

S.1932

Deficit Reduction Act of 2005 (Enrolled as Agreed to or Passed by Both House and Senate)

TITLE VII--HUMAN RESOURCES AND OTHER PROVISIONS

SEC. 7001. REFERENCES.

Except as otherwise expressly provided, wherever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

Subtitle A--TANF

SEC. 7101. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES AND RELATED PROGRAMS FUNDING THROUGH SEPTEMBER 30, 2010.

(a) In General- Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (adjusted, as applicable, by or under this subtitle, the amendments made by this subtitle, and the TANF Emergency Response and Recovery Act of 2005) shall continue through September 30, 2010, in the manner authorized for fiscal year 2004, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority on a quarterly basis through fiscal year 2010 at the level provided for such activities for the corresponding quarter of fiscal year 2004 (or, as applicable, at such greater level as may result from the application of this subtitle, the amendments made by this subtitle, and the TANF Emergency Response and Recovery Act of 2005), except that in the case of section 403(a)(3) of the Social Security Act, grants and payments may be made pursuant to this authority only through fiscal year 2008 and in the case of section 403(a)(4) of the Social Security Act, no grants shall be made for any fiscal year occurring after fiscal year 2005.

(b) Conforming Amendments- Part A of title IV (42 U.S.C. 601 et seq.) is amended--

(1) in section 403(a)(3)(H)(ii), by striking `December, 31, 2005' and inserting `fiscal year 2008';

(2) in section 403(b)(3)(C)(ii), by striking `2006' and inserting `2010'; and

- (3) in section 409(a)(7)--
 - (A) in subparagraph (A), by striking `or 2007' and inserting `2007, 2008, 2009, 2010, or 2011'; and
 - (B) in subparagraph (B)(ii), by striking `2006' and inserting `2010'.

(c) Extension of the National Random Sample Study of Child Welfare Through September 30, 2010- Activities authorized by section 429A of the Social Security Act shall continue through September 30, 2010, in the manner authorized for fiscal year 2004, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority on a quarterly basis through fiscal year 2010 at the level provided for such activities for the corresponding quarter of fiscal year 2004.

SEC. 7102. IMPROVED CALCULATION OF WORK PARTICIPATION RATES AND PROGRAM INTEGRITY.

- (a) Recalibration of Caseload Reduction Credit-
 - (1) IN GENERAL- Section 407(b)(3)(A) (42 U.S.C. 607(b)(3)(A)) is amended--
 - (A) in clause (i), by inserting `or any other State program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i))' after `this part'; and
 - (B) by striking clause (ii) and inserting the following:
 - (ii) the average monthly number of families that received assistance under any State program referred to in clause (i) during fiscal year 2005.'
 - (2) CONFORMING AMENDMENT- Section 407(b)(3)(B) (42 U.S.C. 607(b)(3)(B)) is amended by striking `and eligibility criteria' and all that follows through the close parenthesis and inserting `and the eligibility criteria in effect during fiscal year 2005'.
- (b) Inclusion of Families Receiving Assistance Under Separate State Programs in Calculation of Participation Rates-
 - (1) Section 407 (42 U.S.C. 607) is amended in each of subsections (a)(1), (a)(2), (b)(1)(B)(i), (c)(2)(A)(i), (e)(1), and (e)(2), by inserting `or any other State program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i))' after `this part'.
 - (2) Section 411(a)(1) (42 U.S.C. 611(a)(1)) is amended--
 - (A) in subparagraph (A), by inserting `or any other State program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i))' before the colon; and
 - (B) in subparagraph (B)(ii), by inserting `and any other State programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i))' after `this part'.
- (c) Improved Verification and Oversight of Work Participation-

(1) IN GENERAL- Section 407(i) (42 U.S.C. 607(i)) is amended to read as follows:

`(i) Verification of Work and Work-Eligible Individuals in Order To Implement Reforms-

`(1) SECRETARIAL DIRECTION AND OVERSIGHT-

`(A) REGULATIONS FOR DETERMINING WHETHER ACTIVITIES MAY BE COUNTED AS `WORK ACTIVITIES', HOW TO COUNT AND VERIFY REPORTED HOURS OF WORK, AND DETERMINING WHO IS A WORK-ELIGIBLE INDIVIDUAL-

`(i) IN GENERAL- Not later than June 30, 2006, the Secretary shall promulgate regulations to ensure consistent measurement of work participation rates under State programs funded under this part and State programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)), which shall include information with respect to--

`(I) determining whether an activity of a recipient of assistance may be treated as a work activity under subsection (d);

`(II) uniform methods for reporting hours of work by a recipient of assistance;

`(III) the type of documentation needed to verify reported hours of work by a recipient of assistance; and

`(IV) the circumstances under which a parent who resides with a child who is a recipient of assistance should be included in the work participation rates.

