

Amendment Offered by Mr. Davis of Illinois

This amendment would improve protections for vulnerable families by: extending TANF to parents with substance abuse convictions; establishing a workforce development program for returning citizens and noncustodial parents; improving TANF supports and removing barriers for family caregivers; strengthening TANF for domestic violence victims; removing the bans on assistance to unwed teen parents who are not in school and to teens not living with an adult; and establishing basic due process protections for TANF recipients. Any costs associated with protecting vulnerable families would be offset with a minor increase in the corporate tax rate.

AMENDMENT TO H.R. 5861
OFFERED BY MR. DANNY K. DAVIS OF ILLINOIS

After section 19, insert the following (and redesignate succeeding sections accordingly):

1 **SEC. 20. ELIMINATION OF BAR TO TANF ASSISTANCE FOR**
2 **PERSONS CONVICTED OF DRUG FELONIES.**

3 Section 115 of the Personal Responsibility and Work
4 Opportunity Reconciliation Act of 1996 (21 U.S.C. 862a)
5 is amended—

6 (1) in the section heading by striking “**ASSIST-**
7 **ANCE AND**” and inserting “**SUPPLEMENTAL NU-**
8 **TRITION ASSISTANCE**”;

9 (2) in subsection (a), by striking “for—” and
10 all that follows through “(2) benefits” and inserting
11 “for benefits”;

12 (3) in subsection (b), by striking all through
13 “The amount of benefits” and inserting the fol-
14 lowing:

15 “(b) **EFFECTS ON BENEFITS FOR OTHERS.—**The
16 amount of benefits”;

17 (4) in subsection (c), by striking “assistance
18 or”; and

1 to the Fund, which shall remain available until ex-
2 pended.

3 “(3) GRANTS.—

4 “(A) IN GENERAL.—For each of fiscal
5 years 2019 and 2020, the Secretary shall make
6 a grant to any qualifying entity as provided in
7 this paragraph.

8 “(B) QUALIFYING ENTITY.—For purposes
9 of this paragraph, a qualifying entity for a fis-
10 cal year is a State, territory, Indian tribe, or
11 tribal organization that submits to the Sec-
12 retary an application for a grant under this
13 paragraph for the fiscal year, in such manner
14 and at such time as the Secretary may require.

15 “(C) ALLOTMENT OF FUNDS.—

16 “(i) TECHNICAL ASSISTANCE.—The
17 Secretary shall reserve \$5,000,000 out of
18 the amounts made available under para-
19 graph (2) for each fiscal year to provide
20 technical assistance to qualifying entities
21 receiving a grant under this paragraph for
22 the fiscal year.

23 “(ii) TERRITORIES AND INDIAN
24 TRIBES.—The Secretary shall reserve,
25 from the amount made available under

1 aggregate amount' means the amount
2 made available for a fiscal year under
3 paragraph (2) that remains after ap-
4 plying clauses (i) and (ii).

5 “(iv) UNUSED FUNDS.—

6 “(I) REASONABLE LIMITS ON
7 CARRYING OVER FUNDS.—The Sec-
8 retary shall set reasonable limits on
9 the amount of funds a State receiving
10 a grant under this paragraph may
11 carry over for expenditure in fiscal
12 years after the fiscal year for which
13 the grant is awarded.

14 “(II) REDISTRIBUTION OF UN-
15 USED FUNDS.—Any portion of the
16 amount of a grant made to a State
17 under clause (iii) that the Secretary
18 determines will not be used by the
19 State shall be redistributed among the
20 States that the Secretary determines
21 will not have such an unused amount,
22 using the rules specified in clause (iii).
23 Any amount so redistributed to a
24 State is deemed part of the grant

1 under this paragraph to carry out clause
2 (i), including the following activities:

3 “(I) Administrative expenses.

4 “(II) Supportive services, includ-
5 ing transportation and child care, to
6 enable individuals to participate in a
7 program described in clause (i).

