

107TH CONGRESS
2^D SESSION

H. R. 4655

To ensure that all States address domestic and sexual violence in their temporary assistance to needy families program.

IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2002

Mrs. MALONEY of New York introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To ensure that all States address domestic and sexual violence in their temporary assistance to needy families program.

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 “Safety and Self-Suffi-
5 ciency Act of 2002”.

6 **SEC. 2. ADDRESSING DOMESTIC AND SEXUAL VIOLENCE IN**
7 **TANF PROGRAM.**

8 Section 402(a)(7) of the Social Security Act (42
9 U.S.C. 602(a)(7)) is amended to read as follows:

1 “(7) CERTIFICATIONS REGARDING DOMESTIC
2 AND SEXUAL VIOLENCE.—

3 “(A) GENERAL PROVISIONS.—A certifi-
4 cation by the chief executive officer of the State
5 that the State has established and is enforcing
6 standards and procedures to ensure that domes-
7 tic and sexual violence is comprehensively ad-
8 dressed, and a written document outlining how
9 the State will do the following:

10 “(i) ADDRESS NEEDS OF RECIPI-
11 ENTS.—Address the needs of a recipient of
12 assistance under the State program funded
13 under this part who is or has been sub-
14 jected to domestic or sexual violence, in-
15 cluding how the State will—

16 “(I) have trained caseworkers
17 screen, and, at the option of such a
18 recipient, assess and identify individ-
19 uals who are or have been subjected
20 to domestic or sexual violence;

21 “(II) provide each such recipient
22 with adequate notice of eligibility and
23 program requirements, confidentiality
24 provisions, assessment and program
25 services, and modifications and waiv-

1 ers available to such a recipient as
2 well as the process to access such
3 services, modifications, or waivers;

4 “(III) refer such recipients for
5 appropriate counseling and other sup-
6 portive services, modify or waive eligi-
7 bility or program requirements or pro-
8 hibitions to address domestic violence
9 and sexual assault barriers, and en-
10 sure the access of such recipients to
11 job training, vocational rehabilitation,
12 and other employment-related services
13 as appropriate;

14 “(IV) restrict the disclosure of
15 any identifying information obtained
16 through any process or procedure im-
17 plemented pursuant to this paragraph
18 absent the recipient’s written consent
19 or unless otherwise required to do so
20 under law; and

21 “(V) pursuant to a determination
22 of good cause, waive, without time
23 limit, any State or Federal eligibility
24 or program requirement or prohibition
25 for so long as necessary, in every case

1 in which an individual or family re-
2 ceiving such assistance has been iden-
3 tified as having been subjected to do-
4 mestic or sexual violence, and the re-
5 quirement makes it more difficult for
6 the individual to address, escape or
7 recover from the violence, unfairly pe-
8 nalizes the individual, or makes the
9 individual or any child of the indi-
10 vidual unsafe.

11 “(ii) COORDINATION.—Coordinate or
12 contract with State or tribal domestic vio-
13 lence coalitions, sexual assault coalitions,
14 or domestic or sexual violence programs in
15 the development and implementation of
16 standards, procedures, training, and pro-
17 grams required under this part to address
18 domestic and sexual violence.

19 “(iii) CASEWORKER TRAINING.—Train
20 caseworkers in—

21 “(I) the nature and dynamics of
22 domestic or sexual violence and the
23 ways in which they may act to ob-
24 struct the economic security or safety

1 of such a recipient or any child of
2 such a recipient;

3 “(II) the standards, policies and
4 procedures implemented pursuant to
5 this part, including the recipient’s
6 rights and protections, such as notice
7 and confidentiality;

8 “(III) how to screen for and
9 identify when domestic or sexual vio-
10 lence creates barriers to compliance,
11 and how to make effective referrals
12 for services and modify eligibility and
13 program requirements and prohibi-
14 tions to address domestic and sexual
15 violence barriers; and

16 “(IV) the process for determining
17 good cause for noncompliance with an
18 eligibility or program requirement or
19 prohibition and granting waivers of
20 the requirements.

21 “(iv) USE OF QUALIFIED PROFES-
22 SIONALS.—At State option, enter into con-
23 tracts with or employ qualified domestic vi-
24 olence and sexual violence professionals for

1 the provision of services in each of the
2 fields of domestic or sexual violence.

3 “(B) DEFINITIONS.—In this part:

4 “(i) DOMESTIC OR SEXUAL VIO-
5 LENCE.—The term ‘domestic or sexual vio-
6 lence’ has the same meaning as the term
7 ‘battered or subject to extreme cruelty’ as
8 defined in section 408(a)(7)(C)(iii).

9 “(ii) QUALIFIED PROFESSIONAL DE-
10 FINED.—The term ‘qualified professional’
11 includes a State or local victim services or-
12 ganization with recognized expertise in the
13 dynamics of domestic or sexual violence
14 who has as 1 of its primary purposes to
15 provide services to victims of domestic or
16 sexual violence, such as a sexual assault
17 crisis center or domestic violence program,
18 or an individual trained by such an organi-
19 zation.”.

20 **SEC. 3. ASSESSMENT.**

21 Section 408(b) of the Social Security Act (42 U.S.C.
22 608(b)) is amended—

23 (1) in paragraph (1), by striking “and employ-
24 ability” and inserting “employability, and potential
25 barriers, including domestic or sexual violence, men-

1 tal or physical health, learning disability, substance
2 abuse, English as a second language, or insufficient
3 housing, transportation or child care,”; and

4 (2) in paragraph (2)(A)—

5 (A) by striking “and” at the end of clause
6 (iv);

7 (B) by striking the period at the end of
8 clause (v) and inserting a semicolon; and

9 (C) by adding at the end the following:

10 “(vi) documents the individual’s re-
11 ceipt of adequate notice of program re-
12 quirements, confidentiality provisions, as-
13 sessment and program services, and waiv-
14 ers available to individuals who have or
15 may have been subjected to domestic or
16 sexual violence, as well as the process to
17 access such services or waivers; and

18 “(vii) may not require the individual
19 to participate in services to address domes-
20 tic or sexual violence.”.

