

111TH CONGRESS
2D SESSION

S. 3849

To extend the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2010

Mr. KERRY (for himself, Mr. DURBIN, Mr. CASEY, Mr. BROWN of Ohio, Mr. BINGAMAN, Mr. BURRIS, Mr. HARKIN, Mr. LEAHY, Mr. MENENDEZ, Mr. REED, Mr. DODD, Mrs. BOXER, Mr. SCHUMER, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To extend the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs, 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. SHORT TITLE.**

4 This Act may be cited as the “Job Preservation for
5 Parents in Poverty Act”.

6 **SEC. 2. EXTENSION AND MODIFICATION OF THE TANF** 7 **EMERGENCY FUND.**

8 (a) EXTENSION.—

(1) IN GENERAL.—Section 403(c) of the Social Security Act (42 U.S.C. 603(c)) is amended—

(A) in paragraph (2)(A), by inserting “, and for the first quarter of fiscal year 2011, \$500,000,000” before “for payment”;

(B) by striking paragraph (2)(B) and inserting the following:

“(B) AVAILABILITY AND USE OF FUNDS.—

“(i) FISCAL YEARS 2009 AND 2010.—

The amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2009 shall remain available through fiscal year 2010 and shall be used to make grants to States in each of fiscal years 2009 and 2010 in accordance with paragraph (3), except that the amounts shall remain available through fiscal year 2011 to make grants and payments to States in accordance with paragraph (3)(C) to cover expenditures to subsidize employment positions held by individuals placed in the positions before fiscal year 2011.

“(ii) FISCAL YEAR 2011.—Subject to clause (iii), the amounts appropriated to

the Emergency Fund under subparagraph (A) for the first quarter of fiscal year 2011 shall remain available through fiscal year 2012 and shall be used to make grants to States based on expenditures in the first quarter of fiscal year 2011 for benefits and services provided in the first quarter of fiscal year 2011 in accordance with the requirements of paragraph (3).

“(iii) RESERVATION OF FUNDS.—Of the amounts appropriated to the Emergency Fund under subparagraph (A) for the first quarter of fiscal year 2011, \$500,000 shall be placed in reserve for use in fiscal year 2012, and shall be used to award grants for any expenditures described in this subsection incurred by States after December 31, 2010.”;

(C) in paragraph (2)(C), by striking “2010” and inserting “2012”;

(D) in paragraph (3)—

(i) in clause (i) of each of subparagraphs (A), (B), and (C)—

1 (I) by inserting “, and the first
2 calendar quarter of fiscal year 2011,”
3 after “2009 or 2010,”;

4 (II) by striking “and” at the end
5 of subclause (I);

6 (III) by striking the period at the
7 end of subclause (II) and inserting “;
8 and”; and

9 (IV) by adding at the end the fol-
10 lowing:

11 “(III) if the quarter is in fiscal
12 year 2011, has provided the Secretary
13 with such information as the Sec-
14 retary may find necessary in order to
15 make the determinations, or take any
16 other action, described in paragraph
17 (5)(C).”; and

18 (ii) in subparagraph (C), by adding at
19 the end the following:

20 “(iv) LIMITATION ON EXPENDITURES
21 FOR SUBSIDIZED EMPLOYMENT.—An ex-
22 penditure for subsidized employment shall
23 be taken into account under clause (ii)
24 only if the expenditure is used to subsidize
25 employment for—

1 “(I) a member of a needy family
 2 (without regard to whether the family
 3 is receiving assistance under the State
 4 program funded under this part); or

5 “(II) an individual who has ex-
 6 hausted (or, within 60 days, will ex-
 7 haust) all rights to receive unemploy-
 8 ment compensation under Federal and
 9 State law, and who is a member of a
 10 needy family.”;

11 (E) by striking paragraph (5) and insert-
 12 ing the following:

13 “(5) LIMITATIONS ON PAYMENTS; ADJUSTMENT
 14 AUTHORITY.—

15 “(A) FISCAL YEARS 2009 AND 2010.—The
 16 total amount payable to a single State under
 17 subsection (b) and this subsection for fiscal
 18 years 2009 and 2010 combined shall not exceed
 19 50 percent of the annual State family assist-
 20 ance grant.

21 “(B) FISCAL YEAR 2011.—Subject to sub-
 22 paragraph (C), the total amount payable to a
 23 single State under subsection (b) and this sub-
 24 section for the first quarter of fiscal year 2011

shall not exceed 5 percent of the annual State family assistance grant.

