

105TH CONGRESS  
1ST SESSION

# S. 787

To permit any State to use nongovernmental personnel in the determination of eligibility under the Medicaid, Food Stamps, and WIC programs.

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IN THE SENATE OF THE UNITED STATES

MAY 22, 1997

Mr. GRAMM (for himself and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To permit any State to use nongovernmental personnel in the determination of eligibility under the Medicaid, Food Stamps, and WIC programs.

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 “Welfare Flexibility Act  
5 of 1997”.

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1 **SEC. 2. AUTHORIZING USE OF NONGOVERNMENTAL PER-**  
2 **SONNEL IN MAKING DETERMINATIONS OF**  
3 **ELIGIBILITY FOR BENEFITS UNDER THE**  
4 **MEDICAID, FOOD STAMP, AND WIC PRO-**  
5 **GRAMS**

6 (a) **IN GENERAL.**—Notwithstanding any other provi-  
7 sion of law, no provision of law shall be construed as pre-  
8 venting any State (as defined for purposes of the relevant  
9 Act) from allowing eligibility determinations described in  
10 subsection (b) to be made by an entity which is not a State  
11 or local government, or by an individual who is not an  
12 employee of a State or local government, which meets such  
13 qualifications as the State determines. For purposes of  
14 any Federal law, such determinations shall be considered  
15 to be made by the State and by a State agency.

16 (b) **ELIGIBILITY DETERMINATIONS.**—An eligibility  
17 determination described in this subsection is a determina-  
18 tion of eligibility of—

19 (1) individuals to receive—

20 (A) medical assistance under the Medicaid  
21 program under title XIX of the Social Security  
22 Act, or

23 (B) assistance under the special supple-  
24 mental nutrition program for women, infants,  
25 and children (WIC) under section 17 of the

1 Child Nutrition Act of 1966 (12 U.S.C. 1786),

2 or

3 (2) households to receive benefits under the  
4 Food Stamp program as defined in section 8(h) of  
5 the Food Stamp Act of 1977 (7 U.S.C. 2012h)).

6 (c) CONSTRUCTION.—Nothing in this section shall be  
7 construed as affecting—

8 (1) the conditions for eligibility for benefits (in-  
9 cluding any conditions relating to income or re-  
10 sources); and

11 (2) the rights to challenge determinations re-  
12 garding eligibility or rights to benefits; and

13 (3) determinations regarding quality control or  
14 error rates.

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