8 “(III) Wages and associated pay-
9 roll costs for individuals participating
10 in the subsidized employment program
11 described in clause (i)(I).

12 “(iii) ELIGIBILITY FOR ASSIST-
13 ANCE.—A qualifying entity shall use funds
14 awarded to the entity under this paragraph
15 to assist under the program described in
16 clause (i)(I) (and, if the entity so elects,
17 the program described in clause (i)(II)) a
18 TANF-eligible individual who—

19 “(I) has attained 18 years of age
20 and has not attained 67 years of age;
21 and

22 “(II) is not employed;

23 “(III) is determined by the quali-
24 fying entity to have been unsuccessful
25 at obtaining paid employment after

- 1 “(II) requirements imposed on
- 2 employers by the State as a condition
- 3 of participating in the program;
- 4 “(III) the types of jobs in which
- 5 subsidized employees are placed;
- 6 “(IV) demographic information
- 7 for subsidized employees and for the
- 8 target population the entity seeks to
- 9 assist under the program;
- 10 “(V) the total number of sub-
- 11 subsidized employees participating in the
- 12 program during the fiscal year;
- 13 “(VI) the average number of
- 14 hours worked per week by a sub-
- 15 subsidized employee;
- 16 “(VII) the average length of time
- 17 for which a subsidized employee par-
- 18 ticipates in the program; and
- 19 “(VIII) the employment out-
- 20 comes for subsidized employees after
- 21 participating in the program, includ-
- 22 ing the number of individuals hired by
- 23 an employer with which the individual
- 24 was placed during the program and

1 “(VI) the average length of time
2 for which a trainee participates in the
3 program; and

4 “(VII) the employment outcomes
5 for trainees after participating in the
6 program.

7 “(F) EVALUATION.—The Secretary shall
8 establish and implement a rigorous system for
9 evaluating the success of subsidized employment
10 programs and sectoral training programs con-
11 ducted pursuant to this paragraph.

12 “(4) DEFINITIONS.—In this subsection:

13 “(A) INDIAN TRIBE; TRIBAL ORGANIZA-
14 TION.—The terms ‘Indian tribe’ and ‘tribal or-
15 ganization’ have the meaning given such terms
16 in section 4 of the Indian Self-Determination
17 and Education Assistance Act (25 U.S.C.
18 450b).

19 “(B) SECTORAL SKILLS TRAINING.—The
20 term ‘sectoral skills training’ means training
21 that implements a sectoral skills training strat-
22 egy established by an industry or sector part-
23 nership (as defined in section 3(26) of the
24 Workforce Innovation and Opportunity Act).

1 1308(a)(2)), as amended by section 19 of this Act, is
2 amended by inserting “403(b),” before “or 413(f)”.

After section 19, insert the following (and redesignate succeeding sections accordingly):

3 **SEC. 23. STATE NOTIFICATIONS TO RELATIVE CAREGIVERS**
4 **OF CHILD TANF RECIPIENTS.**

5 (a) REQUIREMENT.—Section 408(a) (42 U.S.C.
6 608(a)), as amended by sections 9 and 11 of this Act,
7 is amended by adding at the end the following:

8 “(17) STATE REQUIREMENTS REGARDING NO-
9 TICE TO RELATIVE CAREGIVERS.—A State to which
10 a grant is made under section 403 shall—

11 “(A) ensure that the State agency respon-
12 sible for administering the State program fund-
13 ed under this part employs a primary kinship
14 resource employee who is trained to provide
15 guidance to a relative caregiver of a minor child
16 if the child is a recipient of assistance under
17 the program (or under a State program funded
18 with qualified State expenditures (as defined in
19 section 409(a)(7)(B)(i))), on legal options re-
20 garding custody and guardianship of the child,
21 including explaining to the relative caregiver
22 how each legal option corresponds to the avail-
23 ability of benefits and services, and who serves

1 describes how the relative caregiver may
2 enter into an agreement with the State to
3 receive the payments;

4 “(iv) provides direct contact informa-
5 tion for other agencies and community or-
6 ganizations that provide resources and as-
7 sistance, such as housing, supplemental
8 nutrition assistance, health care, and child
9 care; and

10 “(v) provides direct contact informa-
11 tion for the primary kinship resource em-
12 ployee described in subparagraph (A).”.

