, in such form and such manner as the Secretary may specify, for the purpose of conducting a demonstration project described in subsection (b).

(b) Description of Project.—(1) In General.—A demonstration project conducted under this section shall include (i) to ensure that recipients of temporary assistance to needy families who are parents obtain and retain unsubsidized employment; and (ii) to reduce the incidence of intergenerational receipt of welfare assistance by addressing the needs of children of recipients of temporary assistance to needy families.

(ii) Duties.—A Community Steering Committee shall—

(1) identify and create unsubsidized employment positions for recipients of temporary assistance to needy families;

(ii) propose and implement solutions to barriers to unsubsidized employment of recipients of temporary assistance to needy families;

(III) assess the needs of children of recipients of temporary assistance to needy families; and

(iv) provide services that are designed to ensure that children of recipients of temporary assistance to needy families enter school ready to learn and that, once enrolled, such children stay in school.

(iii) Primary Responsibility.—A primary responsibility of a Community Steering Committee shall be to work on an ongoing basis with parents who are recipients of temporary assistance to needy families and who have obtained nonsubsidized employment in order to ensure that such recipients retain their employment.

(v) Follow-up Services for Children.—A Community Steering Committee may provide special follow-up services for children of recipients of temporary assistance to needy families that are designed to ensure that the children reach their fullest potential and do not, as they mature, receive welfare assistance as the head of their own household.

(vi) Counseling.—A Community Steering Committee may provide counseling services to recipients of temporary assistance to needy families to ensure that recipients can manage the responsibility of being employed and the demands of having a family.

(vii) Housing Assistance; or

(vii) Any other assistance that may be necessary on an emergency and temporary basis to ensure that such parents can manage the responsibilities of being employed and the demands of having a family.

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

(A) Temporary Assistance for Needy Families.—Any alien who—

(i) is lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act and has not been deportable under any law of the United States for permanent residence under title II of the Social Security Act or can be credited with such qualifying quarters as provided under section 243(h) of such Act until such time as such withholding.

(ii) Veteran and Active Duty Exception.—An alien who is lawfully residing in any State and—

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

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

(B) Social Security Services. —The program of social services under title XX of the Social Security Act.

(C) Medicaid.—The program of medical assistance under title XVIII of the Social Security Act.
SEC. 2403. 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 subsection (b), an alien who is a qualified alien (as defined in section 243I) 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 (as defined in subsection (c)) for a period of five 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 240A of such Act.

(2) Active Duty Exception.—An alien who is lawfully residing in any State and—

(A) 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,

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

(C) the spouse or unmarried dependent child of an individual described in subparagraph (A) or (B).

(3) Exception for Children.—An alien who has not attained the age of 18 years.

AMENDMENT NO. 4956

On page 575, strike out line 16 and all that follows through page 598, line 23, and insert the following:

(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 for such benefits until January 1, 1997.

SEC. 2404. NOTIFICATION AND INFORMATION REPORTING.

(a) Notification.—Each Federal agency that administers a program to which section 2401, 2402, or 2403 applies shall, directly or through the Immigration and Naturalization Service, and provide general notification to the public and to program recipients of the changes regarding eligibility for any such program pursuant to this subchapter.

(b) Information Reporting Under Title IV of the Social Security Act.—Part A of title IV of the Social Security Act, as amended by section 2401 of this 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."

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, furnish the Immigration and Naturalization 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 agreement entered into under section 161A(a) with a State provides that the State shall 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."

SEC. 2411. 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 this subchapter, an alien who is not a qualified alien or nonimmigrant (as defined in section 243I) and who—

(1) resides in the United States on or after the date of the enactment of this Act; or

(2) has been notified, in writing, by the Immigration and Naturalization Service with the name and address of, and other identifying information on, any individual who the Immigration and Naturalization Service knows is unlawfully in the United States;"
in subsections (b) and (d), an alien who is not—
(1) a qualified alien (as defined in section 2413),
(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 benefits until January 1, 1997.

(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to the following State or local public benefits:
(1) Emergency medical services under title XV or XIX of the Social Security Act.
(2) Short-term, non-cash, in-kind emergency disaster relief.
(3)(A) Public health assistance for immunizations.
(B) Public health assistance for testing and treatment of a communicable disease if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of such disease.

(c) STATE OR LOCAL PUBLIC BENEFIT DEFINED.—
(1) Except as provided in paragraph (2), for purposes of this subchapter 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;
(B) any retirement, welfare, health, disability, public or assisted housing, post-secondary education, food assistance, unemployment compensation, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligible for any Federal means-tested public benefit.

