

104TH CONGRESS
1ST SESSION

S. 599

To eliminate certain welfare benefits with respect to fugitive felons and probation and parole violators, and to facilitate sharing of information with law enforcement officers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22 (legislative day, MARCH 16), 1995

Mr. SANTORUM introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To eliminate certain welfare benefits with respect to fugitive felons and probation and parole violators, and to facilitate sharing of information with law enforcement officers, and for other purposes.

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) provide that no medical assistance shall
11 be available under the plan to any individual during
12 any period during which the individual—

13 “(A) is fleeing to avoid prosecution, or cus-
14 tody or confinement after conviction, for a
15 crime (or attempt to commit a crime) which,
16 under the laws of the place from which the re-
17 cipient is fleeing, is a felony (or, in the case of
18 New Jersey, a high misdemeanor); 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 Social Security number and
 4 photograph (if applicable) of a recipient at the offi-
 5 cer's request if the officer notifies the agency that—

6 “(A) the recipient is fleeing to avoid pros-
 7 ecution, or custody or confinement after convic-
 8 tion, for a crime (or attempt to commit a
 9 crime) which, under the laws of the place from
 10 which the recipient is fleeing, is a felony (or, in
 11 the case of New Jersey, a high misdemeanor),
 12 or is violating a condition of probation or parole
 13 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 new paragraph:

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

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

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

16 (2) EXCHANGE OF INFORMATION WITH LAW
17 ENFORCEMENT AGENCIES.—Section 402(a)(9) of
18 such Act (42 U.S.C. 602(a)(9)) is amended by strik-
19 ing “State or local” and all that follows through “of-
20 ficial duties” and inserting “Federal, State, or local
21 law enforcement officer, upon such officer’s request,
22 with the current address, Social Security number,
23 and photograph (if applicable) of any recipient if the
24 officer furnishes the agency with such recipient’s
25 name and notifies the agency that such recipient is

1 fleeing to avoid prosecution, or custody or confine-
2 ment after conviction, for a crime (or attempt to
3 commit a crime) which, under the laws of the place
4 from which the recipient is fleeing, is a felony (or,
5 in the case of New Jersey, a high misdemeanor), or
6 is violating a condition of probation or parole im-
7 posed under Federal or State law, or has informa-
8 tion that is necessary for the officer to conduct the
9 officer's official duties, that the location or appre-
10 hension of such recipient is within the officer's offi-
11 cial duties''.

12 (c) FOOD STAMP PROGRAM.—

13 (1) INELIGIBILITY FOR FOOD STAMPS.—Section
14 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015)
15 is amended by adding at the end the following new
16 subsection:

17 “(i) No member of a household who is otherwise eligi-
18 ble to participate in the food stamp program shall be eligi-
19 ble to participate in the program as a member of that or
20 any other household during any period during which the
21 individual is—

22 “(1) fleeing to avoid prosecution, or custody or
23 confinement after conviction, for a crime (or attempt
24 to commit a crime) which, under the laws of the
25 place from which the individual is fleeing, is a felony

(or, in the case of New Jersey, a high misdemeanor);
or

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

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

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

(B) by inserting before the semicolon at
the end the following: “, and (D) notwithstand-
ing any other provision of law, the address, So-
cial Security number, and photograph (if appli-
cable) of a member of a household shall be
made available, on request, to a Federal, State,
or local law enforcement officer if the officer
furnishes the State agency with the name of the
member and notifies the agency that (i) the
member (I) is fleeing to avoid prosecution, or
custody or confinement after conviction, for a
crime (or attempt to commit a crime) which,
under the laws of the place from which the indi-
vidual is fleeing, is a felony (or, in the case of
New Jersey, a high misdemeanor), or is violat-
ing a condition of probation or parole imposed

1 under Federal or State law, or (II) has infor-
2 mation that is necessary for the officer to con-
3 duct the officer's official duties, (ii) the location
4 or apprehension of the member is within the of-
5 ficial duties of the officer, and (iii) the request
6 is made in the proper exercise of the officer's
7 official duties''.