“(C) ADJUSTMENT AUTHORITY.—If the Secretary determines that the Emergency Fund is at risk of being depleted before December 31, 2010, or that funds are available to accommodate additional State requests under this subsection, the Secretary may, through program instructions issued without regard to the requirements of section 553 of title 5, United States Code—

“(i) specify priority criteria for awarding grants to States during the first quarter of fiscal year 2011; and

“(ii) adjust the percentage limitation applicable under subparagraph (B) with respect to the total amount payable to a single State for the first quarter of fiscal year 2011.”; and

(F) in paragraph (6), by inserting “or for expenditures described in paragraph (3)(C)(iv)” before the period.

(2) CONFORMING AMENDMENTS.—Section 2101 of division B of the American Recovery and Rein-

vestment Act of 2009 (Public Law 111–5) is amended—

(A) in subsection (a)(2)—

(i) by striking “October 1, 2010” and inserting “January 1, 2011”; and

(ii) by striking all that follows “repealed” and inserting a period; and

(B) in subsection (d)(1), by striking “October 1, 2010” and inserting “January 1, 2011”.

(b) MODIFICATION OF GRANT REQUIREMENTS.—

(1) IN GENERAL.—Effective October 1, 2010, section 403(c) of the Social Security Act (42 U.S.C. 603(c)), as amended by subsection (a), is amended—

(A) in paragraph (3)(A)—

(i) by striking “RELATED TO CASE-LOAD INCREASES” in the heading and inserting “RELATED TO INCREASED EXPENDITURES”;

(ii) by striking clause (ii) and redesignating clause (iii) as clause (ii); and

(iii) by striking “each State that” and all that follows in clause (i) and inserting “each State that requests a grant under

1 this subparagraph for the quarter, to the
2 extent provided in clause (ii)”;

3 (B) in paragraph (4), by striking “the
4 caseload of a State and”; and

5 (C) in paragraph (9)—

6 (i) by striking subparagraph (A) and
7 redesignating subparagraphs (B) and (C)
8 as subparagraphs (A) and (B), respec-
9 tively; and

10 (ii) by striking “The average monthly
11 assistance caseload of the State.” in clause
12 (ii)(I) and inserting “The average quar-
13 terly total expenditures of the State for
14 basic assistance (as defined by the Sec-
15 retary under paragraph (3)(A)(ii)).”.

16 (2) CONFORMING AMENDMENTS.—Effective Oc-
17 tober 1, 2010, section 407(b)(3) of the Social Secu-
18 rity Act (42 U.S.C. 607(b)(3)) is amended—

19 (A) by striking “(within the meaning of
20 section 403(c)(9))” in subparagraph (A)(i); and

21 (B) by adding at the end the following new
22 subparagraph:

23 “(C) AVERAGE MONTHLY ASSISTANCE
24 CASELOAD.—For purposes of this paragraph,
25 the term ‘average monthly assistance caseload’

1 means, with respect to a State and a quarter,
 2 the number of families receiving assistance dur-
 3 ing the quarter under the State program fund-
 4 ed under this part or as qualified State expendi-
 5 tures, subject to adjustment by the Secretary as
 6 permitted by section 403(c)(4).”.

7 (c) PROGRAM GUIDANCE.—The Secretary of Health
 8 and Human Services shall issue program guidance, with-
 9 out regard to the requirements of section 553 of title 5,
 10 United States Code, which ensures that the funds provided
 11 under the amendments made by this section to a jurisdic-
 12 tion for subsidized employment do not support any sub-
 13 sidized employment position the annual salary of which
 14 is greater than, at State option—

15 (1) 200 percent of the poverty line (within the
 16 meaning of section 673(2) of the Omnibus Budget
 17 Reconciliation Act of 1981, including any revision
 18 required by such section 673(2)) for a family of 4;
 19 or

20 (2) the median wage in the jurisdiction.

21 **SEC. 3. FUNDING LEVEL OF TANF CONTINGENCY FUND.**

22 Notwithstanding any other provision of law, the total
 23 amount appropriated for the Contingency Fund for State
 24 Welfare Programs established under section 403(b) of the
 25 Social Security Act (42 U.S.C. 603(b)) shall be—

- 1 (1) for fiscal year 2012, \$112,000,000; and
- 2 (2) for fiscal year 2013, \$612,000,000.

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