13 (b) INCLUSION IN STATE PLAN.—Section
14 402(a)(1)(B) (42 U.S.C. 602(a)(1)(B)), as amended by
15 section 14(a)(1)(B)(ii) of this Act, is amended by adding
16 at the end the following:

17 “(iv) The document shall provide a
18 detailed explanation of how the State in-
19 tends to comply with section 408(a)(17).”.

20 (c) PENALTY.—

21 (1) IN GENERAL.—Section 409(a) (42 U.S.C.
22 609(a)), as amended by section 19 of this Act, is
23 amended by adding at the end the following:

24 “(14) FAILURE TO NOTIFY RELATIVE CARE-
25 GIVERS.—If the Secretary determines that a State

1 “(I) information regarding how
2 the State defines terms such as ‘rel-
3 ative’, ‘fictive kin’, and ‘caregiver’;

4 “(II) a description of the training
5 received by caseworkers of the State
6 agency responsible for administering
7 the program in relation to relative
8 caregivers of minor children, in cases
9 in which the child is such a recipient;
10 and

11 “(III) an explanation of the ways
12 in which assistance available under
13 the program to a relative caregiver of
14 a minor child is affected by the tem-
15 porary presence in the home of a bio-
16 logical parent of the child.”.

17 **SEC. 25. ENHANCED DATA REPORTING.**

18 Section 411(a)(7) (42 U.S.C. 611(a)(7)) is amended
19 by adding at the end the following: “The Secretary shall
20 also prescribe regulations to improve the reporting of data
21 on the economic well-being and circumstances of families
22 with relative caregivers of minor children, including, to the
23 extent practicable, information relating to—

24 “(A) all adults in the family, including
25 whether or not such adults are recipients of as-

1 agency administering the State plans
2 under parts B and E; or

3 “(III) was placed with the rel-
4 ative caregiver upon formal discharge
5 from the care and placement responsi-
6 bility of the State agency admin-
7 istering the plans under part B or
8 E.”.

9 **SEC. 26. EXEMPTION FROM CERTAIN REQUIREMENTS FOR**
10 **RECIPIENTS AGE 60 OR OVER.**

11 (a) WORK REQUIREMENTS.—Section 407(e) (42
12 U.S.C. 607(e)) is amended—

13 (1) in paragraph (2)—

14 (A) in the paragraph heading, by inserting
15 “FOR SINGLE CUSTODIAL PARENTS AND REL-
16 ATIVE CAREGIVERS OF MINOR CHILDREN WHO
17 HAVE NOT ATTAINED 6 YEARS OF AGE” after
18 “EXCEPTION”; and

19 (B) by inserting “or relative caregiver” be-
20 fore “caring for a child”; and

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

22 “(3) EXCEPTION FOR RECIPIENTS AGE 60 OR
23 OVER.—Notwithstanding paragraph (1), a State
24 may not reduce or terminate assistance under the
25 State program funded under this part (or under a

1 gram funded under this part of an individual who
2 has attained 60 years of age.”.

3 (d) PENALTIES.—

4 (1) IN GENERAL.—Section 409(a) (42 U.S.C.
5 609(a)), as amended by the preceding provisions of
6 this Act, is amended by adding at the end the fol-
7 lowing:

8 “(15) FAILURE TO EXEMPT RECIPIENTS AGE 60
9 OR OVER FROM CERTAIN REQUIREMENTS.—If the
10 Secretary determines that a State to which a grant
11 is made under section 403 for a fiscal year has vio-
12 lated section 407(e)(3), 408(a)(7)(D), or 408(a)(18)
13 during the fiscal year, the Secretary shall reduce the
14 grant payable to the State under section 403(a)(1)
15 for the immediately succeeding fiscal year by an
16 amount equal to 4 percent of the grant.”.