8 (d) SSI PROGRAM.—

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

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

17 “(A) fleeing to avoid prosecution, or cus-
18 tody or confinement after conviction, for a
19 crime (or attempt to commit a crime) which,
20 under the laws of the place from which the per-
21 son is fleeing, is a felony (or, in the case of
22 New Jersey, a high misdemeanor); or

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

1 (2) EXCHANGE OF INFORMATION WITH LAW
2 ENFORCEMENT AGENCIES.—Section 1631(e) of such
3 Act (42 U.S.C. 1383(e)) is amended—

4 (A) by redesignating the paragraphs (6)
5 and (7) inserted by sections 206(d)(2) and
6 206(f)(1) of the Social Security Independence
7 and Programs Improvement Act of 1994 (Pub-
8 lic Law 103–296; 108 Stat. 1514, 1515) as
9 paragraphs (7) and (8), respectively; and

10 (B) by adding at the end the following new
11 paragraph:

12 “(9) Notwithstanding any other provision of law, the
13 Secretary shall furnish any Federal, State, or local law
14 enforcement officer, upon such officer’s request, with the
15 current address, Social Security number, and photograph
16 (if applicable) of any recipient of benefits under this title,
17 if the officer furnishes the agency with such recipient’s
18 name and notifies the agency that—

19 “(A) such recipient—

20 “(i) is fleeing to avoid prosecution, or cus-
21 tody or confinement after conviction, for a
22 crime (or attempt to commit a crime) which,
23 under the laws of the place from which the per-
24 son is fleeing, is a felony (or, in the case of
25 New Jersey, a high misdemeanor);

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

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

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

8 “(C) the request is made in the proper exercise
9 of the officer’s official duties.”.

10 (e) HOUSING PROGRAMS.—

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

14 (A) in section 6(*l*)—

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

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

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

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

“(A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the tenant is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor); or

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

(B) in section 8(d)(1)(B)—

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

(ii) in clause (iv), by striking the period at the end and inserting “; and”; and

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

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

“(I) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the tenant is fleeing, is a felony (or, in the

1 case of New Jersey, a high mis-
2 demeanor); or

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

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

11 **“SEC. 27. PROVISION OF INFORMATION TO LAW ENFORCE-**
12 **MENT AND OTHER AGENCIES.**

13 “(a) EXCHANGE OF INFORMATION WITH LAW EN-
14 FORCEMENT AGENCIES.—Notwithstanding any other pro-
15 vision of law, each public housing agency that enters into
16 a contract for assistance under section 6 or 8 of this Act
17 with the Secretary shall furnish to any Federal, State, or
18 local law enforcement agency, upon request, the current
19 address, Social Security number, and photograph (if appli-
20 cable) of any recipient of assistance under this Act if the
21 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 for a crime (or attempt to commit a crime)
4 which, under the laws of the place from
5 which the tenant is fleeing, is a felony (or,
6 in the case of New Jersey, a high mis-
7 demeanor);

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

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

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

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

19 **SEC. 2. NOTICE TO IMMIGRATION AND NATURALIZATION**
20 **SERVICE OF ILLEGAL ALIENS.**

21 (a) **MEDICAID PROGRAM.**—Section 1902(a) of the
22 Social Security Act (42 U.S.C. 1396a(a)) is amended—
23 (1) by striking “and” at the end of paragraph
24 (61);

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

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

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

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

14 (1) by redesignating subparagraphs (A), (B),
15 (C), (D), and (E) as clauses (i), (ii), (iii), (iv), and
16 (v), respectively;

17 (2) by striking “(9)” and inserting “(9)(A)”;

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

20 (4) by adding “and” after the semicolon at the
21 end; and

22 (5) by adding at the end the following:

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

1 Immigration and Naturalization Service with the
2 name and address of, and other identifying informa-
3 tion on, any individual who the agency knows is un-
4 lawfully in the United States;”.