(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;
(B) with respect to benefits for an alien who as a work authorized nonimmigrant or as an alien lawfully admitted for temporary residence under the Immigration and Nationality Act is not lawfully residing in any State or local government or by appropriated funds of a State or local government.

Subchapter I: Attribution of Income and Affiliates of Support

SEC. 2422. FEDERAL ATTRIBUTION OF SPONSOR’S INCOME AND RESOURCES TO ALIEN.

(a) In General.—Notwithstanding any other provision of law, in determining the eligibility and the amount of benefits of an alien for any Federal means-tested public benefits as defined in section 2403(c), the income and resources of the alien shall be deemed to include the following:

(1) The income and resources of any person who executed an affidavit of support pursuant to section 213A of the Immigration and Nationality Act (as added by section 2423) on behalf of such alien.

(b) Application.—Subsection (a) shall apply with respect to an alien until such time as the alien—
(1) achieves United States citizenship through naturalization pursuant to chapter 2 of title III of the Immigration and Nationality Act; or
(2)(A) 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 2435, and (B) did not receive any Federal means-tested public benefit (as defined in section 2403(c)) during any such quarter.

(c) REVIEW OF INCOME AND RESOURCES OF ALIEN UPON REAPPLICATION.—Whenever an alien is required to reapply for benefits under any Federal means-tested public benefits program, the applicable agency shall review the income and resources attributed to the alien under subsection (a).

(d) Application.—
(1) If on the date of the enactment of this Act, a Federal means-tested public benefits program attributes a sponsor’s income and resources to an alien in determining the alien’s eligibility and the amount of benefits for an alien, this section shall apply to any such determination beginning on the day after the date of the enactment of this Act.
(2) If on the date of the enactment of this Act, a Federal means-tested public benefits program does not attribute a sponsor’s income and resources to an alien in determining the alien’s eligibility and the amount of benefits for an alien, this section shall apply to any such determination beginning on the date of the enactment of this Act.

(e) Exception.—For the 2-year period beginning on the date of the enactment of this Act, subsection (a) shall not apply to medical assistance provided under a State plan under title XIX (or title XV, if applicable) of the Social Security Act.

SEC. 2423. AUTHORITY FOR STATES TO PROVIDE FOR ATTRIBUTION OF SPONSORS INCOME AND RESOURCES TO THE ALIEN WITH RESPECT TO STATE PROGRAMS.

(a) Optional Application to State Programs.—Except as provided in subsection (b), in determining the eligibility and the amount of benefits of an alien for any State public benefits (as defined in section 2412(c)), the State or political subdivision that offers the benefits is authorized to provide that the income and resources of the alien shall be deemed to include—

(1) the income and resources of any individual who executed an affidavit of support pursuant to section 213A of the Immigration and Nationality Act (as added by section 2423) on behalf of such alien; and
(2) the income and resources of the sponsor (if any) of the individual.

(b) Exception.—Subsection (a) shall not apply with respect to the following State public benefits:

(1) Emergency medical services.
(2) Short-term, non-cash, in-kind emergency disaster relief.
(3) Programs comparable to assistance or benefits under the National School Lunch Act.
(4) Programs comparable to assistance or benefits under the Child Nutrition Act of 1966.
(5)(A) Public health assistance for immunizations.
(B) Public health assistance for testing and treatment of a communicable disease if the appropriate chief State health official determines that it is necessary to prevent the spread of such disease.
(6) Payments for foster care and adoption assistance.
(7) Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General of a State, and by any consular officer to the United States for permanent residence under any means-tested public benefits program, but not later than 10 years after the alien last received any benefit under any means-tested public benefits program.

(8) For the 2-year period beginning on the date of enactment of this Act, any item 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.

(3) If the sponsor fails to abide by the repayment terms established by such agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(4) If the sponsor fails to abide by the repayment terms established by such agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(5) If, pursuant to the terms of this subsection, an appropriate Federal, State, or local agency requests reimbursement from the sponsor in the amount of assistance provided, or brings an action against the sponsor pursuant to the affidavit of support, the appropriate agency may appoint or hire an individual or other person to act on behalf of such agency acting under the authority of law for purposes of collecting any moneys owed. No action may be brought against the sponsor pursuant to the affidavit of support.

(6) Definitions.—For the purposes of this section—

(a) Sponsor.—The term `sponsor' means a person who—

(i) is a citizen or national of the United States or an alien who is lawfully admitted to the United States for permanent residence;

(ii) is 18 years of age or over;

(iii) is domiciled in any of the 50 States or the District of Columbia; and

(b) Notification of Change of Address.—

(1) In General.—The sponsor shall notify the Attorney General of a State and the State in which the alien is currently resident of any change of address of the sponsor because of a civil penalty of—

(A) not less than $250 or more than $2,000, or