

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4657

To eliminate certain welfare benefits with respect to fugitive felons and probation and parole violators, and to facilitate sharing of information with police officers.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 1994

Mr. SANTORUM (for himself, Mr. BLUTE, Mr. BREWSTER, Mr. CAMP, Mr. DELAY, Mr. HAYES, Mr. HERGER, Mr. SHAW, Mr. STENHOLM, and Mr. TALENT) introduced the following bill; which was referred jointly to the Committees on Energy and Commerce, Ways and Means, Agriculture and Banking, Finance and Urban Affairs

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## A BILL

To eliminate certain welfare benefits with respect to fugitive felons and probation and parole violators, and to facilitate sharing of information with police officers.

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. ELIMINATION OF WELFARE BENEFITS WITH**  
4 **RESPECT TO FUGITIVE FELONS AND PROBA-**  
5 **TION AND PAROLE VIOLATORS.**

6 (a) MEDICAID PROGRAM.—

1           (1) INELIGIBILITY FOR MEDICAL ASSIST-  
2 ANCE.—Section 1902(a) of the Social Security Act  
3 (42 U.S.C. 1396a(a)) is amended—

4           (A) by striking “and” at the end of para-  
5 graph (61);

6           (B) by striking the period at the end of  
7 paragraph (62) and inserting “; and”; and

8           (C) by inserting after paragraph (62) the  
9 following new paragraph:

10          “(63) provided that no medical assistance shall  
11 be available under the plan to any individual who—

12           “(A) is fleeing to avoid prosecution, or cus-  
13 tody or confinement after conviction, under the  
14 laws of the place from which the individual flees  
15 for a crime (or attempt to commit a crime)  
16 which is a felony (or, if the place from which  
17 the individual flees is New Jersey, a high mis-  
18 demeanor) under the laws of such place; or

19           “(B) is violating a condition of probation  
20 or parole imposed under Federal or State law.”.

21           (2) EXCHANGE OF INFORMATION WITH LAW  
22 ENFORCEMENT AGENCIES.—Section 1902(a)(7) of  
23 such Act (42 U.S.C. 1396a(a)(7)) is amended by  
24 striking the semicolon and inserting the following: “,  
25 except that nothing in this paragraph shall be con-

1       strued to prevent the State agency from furnishing  
2       a Federal, State, or local law enforcement officer  
3       with the current address of a recipient at the offi-  
4       cer's request if the officer notifies the agency that—

5               “(A) the recipient is fleeing to avoid pros-  
6               ecution, or custody or confinement after convic-  
7               tion, under the laws of the place from which the  
8               recipient flees for a crime (or attempt to com-  
9               mit a crime) which is a felony (or, if the place  
10              from which the recipient flees is New Jersey, a  
11              high misdemeanor) under the laws of such  
12              place, or is violating a condition of probation or  
13              parole imposed under Federal or State law,

14             “(B) the location or apprehension of the  
15             recipient is within the officer's official duties,  
16             and

17             “(C) the request is made in the proper ex-  
18             ercise of the officer's official duties;”.

19       (b) AFDC PROGRAM.—

20             (1) INELIGIBILITY FOR AID.—Section 402(a) of  
21       the Social Security Act (42 U.S.C. 602(a)) is  
22       amended—

23             (A) by striking “and” at the end of para-  
24             graph (44);

1 (B) by striking the period at the end of  
2 paragraph (45) and inserting “; and”; and

3 (C) by inserting after paragraph (45) the  
4 following:

5 “(46) provide that aid shall not be payable  
6 under the State plan with respect to any individual  
7 who is—

8 “(A) fleeing to avoid prosecution, or cus-  
9 tody or confinement after conviction, under the  
10 laws of the place from which the individual  
11 flees, for a crime, or an attempt to commit a  
12 crime, which is a felony under the laws of the  
13 place from which the individual flees, or which,  
14 in the case of the State of New Jersey, is a  
15 high misdemeanor under the laws of such State;  
16 or

17 “(B) violating a condition of probation or  
18 parole imposed under Federal or State law.”.