17 (2) NOT SUBJECT TO REASONABLE CAUSE EX-
18 CEPTION.—Section 409(b)(2) (42 U.S.C. 609(b)(2)),
19 as amended by the preceding provisions of this Act,
20 is amended by striking “or (14)” and inserting
21 “(14), or (15)”.

1 (2) by striking subparagraph (A) and inserting
2 the following:

3 “(A) IN GENERAL.—A certification by the
4 chief executive officer of the State that the
5 State has established and is enforcing stand-
6 ards and procedures to ensure the right and en-
7 titlement of victims of domestic or sexual vio-
8 lence (notwithstanding section 401(b)) seeking
9 or receiving assistance under the State program
10 funded under this part or any other State pro-
11 gram funded by qualified State expenditures (as
12 defined in section 409(a)(7)(B)(i))—

13 “(i) to be screened and identified
14 while maintaining the confidentiality of the
15 victims;

16 “(ii) to be referred to counseling and
17 supportive services;

18 “(iii) to be granted a waiver, pursuant
19 to a determination of good cause, of pro-
20 gram requirements such as time limits (for
21 so long as necessary), residency require-
22 ments, child support cooperation require-
23 ments, and family cap provisions, in cases
24 where compliance with the requirements
25 would make it more difficult for the vic-

1 (A) in the subparagraph heading, by in-
2 serting “OR SEXUAL” after “DOMESTIC”; and
3 (B) in the text, by inserting “or sexual”
4 after “domestic”.

5 (b) REPORT TO THE CONGRESS ON BEST PRACTICES
6 OF STATES.—Section 413 (42 U.S.C. 613) is amended by
7 adding at the end the following:

8 “(k) REPORT TO CONGRESS ON BEST PRACTICES OF
9 STATES IN ADDRESSING DOMESTIC AND SEXUAL VIO-
10 LENCE SUFFERED BY TANF RECIPIENTS.—Every 4
11 years, the Secretary shall prepare and submit to the Con-
12 gress a report which examines the practices of States in
13 implementing section 402(a)(7), and identifies the best
14 practices used to do so.”.

After section 19, insert the following (and redesignate succeeding sections accordingly):

15 **SEC. 29. BAR ON ASSISTANCE FOR UNWED TEEN PARENTS**
16 **NOT IN SCHOOL.**

17 Section 408(a) (42 U.S.C. 608(a)) is amended by
18 striking paragraph (4).

19 **SEC. 30. BAR ON ASSISTANCE FOR TEENS NOT IN AN**
20 **ADULT-SUPERVISED LIVING ARRANGEMENT.**

21 Section 408(a) (42 U.S.C. 608(a)) is amended by
22 striking paragraph (5).

1 “(16) PENALTY FOR IMPOSING LIFETIME OR
2 FULL FAMILY SANCTION.—If the Secretary deter-
3 mines that a State to which a grant is made under
4 section 403 in a fiscal year has violated section
5 408(a)(20) during the fiscal year, the Secretary
6 shall reduce the grant payable to the State under
7 section 403(a)(1) for the immediately succeeding fis-
8 cal year by an amount equal to 5 percent of the
9 State family assistance grant.”.

10 (2) DUE PROCESS PROTECTIONS.—

11 (A) IN GENERAL.—Section 408(a) (42
12 U.S.C. 608(a)), as amended by the preceding
13 provisions of this Act, is amended by adding at
14 the end the following:

15 “(21) SANCTION PROCEDURES.—

16 “(A) PRE-SANCTION REVIEW PROCESS.—
17 Before imposing a sanction against an indi-
18 vidual or family receiving assistance under the
19 State program funded under this part or under
20 a program funded with qualified State expendi-
21 tures (as defined in section 409(a)(7)(B)(i)) for
22 failure to comply with program requirements,
23 the State shall take the following steps:

24 “(i) Provide or send notice to the indi-
25 vidual or family, and, if the recipient’s na-

1 “(aa) an individual, other than
2 the individual who determined that a
3 sanction be imposed, will review the
4 determination and have the authority
5 to take the actions described in sub-
6 clause (II); and

7 “(bb) the individual or family
8 against whom the sanction is to be
9 imposed shall be afforded the oppor-
10 tunity to meet with the individual who
11 is reviewing the determination to im-
12 pose the sanction.