`(ii) ISSUANCE OF REGULATIONS ON AN INTERIM FINAL BASIS- The regulations referred to in clause (i) may be effective and final immediately on an interim basis as of the date of publication of the regulations. If the Secretary provides for an interim final regulation, the Secretary shall provide for a period of public comment on the regulation after the date of publication. The Secretary may change or revise the regulation after the public comment period.

`(B) OVERSIGHT OF STATE PROCEDURES- The Secretary shall review the State procedures established in accordance with paragraph (2) to ensure that such procedures are consistent with the regulations promulgated under subparagraph (A) and are adequate to ensure an accurate measurement of work participation under the State programs funded under this part and any other State programs funded with qualified State expenditures (as so defined).

`(2) REQUIREMENT FOR STATES TO ESTABLISH AND MAINTAIN WORK PARTICIPATION VERIFICATION PROCEDURES- Not later than September 30, 2006, a State to which a grant is made under section 403 shall establish procedures for determining, with respect to

recipients of assistance under the State program funded under this part or under any State programs funded with qualified State expenditures (as so defined), whether activities may be counted as work activities, how to count and verify reported hours of work, and who is a work-eligible individual, in accordance with the regulations promulgated pursuant to paragraph (1)(A)(i) and shall establish internal controls to ensure compliance with the procedures.'

(2) STATE PENALTY FOR FAILURE TO ESTABLISH OR COMPLY WITH WORK PARTICIPATION VERIFICATION PROCEDURES- Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

` (15) PENALTY FOR FAILURE TO ESTABLISH OR COMPLY WITH WORK PARTICIPATION VERIFICATION PROCEDURES-

` (A) IN GENERAL- If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 407(i)(2) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to not less than 1 percent and not more than 5 percent of the State family assistance grant.

` (B) PENALTY BASED ON SEVERITY OF FAILURE- The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.'

(d) Effective Date- The amendments made by subsections (a) and (b) shall take effect on October 1, 2006.

SEC. 7103. GRANTS FOR HEALTHY MARRIAGE PROMOTION AND RESPONSIBLE FATHERHOOD.

(a) Healthy Marriage and Family Funds- Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended to read as follows:

` (2) HEALTHY MARRIAGE PROMOTION AND RESPONSIBLE FATHERHOOD GRANTS-

` (A) IN GENERAL-

` (i) USE OF FUNDS- Subject to subparagraphs (B) and (C), the Secretary may use the funds made available under subparagraph (D) for the purpose of conducting and supporting research and demonstration projects by public or private entities, and providing technical assistance to States, Indian tribes and tribal organizations, and such other entities as the Secretary may specify that are receiving a grant under another provision of this part.

` (ii) LIMITATIONS- The Secretary may not award funds made available under this paragraph on a noncompetitive basis, and may not provide any such funds to an entity for the purpose of carrying out healthy marriage promotion activities or for the purpose of carrying out

activities promoting responsible fatherhood unless the entity has submitted to the Secretary an application which--

`(I) describes--

`(aa) how the programs or activities proposed in the application will address, as appropriate, issues of domestic violence; and

`(bb) what the applicant will do, to the extent relevant, to ensure that participation in the programs or activities is voluntary, and to inform potential participants that their participation is voluntary; and

`(II) contains a commitment by the entity--

`(aa) to not use the funds for any other purpose; and

`(bb) to consult with experts in domestic violence or relevant community domestic violence coalitions in developing the programs and activities.

`(iii) HEALTHY MARRIAGE PROMOTION ACTIVITIES- In clause (ii), the term `healthy marriage promotion activities' means the following:

`(I) Public advertising campaigns on the value of marriage and the skills needed to increase marital stability and health.

`(II) Education in high schools on the value of marriage, relationship skills, and budgeting.

`(III) Marriage education, marriage skills, and relationship skills programs, that may include parenting skills, financial management, conflict resolution, and job and career advancement, for non-married pregnant women and non-married expectant fathers.

`(IV) Pre-marital education and marriage skills training for engaged couples and for couples or individuals interested in marriage.

`(V) Marriage enhancement and marriage skills training programs for married couples.

`(VI) Divorce reduction programs that teach relationship skills.

`(VII) Marriage mentoring programs which use married couples as role models and mentors in at-risk communities.

`(VIII) Programs to reduce the disincentives to marriage in means-tested aid programs, if offered in conjunction with any activity described in this subparagraph.

`(B) LIMITATION ON USE OF FUNDS FOR DEMONSTRATION PROJECTS FOR COORDINATION OF PROVISION OF CHILD WELFARE AND TANF SERVICES TO TRIBAL FAMILIES AT RISK OF CHILD ABUSE OR NEGLECT-

`(i) IN GENERAL- Of the amounts made available under subparagraph (D) for a fiscal year, the Secretary may not award more than \$2,000,000 on a competitive basis to fund demonstration projects designed to test the effectiveness of tribal governments or tribal consortia in coordinating the provision to tribal families at risk of child abuse or neglect of child welfare services and services under tribal programs funded under this part.