19 (2) EXCHANGE OF INFORMATION WITH LAW  
20 ENFORCEMENT AGENCIES.—Section 402(a)(9) of  
21 such Act (42 U.S.C. 602(a)(9)) is amended by strik-  
22 ing “State or local” through “official duties” and in-  
23 serting “Federal, State, or local law enforcement of-  
24 ficer, upon such officer’s request, with the current  
25 address of any recipient if the officer furnishes the

1 agency with such recipient's name and notifies the  
2 agency that such recipient is fleeing to avoid pros-  
3 ecution, or custody or confinement after conviction,  
4 under the laws of the place from which the recipient  
5 flees, for a crime, or an attempt to commit a crime,  
6 which is a felony under the laws of the place from  
7 which the recipient flees, or which, in the case of the  
8 State of New Jersey, is a high misdemeanor under  
9 the laws of such State, or is violating a condition of  
10 probation or parole imposed under Federal or State  
11 law, or has information that is necessary for the of-  
12 ficer to conduct the officer's official duties, that the  
13 location or apprehension of such recipient is within  
14 the officer's official duties".

15 (c) FOOD STAMP PROGRAM.—

16 (1) INELIGIBILITY FOR FOOD STAMPS.—Section  
17 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015)  
18 is amended by adding at the end the following:

19 "(i) No member of a household who is otherwise eligi-  
20 ble to participate in the food stamp program shall be eligi-  
21 ble to participate in the program as a member of that or  
22 any other household while the individual is—

23 "(1) fleeing to avoid prosecution, or custody or  
24 confinement after conviction, under the laws of the  
25 place from which he flees, for a crime, or an attempt

1 to commit a crime, which is a felony under the laws  
2 of the place from which he flees, or which, in the  
3 case of the State of New Jersey, is a high mis-  
4 demeanor under the laws of such State; or

5 “(2) violating a condition of probation or parole  
6 imposed under Federal or State law.”.

7 (2) EXCHANGE OF INFORMATION WITH LAW  
8 ENFORCEMENT OFFICERS.—Section 11(e)(8) of such  
9 Act (7 U.S.C. 2020(e)(8)) is amended—

10 (A) by striking “and (C)” and inserting  
11 “(C)”; and

12 (B) by inserting before the semicolon at  
13 the end the following: “, (D) notwithstanding  
14 any other provision of law, the address of a  
15 member of a household shall be made available,  
16 on request, to a Federal, State, or local law en-  
17 forcement officer if the officer furnishes the  
18 State agency with the name of the member and  
19 notifies the agency that (i) the member (I) is  
20 fleeing to avoid prosecution, or custody or con-  
21 finement after conviction, under the laws of the  
22 place from which he flees, for a crime, or an at-  
23 tempt to commit a crime, which is a felony  
24 under the laws of the place from which he flees,  
25 or which, in the case of the State of New Jer-

1           sey, is a high misdemeanor under the laws of  
2           such State, or is violating a condition of proba-  
3           tion or parole imposed under Federal or State  
4           law, or (II) has information that is necessary  
5           for the officer to conduct the officer’s official  
6           duties, (ii) the location or apprehension of the  
7           member is within the official duties of the offi-  
8           cer, and (iii) the request is made in the proper  
9           exercise of the duties, and”.

10       (d) SSI PROGRAM.—

11           (1) INELIGIBILITY FOR AID.—Section 1611(e)  
12       of the Social Security Act (42 U.S.C. 1382(e)) is  
13       amended by inserting after paragraph (3) the follow-  
14       ing:

15           “(4) A person shall not be an eligible individual  
16       or eligible spouse for purposes of this title with re-  
17       spect to any month if, throughout the month, the  
18       person is—

19           “(A) fleeing to avoid prosecution, or cus-  
20       tody or confinement after conviction, under the  
21       laws of the place from which the person flees,  
22       for a crime, or an attempt to commit a crime,  
23       which is a felony under the laws of the place  
24       from which the person flees, or which, in the

1 case of the State of New Jersey, is a high mis-  
2 demeanor under the laws of such State; or

3 “(B) violating a condition of probation or  
4 parole imposed under Federal or State law.”.