21 **SEC. 4. REVIEW AND CONCILIATION PROCESS.**

22 Section 408(a) of the Social Security Act (42 U.S.C.
23 608(a)) is amended by adding at the end the following:

24 “(12) REVIEW AND CONCILIATION PROCESS.—

1 “(A) IN GENERAL.—A State to which a
2 grant is made under section 403 shall not im-
3 pose a sanction or penalty against an individual
4 under the State program funded under this
5 part on the basis of noncompliance by an indi-
6 vidual or family with a program requirement, if
7 domestic or sexual violence is a significant con-
8 tributing factor in the noncompliance.

9 “(B) CONSIDERATIONS.—Before so impos-
10 ing a sanction or penalty against an individual,
11 the State shall specifically consider whether the
12 individual has been or is being subjected to do-
13 mestic or sexual violence, and if such violence
14 is identified, make a reasonable effort to modify
15 or waive program requirements or prohibitions,
16 and offer the individual referral to voluntary
17 services to address the violence.”.

18 **SEC. 5. STATE OPTION TO INCLUDE SURVIVORS IN WORK**
19 **PARTICIPATION RATES.**

20 Section 407(b)(2) of the Social Security Act (42
21 U.S.C. 607(b)(2)) is amended by adding at the end the
22 following:

23 “(6) STATE OPTION TO INCLUDE SURVIVORS IN
24 WORK PARTICIPATION RATES.—A State may con-
25 sider an individual who, in a month, is receiving

1 services or a waiver described in section 402(a)(7)
2 as being engaged in work for the month for purposes
3 of subsection (b)(1)(B)(i).”.

4 **SEC. 6. EXCLUSION OF SURVIVORS OF DOMESTIC OR SEX-**
5 **UAL VIOLENCE FROM 20 PERCENT LIMITA-**
6 **TION ON HARDSHIP EXCEPTION.**

7 Section 408(a)(7)(C) of the Social Security Act (42
8 U.S.C. 608(a)(7)(C)) is amended—

9 (1) by striking clause (i) and inserting the fol-
10 lowing:

11 “(i) IN GENERAL.—The State may ex-
12 empt a family from the application of sub-
13 paragraph (A)—

14 “(I) by reason of hardship; or

15 “(II) if the family includes an in-
16 dividual who has been subjected to do-
17 mestic or sexual violence.”;

18 (2) in clause (ii), by striking “clause (i)” and
19 inserting “clause (i)(I)”; and

20 (3) in clause (iii), by striking “clause (i)” and
21 inserting “clause (i)(II)”.

22 **SEC. 7. TECHNICAL ASSISTANCE.**

23 Section 413 of the Social Security Act (42 U.S.C.
24 613) is amended by adding at the end the following:

25 “(j) TECHNICAL ASSISTANCE.—

1 “(1) GRANTS TO VICTIMS SERVICES ORGANIZA-
2 TIONS.—The Secretary shall make a grant to one or
3 more national victims services organizations for the
4 purpose of identifying and providing technical assist-
5 ance with respect to model standards and proce-
6 dures, practices and training designed to comprehen-
7 sively address domestic and sexual violence, includ-
8 ing for individuals with multiple barriers to employ-
9 ment or compliance with program requirements, and
10 move individuals subjected to domestic or sexual vio-
11 lence into employment without compromising the
12 safety of any individual.

13 “(2) GRANTS TO STATES.—The Secretary shall
14 make grants to States and localities to contract with
15 a State or tribal domestic violence coalition or sexual
16 assault coalition or joint domestic and sexual vio-
17 lence coalition to—

18 “(A) provide training to caseworkers and
19 technical assistance regarding screening, assess-
20 ing, and providing services to address domestic
21 or sexual violence, modifying or waiving eligi-
22 bility or program requirements or prohibitions,
23 and assisting individuals subjected to domestic
24 or sexual violence to secure and retain employ-
25 ment; and

1 “(B) develop and implement demonstration
2 projects to promote best practices in serving in-
3 dividuals who have been subjected to domestic
4 or sexual violence, with priority given to pro-
5 grams that contract with qualified profes-
6 sionals.

7 “(3) LIMITATIONS ON AUTHORIZATION OF AP-
8 PROPRIATIONS.—

9 “(A) For grants under paragraph (1),
10 there are authorized to be appropriated to the
11 Secretary not more than \$1,000,000 for fiscal
12 year 2003.

13 “(B) For grants under paragraph (2),
14 there are authorized to be appropriated to the
15 Secretary not more than \$10,000,000 for each
16 of fiscal years 2003 through 2007.”.

17 **SEC. 8. PENALTIES FOR NONCOMPLIANCE.**

18 Section 409(a) of the Social Security Act (42 U.S.C.
19 609(a)) is amended by adding at the end the following:

20 “(15) PENALTY FOR FAILURE TO COMPLY WITH
21 REQUIREMENTS RELATING TO DOMESTIC OR SEXUAL
22 VIOLENCE.—If the Secretary determines that a
23 State to which a grant is made under section 403
24 in a fiscal year has failed to comply with subsection
25 (a)(12) or (b) (to the extent relating to domestic or

1 sexual violence) of section 408 during the fiscal year,
2 the Secretary shall reduce the grant payable to the
3 State under section 403(a)(1) for the immediately
4 succeeding fiscal year by an amount equal to 5 per-
5 cent of the State family assistance grant for such
6 succeeding fiscal year.”.

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