`(ii) LIMITATION ON USE OF FUNDS- A grant made pursuant to clause (i) to such a project shall not be used for any purpose other than--

`(I) to improve case management for families eligible for assistance from such a tribal program;

`(II) for supportive services and assistance to tribal children in out-of-home placements and the tribal families caring for such children, including families who adopt such children; and

`(III) for prevention services and assistance to tribal families at risk of child abuse and neglect.

`(iii) REPORTS- The Secretary may require a recipient of funds awarded under this subparagraph to provide the Secretary with such information as the Secretary deems relevant to enable the Secretary to facilitate and oversee the administration of any project for which funds are provided under this subparagraph.

`(C) LIMITATION ON USE OF FUNDS FOR ACTIVITIES PROMOTING RESPONSIBLE FATHERHOOD-

`(i) IN GENERAL- Of the amounts made available under subparagraph (D) for a fiscal year, the Secretary may not award more than \$50,000,000 on a competitive basis to States, territories, Indian tribes and tribal organizations, and public and nonprofit community entities, including religious organizations, for activities promoting responsible fatherhood.

`(ii) ACTIVITIES PROMOTING RESPONSIBLE FATHERHOOD- In this paragraph, the term 'activities promoting responsible fatherhood' means the following:

`(I) Activities to promote marriage or sustain marriage through activities such as counseling, mentoring, disseminating information about the benefits of marriage and 2-parent involvement for children, enhancing relationship skills, education regarding how to control aggressive behavior, disseminating information on the causes of

domestic violence and child abuse, marriage preparation programs, premarital counseling, marital inventories, skills-based marriage education, financial planning seminars, including improving a family's ability to effectively manage family business affairs by means such as education, counseling, or mentoring on matters related to family finances, including household management, budgeting, banking, and handling of financial transactions and home maintenance, and divorce education and reduction programs, including mediation and counseling.

` (II) Activities to promote responsible parenting through activities such as counseling, mentoring, and mediation, disseminating information about good parenting practices, skills-based parenting education, encouraging child support payments, and other methods.

` (III) Activities to foster economic stability by helping fathers improve their economic status by providing activities such as work first services, job search, job training, subsidized employment, job retention, job enhancement, and encouraging education, including career-advancing education, dissemination of employment materials, coordination with existing employment services such as welfare-to-work programs, referrals to local employment training initiatives, and other methods.

` (IV) Activities to promote responsible fatherhood that are conducted through a contract with a nationally recognized, nonprofit fatherhood promotion organization, such as the development, promotion, and distribution of a media campaign to encourage the appropriate involvement of parents in the life of any child and specifically the issue of responsible fatherhood, and the development of a national clearinghouse to assist States and communities in efforts to promote and support marriage and responsible fatherhood.

` (D) APPROPRIATION- Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated \$150,000,000 for each of fiscal years 2006 through 2010, for expenditure in accordance with this paragraph.'

(b) Counting of Spending on Certain Pro-Family Activities- Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

`(V) COUNTING OF SPENDING ON CERTAIN PRO-FAMILY ACTIVITIES- The term `qualified State expenditures' includes the total expenditures by the State during the fiscal year under all State programs for a purpose described in paragraph (3) or (4) of section 401(a).'

Subtitle B--Child Care

SEC. 7201. ENTITLEMENT FUNDING.

Section 418(a)(3) (42 U.S.C. 618(a)(3)) is amended--

- (1) by striking `and' at the end of subparagraph (E);
- (2) by striking the period at the end of subparagraph (F) and inserting a semicolon; and
- (3) by adding at the end the following:
 - `(G) \$2,917,000,000 for each of fiscal years 2006 through 2010.'

Subtitle C--Child Support

SEC. 7301. ASSIGNMENT AND DISTRIBUTION OF CHILD SUPPORT.

(a) Modification of Rule Requiring Assignment of Support Rights as a Condition of Receiving TANF- Section 408(a)(3) (42 U.S.C. 608(a)(3)) is amended to read as follows:

`(3) NO ASSISTANCE FOR FAMILIES NOT ASSIGNING CERTAIN SUPPORT RIGHTS TO THE STATE- A State to which a grant is made under section 403 shall require, as a condition of paying assistance to a family under the State program funded under this part, that a member of the family assign to the State any right the family member may have (on behalf of the family member or of any other person for whom the family member has applied for or is receiving such assistance) to support from any other person, not exceeding the total amount of assistance so paid to the family, which accrues during the period that the family receives assistance under the program.'

(b) Increasing Child Support Payments to Families and Simplifying Child Support Distribution Rules-

(1) DISTRIBUTION RULES-

(A) IN GENERAL- Section 457(a) (42 U.S.C.

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