5 (2) EXCHANGE OF INFORMATION WITH LAW  
6 ENFORCEMENT AGENCIES.—Section 1631(e) of such  
7 Act (42 U.S.C. 1383(e)) is amended by inserting  
8 after paragraph (3) the following:

9 “(4) Notwithstanding any other provision of law, the  
10 Secretary shall furnish any Federal, State, or local law  
11 enforcement officer, upon such officer’s request, with the  
12 current address of any recipient of benefits under this  
13 title, if the officer furnishes the agency with such recipi-  
14 ent’s name and notifies the agency that—

15 “(A) such recipient—

16 “(i) is fleeing to avoid prosecution, or cus-  
17 tody or confinement after conviction, under the  
18 laws of the place from which the person flees,  
19 for a crime, or an attempt to commit a crime,  
20 which is a felony under the laws of the place  
21 from which the person flees, or which, in the  
22 case of the State of New Jersey, is a high mis-  
23 demeanor under the laws of such State;

24 “(ii) is violating a condition of probation or  
25 parole imposed under Federal or State law; or

1           “(iii) has information that is necessary for  
2           the officer to conduct the officer’s official du-  
3           ties;

4           “(B) the location or apprehension of such recip-  
5           ient is within the officer’s official duties; and

6           “(C) the request is made in the proper exercise  
7           of those duties.”.

8           (e) HOUSING PROGRAMS.—

9           (1) ELIGIBILITY FOR ASSISTANCE.—The United  
10          States Housing Act of 1937 (42 U.S.C. 1437 et  
11          seq.) is amended—

12                   (A) in section 6(l)—

13                           (i) in paragraph (5), by striking  
14                           “and” at the end;

15                           (ii) in paragraph (6), by striking the  
16                           period at the end and inserting “; and”;  
17                           and

18                           (iii) by inserting immediately after  
19                           paragraph (6) the following new para-  
20                           graph:

21                   “(7) provide that it shall be cause for imme-  
22                   diate termination of the tenancy of a public housing  
23                   tenant if such tenant—

24                           “(A) is fleeing to avoid prosecution, or cus-  
25                           tody or confinement after conviction, under the

1 laws of the place from the tenant flees, for a  
2 crime, or an attempt to commit a crime, which  
3 is a felony under the laws of the place from  
4 which the fugitive felon flees, or which, in the  
5 case of New Jersey, is a high misdemeanor  
6 under the laws of New Jersey; or

7 “(B) is violating a condition of probation  
8 or parole imposed under Federal or State law.”;  
9 and

10 (B) in section 8(d)(1)(B)—

11 (i) in clause (iii), by striking “and” at  
12 the end;

13 (ii) in clause (iv), by striking the pe-  
14 riod at the end and inserting “; and”; and

15 (iii) by adding after clause (iv) the  
16 following new clause:

17 “(v) it shall be cause for termination  
18 of the tenancy of a tenant if such tenant—

19 “(I) is fleeing to avoid prosecu-  
20 tion, or custody or confinement after  
21 conviction, under the laws of the place  
22 from the tenant flees, for a crime, or  
23 an attempt to commit a crime, which  
24 is a felony under the laws of the place  
25 from which the fugitive felon flees, or

1 which, in the case of New Jersey, is a  
2 high misdemeanor under the laws of  
3 New Jersey; or

4 “(II) is violating a condition of  
5 probation or parole imposed under  
6 Federal or State law;”.

