

**Fatherhood Legislation in Congress: 1999-2000**

The following language passed the House of Representatives twice in the 106<sup>th</sup> Congress but failed to pass the Senate. If this bill had been enacted, fatherhood programs covered by this legislation would have been required to:

- Determine eligibility based on a father's income after deducting his child support payment
- Cancel all child support arrears for fathers who enroll in a program covered by this legislation
- Establish and maintain regular contact between father and child
- Modify existing child support orders to reflect the ability of the father to pay

**HR 3073 – Engrossed version—excerpts**

106th CONGRESS  
1st Session  
**H. R. 3073**

**AN ACT**

To amend part A of title IV of the Social Security Act to provide for grants for projects designed to promote responsible fatherhood, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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**SEC. 403A. FATHERHOOD PROGRAMS.**

(a) **PURPOSE-** The purpose of this section is to make grants available to public and private entities for projects designed to--

- (1) promote marriage through counseling, mentoring, disseminating information about the advantages of marriage, enhancing relationship skills, teaching how to control aggressive behavior, and other methods;
- (2) promote successful parenting through counseling, mentoring, disseminating information about good parenting practices including pre-pregnancy, family planning, training parents in money management, encouraging child support payments, **encouraging regular visitation between fathers and their children**, and other methods; and
- (3) help fathers and their families avoid or leave cash welfare provided by the program under part A and improve their economic status by providing work first services, job search, job training, subsidized employment, career-advancing education, job retention, job enhancement, and other methods.

(b) **FATHERHOOD GRANTS-**

(1) **APPLICATIONS-** An entity desiring a grant to carry out a project described in subsection (a) may submit to the Secretary an application that contains the following:

- (C) A written commitment by the entity that the project will allow an individual to participate in the project only if the individual is--
  - (i) a father of a child who is, or within the past 24 months has been, a recipient of assistance or services under a State program funded under this part;
  - (ii) a father, including an expectant or married father, whose income (**net of court-ordered child support**) is less than 150 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved); or

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(3) **MATCHING GRANTS -**

- .....
- (B) PREFERENCES- In determining which entities to which to award grants under this subsection, the Secretary shall give preference to an entity--
- (i) to the extent that the application submitted by the entity describes actions that the entity will take that are designed to encourage or facilitate the payment of child support, including but not limited to--
    - (I) obtaining agreements with the State in which the project will be carried out under which the State will exercise its authority under the last sentence of section 457(a)(2)(B)(iv) in every case in which such authority may be exercised;
    - (II) obtaining a written commitment by the agency responsible for administering the State plan approved under part D for the State in which the project is to be carried out that the State will voluntarily cancel child support arrearages owed to the State by the father as a result of the father providing various supports to the family such as maintaining a regular child support payment schedule or living with his children;**
    - (III) obtaining a written commitment by the entity that the entity will help participating fathers who cooperate with the agency in improving their credit rating; and
    - (IV) helping fathers arrange and maintain a consistent schedule of visits with their children;**

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(c) AUTHORITY TO STATES TO PASS THROUGH CHILD SUPPORT ARREARAGES COLLECTED THROUGH TAX REFUND INTERCEPT TO FAMILIES WHO HAVE CEASED TO RECEIVE CASH ASSISTANCE; FEDERAL REIMBURSEMENT OF STATE SHARE OF SUCH PASSED THROUGH ARREARAGES- Section 457(a)(2)(B)(iv) of such Act (42 U.S.C. 657(a)(2)(B)(iv)) is amended--

- (1) by inserting '(except the last sentence of this clause)' after 'this section'; and
- (2) by adding at the end the following: 'Notwithstanding the preceding sentences of this clause, if the amount is collected on behalf of a family that includes a child of a participant in a project funded under section 403A and that has ceased to receive cash payments under a State program funded under section 403, then the State may distribute the amount collected pursuant to section 464 to the family, and the aggregate of the amounts otherwise required by this section to be paid by the State to the Federal government shall be reduced by an amount equal to the State share of the amount collected pursuant to section 464 that would otherwise be retained as reimbursement for assistance paid to the family.'

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**TITLE III--WELFARE-TO-WORK PROGRAM ELIGIBILITY**

**SEC. 301. FLEXIBILITY IN ELIGIBILITY FOR PARTICIPATION IN WELFARE-TO-WORK PROGRAM.**

(a) IN GENERAL- Section 403(a)(5)(C)(ii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(ii)) is amended to read as follows:

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**(b) NONCUSTODIAL PARENTS-**

- (1) IN GENERAL- Section 403(a)(5)(C) of such Act (42 U.S.C. 603(a)(5)(C)) is amended--
  - (A) by redesignating clauses (iii) through (viii) as clauses (iv) through (ix), respectively; and
  - (B) by inserting after clause (ii) the following:
    - (iii) NONCUSTODIAL PARENTS - An entity that operates a project with funds provided under this paragraph may use the funds to provide services in a form described in clause (i) to noncustodial parents with respect to whom the requirements of the following subclauses are met:
      - (I) The noncustodial parent is unemployed, underemployed, or having difficulty in paying child support obligations.
      - (II) At least one of the following applies to a minor child of the noncustodial parent (with preference in the determination of the noncustodial parents to be provided services under this paragraph to be provided by the entity to those noncustodial parents with minor

children who meet, or who have custodial parents who meet, the requirements of item (aa)):

(aa) The minor child or the custodial parent of the minor child meets the requirements of subclause (I) or (II) of clause (ii).

(bb) The minor child is eligible for, or is receiving, benefits under the program funded under this part.

(cc) The minor child received benefits under the program funded under this part in the 12-month period preceding the date of the determination but no longer receives such benefits.

(dd) The minor child is eligible for, or is receiving, assistance under the Food Stamp Act of 1977, benefits under the supplemental security income program under title XVI of this Act, medical assistance under title XIX of this Act, or child health assistance under title XXI of this Act.

(III) In the case of a noncustodial parent who becomes enrolled in the project on or after the date of the enactment of this clause, the noncustodial parent is in compliance with the terms of an oral or written personal responsibility contract entered into among the noncustodial parent, the entity, and (unless the entity demonstrates to the Secretary that the entity is not capable of coordinating with such agency) the agency responsible for administering the State plan under part D, which was developed taking into account the employment and child support status of the noncustodial parent, which was entered into not later than 30 (or, at the option of the entity, not later than 90) days after the noncustodial parent was enrolled in the project, and which, at a minimum, includes the following:

(aa) A commitment by the noncustodial parent to cooperate, at the earliest opportunity, in the establishment of the paternity of the minor child, through voluntary acknowledgement or other procedures, and in the establishment of a child support order.

**(bb) A commitment by the noncustodial parent to cooperate in the payment of child support for the minor child, which may include a modification of an existing support order to take into account the ability of the noncustodial parent to pay such support and the participation of such parent in the project.**

(cc) A commitment by the noncustodial parent to participate in employment or related activities that will enable the noncustodial parent to make regular child support payments, and if the noncustodial parent has not attained 20 years of age, such related activities may include completion of high school, a general equivalency degree, or other education directly related to employment.

(dd) A description of the services to be provided under this paragraph, and a commitment by the noncustodial parent to participate in such services, that are designed to assist the noncustodial parent obtain and retain employment, increase earnings, and enhance the financial and emotional contributions to the well-being of the minor child.

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