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

8 (1) paragraph (8)—

9 (A) by striking “and (D)” and inserting
10 “(D)”; and

11 (B) by inserting before the semicolon at
12 the end the following: “, and (E) such safe-
13 guards shall not prevent compliance with para-
14 graph (26)”;

15 (2) in paragraph (24) by striking “and” at the
16 end;

17 (3) in paragraph (25) by striking the period
18 and inserting “; and”; and

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

20 “(26) that the State agency shall, at least 4
21 times annually and upon request of the Immigration
22 and Naturalization Service, furnish the Immigration
23 and Naturalization Service with the name and ad-
24 dress of, and other identifying information on, any

1 individual who the agency knows is unlawfully in the
2 United States.”.

3 (d) SSI PROGRAM.—

4 (1) IN GENERAL.—Section 1631(e) of the So-
5 cial Security Act (42 U.S.C. 1383(e)), as amended
6 by section 1(d)(2) of this Act, is amended by adding
7 at the end the following new paragraph:

8 “(10) Notwithstanding any other provision of
9 law, the Commissioner shall, at least 4 times annu-
10 ally and upon request of the Immigration and Natu-
11 ralization Service (hereafter in this paragraph re-
12 ferred to as the ‘Service’), furnish the Service with
13 the name and address of, and other identifying in-
14 formation on, any individual who the agency knows
15 is unlawfully in the United States, and shall ensure
16 that each agreement entered into under section
17 1616(a) with a State provides that the State shall
18 furnish such information at such times with respect
19 to any individual who the State knows is unlawfully
20 in the United States.”.

21 (e) HOUSING PROGRAMS.—Section 27 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 (hereafter in this subsection re-
 6 ferred to as the ‘Service’), furnish the Service with the
 7 name and address of, and other identifying information
 8 on, any individual who the Secretary knows is unlawfully
 9 in the United States, and shall ensure that each contract
 10 for assistance entered into under section 6 or 8 of this
 11 Act with a public housing agency provides that the public
 12 housing agency shall furnish such information at such
 13 times with respect to any individual who the public hous-
 14 ing agency knows is unlawfully in the United States.”.

15 **SEC. 3. TERMINATION OF AFDC BENEFITS FOR DEPENDENT**
 16 **CHILDREN WHO ARE ABSENT FROM THE**
 17 **HOME FOR A SIGNIFICANT PERIOD.**

18 Section 402(a) of the Social Security Act (42 U.S.C.
 19 602(a)), as amended by section 1(b)(1) of this Act, is
 20 amended—

- 21 (1) by striking “and” at the end of paragraph
 22 (45);
 23 (2) by striking the period at the end of para-
 24 graph (46) and inserting “; and”; and

1 (3) by inserting after paragraph (46) the fol-
2 lowing new paragraph:

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

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

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

1 **SEC. 4. EFFECTIVE DATE.**

2 (a) **IN GENERAL.**—Except as otherwise specifically
3 provided in subsection (b), the amendments made by this
4 Act shall be effective with respect to calendar quarters be-
5 ginning on or after the date of the enactment of this Act.

6 (b) **SPECIAL RULE.**—In the case of a State that the
7 Secretary of Health and Human Services determines re-
8 quires State legislation (other than legislation appropriat-
9 ing funds) in order to meet the additional requirements
10 imposed by the amendments made by this Act, the State
11 shall not be regarded as failing to comply with the require-
12 ments of such amendments before the first day of the first
13 calendar quarter beginning after the close of the first reg-
14 ular session of the State legislature that begins after the
15 date of enactment of this Act. For purposes of this sub-
16 section, in the case of a State that has a 2-year legislative
17 session, each year of the session shall be treated as a sepa-
18 rate regular session of the State legislature.

○

S 599 IS—2