7 (2) PROVISION OF INFORMATION TO LAW EN-  
8 FORCEMENT AGENCIES.—Title I of the United  
9 States Housing Act of 1937 (42 U.S.C. 1437 et  
10 seq.) is amended by adding at the end the following  
11 new section:

12 **“SEC. 26. PROVISION OF INFORMATION TO LAW ENFORCE-**  
13 **MENT AND OTHER AGENCIES.**

14 “(a) EXCHANGE OF INFORMATION WITH LAW EN-  
15 FORCEMENT AGENCIES.—Notwithstanding any other pro-  
16 vision of law, each public housing agency that enters into  
17 a contract for assistance under section 6 or 8 of this Act  
18 with the Secretary shall furnish to any Federal, State, or  
19 local law enforcement agency, upon request, the current  
20 address of any recipient of assistance under this Act if  
21 the law enforcement agency—

22 “(1) furnishes the public housing agency with  
23 such recipient’s name; and

24 “(2) notifies such agency that—

25 “(A) such recipient—

1           “(i) is fleeing to avoid prosecution, or  
2           custody or confinement after conviction,  
3           under the laws of the place from which the  
4           tenant flees, for a crime, or an attempt to  
5           commit a crime, which is a felony under  
6           the laws of the place from which the fugi-  
7           tive felon flees, or which, in the case of  
8           New Jersey, is a high misdemeanor under  
9           the laws of New Jersey;

10           “(ii) is violating a condition of proba-  
11           tion or parole imposed under Federal or  
12           State law; or

13           “(iii) has information that is nec-  
14           essary for the officer to conduct the offi-  
15           cer’s official duties;

16           “(B) the location or apprehension of such  
17           recipient is within the official duties of the  
18           agency; and

19           “(C) the request is made in the proper ex-  
20           ercise of such duties.”.

21 **SEC. 2. NOTICE TO IMMIGRATION AND NATURALIZATION**

22 **SERVICE OF ILLEGAL ALIENS.**

23           (a) **MEDICAID PROGRAM.**—Section 1902(a) of the  
24 Social Security Act (42 U.S.C. 1396a(a)) is amended—

1 (1) by striking “and” at the end of paragraph  
2 (61);

3 (2) by striking the period at the end of para-  
4 graph (62) and inserting “; and”; and

5 (3) by inserting after paragraph (62) the fol-  
6 lowing new paragraph:

7 “(63) provide that the State agency shall, at  
8 least 4 times annually and upon request of the Im-  
9 migration and Naturalization Service, furnish the  
10 Immigration and Naturalization Service with the  
11 name and address of, and other identifying informa-  
12 tion on, any individual whom the agency knows is  
13 unlawfully in the United States.”.

14 (b) AFDC PROGRAM.—Section 402(a)(9) of the So-  
15 cial Security Act (42 U.S.C. 602(a)(9)) is amended—

16 (1) by redesignating clauses (A), (B), (C), (D),  
17 and (E) as clauses (i), (ii), (iii), (iv), and (v), respec-  
18 tively;

19 (2) in clause (v) (as so redesignated), by strik-  
20 ing “(D)” and inserting “(iv)”;

21 (3) by adding “and” at the end; and

22 (4) by adding after and below the end the  
23 following:

24 “(B) provide that, the State agency shall, at  
25 least 4 times annually and upon request of the Im-

1 migration and Naturalization Service, furnish the  
2 Immigration and Naturalization Service with the  
3 name and address of, and other identifying informa-  
4 tion on, any individual whom the agency knows is  
5 unlawfully in the United States;”.

6 (c) FOOD STAMP PROGRAM.—Section 11(e) of the  
7 Food Stamp Act of 1977 (7 U.S.C. 2020(e)), as amended  
8 by section 1(c)(2), is amended—

9 (1) paragraph (8) by inserting before the semi-  
10 colon at the end the following:

11 “(E) such safeguards shall not prevent compliance  
12 with paragraph (26)”;

13 (2) in paragraph (24) by striking “and” at the  
14 end;

15 (3) in paragraph (25) by striking the period  
16 and inserting “; and”; and

17 (4) by adding at the end the following:

18 “(26) that the State agency shall furnish, at  
19 least 4 times annually and upon request of the Im-  
20 migration and Naturalization Service, the Immigra-  
21 tion and Naturalization Service with the name and  
22 address of, and other identifying information on, any  
23 individual whom the agency knows is unlawfully in  
24 the United States.”.