13 “(II) The actions described in this
14 subclause are the following:

15 “(aa) Modify the determination
16 to impose a sanction.

17 “(bb) Determine that there was
18 good cause for the failure to comply.

19 “(cc) Recommend modifications
20 to the individual responsibility or em-
21 ployment plan of an individual.

22 “(dd) Make such other deter-
23 minations and take such other actions
24 as may be appropriate.

1 “(IV) Whether there is good
2 cause for any noncompliance.

3 “(V) Whether the sanction poli-
4 cies of the State have been applied
5 properly.

6 “(B) SANCTION FOLLOW-UP REQUIRE-
7 MENTS.—If a State imposes a sanction on a
8 family or individual for failing to comply with
9 program requirements, the State shall—

10 “(i) provide or send notice to the indi-
11 vidual or family, in language calculated to
12 be understood by the individual or family,
13 and, if the individual’s or family’s native
14 language is not English, through a cul-
15 turally competent translation, of the reason
16 for the sanction and the steps the indi-
17 vidual or family must take to end the sanc-
18 tion;

19 “(ii) resume full assistance, services,
20 or benefits to the individual or family
21 under the program (if the individual or
22 family is otherwise eligible for the assist-
23 ance, services, or benefits) once the indi-
24 vidual who was not in compliance with pro-
25 gram requirements that led to the sanction

1 sions of this Act, is amended by adding at the
2 end the following:

3 “(17) PENALTY FOR FAILURE TO FOLLOW
4 SANCTION PROCEDURES.—

5 “(A) IN GENERAL.—If the Secretary deter-
6 mines that a State to which a grant is made
7 under section 403 in a fiscal year has violated
8 section 408(a)(21) during the fiscal year, the
9 Secretary shall reduce the grant payable to the
10 State under section 403(a)(1) for the imme-
11 diately succeeding fiscal year by an amount
12 equal to not more than 5 percent of the State
13 family assistance grant.

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

19 (C) STATE PLAN REQUIREMENT TO DE-
20 SCRIBE HOW STATES WILL NOTIFY APPLICANTS
21 AND RECIPIENTS OF THEIR RIGHTS UNDER THE
22 PROGRAM AND OF POTENTIAL BENEFITS AND
23 SERVICES AVAILABLE UNDER THE PROGRAM.—
24 Section 402(a)(1)(B)(iii) (42 U.S.C.
25 602(a)(1)(B)(iii)) is amended by inserting “,

1 employment, at a site subject to a strike or
2 lockout at the time of refusal, or for medical
3 reasons or a lack of sufficient physical strength
4 or stamina”.

5 (2) PROHIBITION ON SANCTIONING INDIVIDUAL
6 FOR FAILURE TO ENGAGE IN WORK IF INDIVIDUAL
7 HAS A CHILD UNDER AGE 6 MONTHS OR IF FAILURE
8 RESULTS FROM INABILITY TO SECURE CHILD CARE
9 OR AFTER-SCHOOL ARRANGEMENTS FOR A CHILD
10 UNDER AGE 13.—Section 407(e)(2) (42 U.S.C.
11 607(e)(2)) is amended by striking “refusal” and all
12 that follows and inserting “failure of an individual
13 to engage in work required in accordance with this
14 section if—

15 “(A) the individual is a single custodial
16 parent caring for a child who has not attained
17 6 months of age; or

18 “(B) the individual is the single custodial
19 parent caring for a child who has not attained
20 13 years of age, and the failure resulted from
21 the inability of the individual to secure child
22 care or after-school arrangements for the
23 child”.

After section 19, insert the following (and redesignate succeeding sections accordingly):