1 (d) SSI PROGRAM.—Section 1631(e) of the Social  
2 Security Act (42 U.S.C. 1383(e)), as amended by section  
3 1(d)(2) of this Act, is amended by inserting after para-  
4 graph (4) the following:

5 “(5) Notwithstanding any other provision of  
6 law, the Secretary shall, at least 4 times annually  
7 and upon request of the Immigration and Natu-  
8 ralization Service, furnish the Immigration and Nat-  
9 uralization Service with the name and address of,  
10 and other identifying information on, any individual  
11 whom the Secretary knows is unlawfully in the  
12 United States, and shall ensure that each agreement  
13 entered into under section 1616(a) with a State pro-  
14 vides that the State shall, at least 4 times annually  
15 and upon request of the Immigration and Natu-  
16 ralization Service, furnish the Immigration and Nat-  
17 uralization Service with the name and address of,  
18 and other identifying information on, any individual  
19 whom the State knows is unlawfully in the United  
20 States.”.

21 (e) HOUSING PROGRAMS.—Section 26 of the United  
22 States Housing Act of 1937, as added by section 1(e)(2)  
23 of this Act, is amended by adding at the end the following  
24 new subsection:

1       “(b) NOTICE TO IMMIGRATION AND NATURALIZA-  
2 TION SERVICE OF ILLEGAL ALIENS.—Notwithstanding  
3 any other provision of law, the Secretary shall, at least  
4 4 times annually and upon request of the Immigration and  
5 Naturalization Service, furnish the Immigration and Nat-  
6 uralization Service with the name and address of, and  
7 other identifying information on, any individual whom the  
8 Secretary knows is unlawfully in the United States, and  
9 shall ensure that each contract for assistance entered into  
10 under section 6 or 8 of this Act with a public housing  
11 agency provides that the public housing agency shall, at  
12 least 4 times annually and upon request of the Immigra-  
13 tion and Naturalization Service, furnish the Immigration  
14 and Naturalization Service with the name and address of,  
15 and other identifying information on, any individual whom  
16 the public housing agency knows is unlawfully in the  
17 United States.”.

18 **SEC. 3. TERMINATION OF AFDC BENEFITS FOR DEPENDENT**  
19 **CHILDREN WHO ARE ABSENT FROM THE**  
20 **HOME FOR A SIGNIFICANT PERIOD.**

21       Section 402(a) of the Social Security Act (42 U.S.C.  
22 602(a)), as amended by section 1(b)(1) of this Act, is  
23 amended—

24           (1) by striking “and” at the end of paragraph  
25           (45);

1           (2) by striking the period at the end of para-  
2 graph (46) and inserting “; and”; and

3           (3) by inserting after paragraph (46) the fol-  
4 lowing:

5           “(47)(A) provide that aid shall not be payable  
6 under the State plan to a family with respect to any  
7 dependent child who has been, or is expected by the  
8 caretaker relative in the family to be, absent from  
9 the home for a period of 45 consecutive days or, at  
10 the option of the State, such period of not less than  
11 30 and not more than 90 consecutive days as the  
12 State may provide for in the State plan;

13           “(B) at the option of the State, provide that the  
14 State may establish such good cause exceptions to  
15 subparagraph (A) as the State considers appropriate  
16 if such exceptions are provided for in the State plan;  
17 and

18           “(C) provide that a caretaker relative shall not  
19 be eligible for aid under the State plan if the care-  
20 taker relative fails to notify the State agency of an  
21 absence of a dependent child from the home for the  
22 period specified in or provided for under subpara-  
23 graph (A), by the end of the 5-day period that be-  
24 gins with the date that it becomes clear to the care-

- 1 taker relative that the dependent child will be absent
- 2 for such period so specified or provided for.”.

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