To restore the TANF Emergency Contingency Fund to further support our Nation’s jobless workers.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 14, 2011

Ms. Lee of California introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To restore the TANF Emergency Contingency Fund to further support our Nation’s jobless workers.

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

SECTION 1. RESTORATION OF TANF EMERGENCY CONTINGENCY FUND.

(a) In General.—Section 403 of the Social Security Act (42 U.S.C. 603) is amended by adding at the end the following:

“(c) Emergency Fund.—

“(1) Establishment.—There is established in the Treasury of the United States a fund which
shall be known as the ‘Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs’ (in this subsection referred to as the ‘Emergency Fund’).

“(2) DEPOSITS INTO FUND.—

“(A) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2012, $10,000,000,000 for payment to the Emergency Fund.

“(B) AVAILABILITY AND USE OF FUNDS.—

The amounts appropriated to the Emergency Fund under subparagraph (A) shall remain available through fiscal year 2013 and shall be used to make grants to States in each of fiscal years 2012 and 2013 in accordance with the requirements of paragraph (3).

“(C) LIMITATION.—In no case may the Secretary make a grant from the Emergency Fund for a fiscal year after fiscal year 2013.

“(3) GRANTS.—

“(A) GRANT RELATED TO CASELOAD INCREASES.—

“(i) IN GENERAL.—For each calendar quarter in fiscal year 2012 or 2013, the
Secretary shall make a grant from the Emergency Fund to each State that—

“(I) requests a grant under this subparagraph for the quarter; and

“(II) meets the requirement of clause (ii) for the quarter.

“(ii) Caseload increase requirement.—A State meets the requirement of this clause for a quarter if the average monthly assistance caseload of the State for the quarter exceeds the average monthly assistance caseload of the State for the corresponding quarter in the emergency fund base year of the State.

“(iii) Amount of grant.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the amount (if any) by which the total expenditures of the State for basic assistance (as defined by the Secretary) in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total expenditures of the State.
for such assistance for the corresponding
quarter in the emergency fund base year of
the State.

“(B) GRANT RELATED TO INCREASED EXPENDITURES FOR NON-RECURRENT SHORT TERM BENEFITS.—

“(i) IN GENERAL.—For each calendar quarter in fiscal year 2012 or 2013, the Secretary shall make a grant from the Emergency Fund to each State that—

“(I) requests a grant under this subparagraph for the quarter; and

“(II) meets the requirement of clause (ii) for the quarter.

“(ii) NON-RECURRENT SHORT TERM EXPENDITURE REQUIREMENT.—A State meets the requirement of this clause for a quarter if the total expenditures of the State for non-recurrent short term benefits in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total expenditures of the State for non-recurrent short term benefits in the cor-

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responding quarter in the emergency fund
base year of the State.

“(iii) AMOUNT OF GRANT.—Subject to
paragraph (5), the amount of the grant to
be made to a State under this subparagraph for a quarter shall be an amount
equal to 80 percent of the excess described
in clause (ii).

“(C) GRANT RELATED TO INCREASED EXPENDITURES FOR SUBSIDIZED EMPLOYMENT.—

“(i) IN GENERAL.—For each calendar
quarter in fiscal year 2012 or 2013, the
Secretary shall make a grant from the
Emergency Fund to each State that—

“(I) requests a grant under this
subparagraph for the quarter; and

“(II) meets the requirement of
clause (ii) for the quarter.

“(ii) SUBSIDIZED EMPLOYMENT EXPENDITURE REQUIREMENT.—A State
meets the requirement of this clause for a
quarter if the total expenditures of the
State for subsidized employment in the
quarter, whether under the State program
funded under this part or as qualified
State expenditures, exceeds the total such expenditures of the State in the corresponding quarter in the emergency fund base year of the State.

“(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the excess described in clause (ii).

“(4) AUTHORITY TO MAKE NECESSARY ADJUSTMENTS TO DATA AND COLLECT NEEDED DATA.—In determining the size of the caseload of a State and the expenditures of a State for basic assistance, non-recurrent short term benefits, and subsidized employment, during any period for which the State requests funds under this subsection, and during the emergency fund base year of the State, the Secretary may make appropriate adjustments to the data, on a State-by-State basis, to ensure that the data are comparable with respect to the groups of families served and the types of aid provided. The Secretary may develop a mechanism for collecting expenditure data, including procedures which allow
States to make reasonable estimates, and may set deadlines for making revisions to the data.

“(5) LIMITATION.—The total amount payable to a single State under subsection (b) and this subsection for fiscal years 2012 and 2013 combined shall not exceed 50 percent of the annual State family assistance grant.

“(6) LIMITATIONS ON USE OF FUNDS.—A State to which an amount is paid under this subsection may use the amount only as authorized by section 404.

“(7) TIMING OF IMPLEMENTATION.—The Secretary shall implement this subsection as quickly as reasonably possible, pursuant to appropriate guidance to States.

“(8) APPLICATION TO INDIAN TRIBES.—This subsection shall apply to an Indian tribe with an approved tribal family assistance plan under section 412 in the same manner as this subsection applies to a State.

“(9) DEFINITIONS.—In this subsection:

“(A) AVERAGE MONTHLY ASSISTANCE CASELOAD DEFINED.—The term ‘average monthly assistance caseload’ means, with respect to a State and a quarter, the number of
families receiving assistance during the quarter under the State program funded under this part or as qualified State expenditures, subject to adjustment under paragraph (4).

“(B) EMERGENCY FUND BASE YEAR.—

“(i) IN GENERAL.—The term ‘emergency fund base year’ means, with respect to a State and a category described in clause (ii), whichever of fiscal year 2009 or 2010 is the fiscal year in which the amount described by the category with respect to the State is the lesser.

“(ii) CATEGORIES DESCRIBED.—The categories described in this clause are the following:

“(I) The average monthly assistance caseload of the State.

“(II) The total expenditures of the State for non-recurrent short term benefits, whether under the State program funded under this part or as qualified State expenditures.

“(III) The total expenditures of the State for subsidized employment, whether under the State program
funded under this part or as qualified State expenditures.

“(C) QUALIFIED STATE EXPENDITURES.—

The term ‘qualified State expenditures’ has the meaning given the term in section 409(a)(7).”.

(b) MODIFICATION OF CASELOAD REDUCTION CREDIT.—Section 407(b)(3)(A)(i) of such Act (42 U.S.C. 607(b)(3)(A)(i)) is amended by inserting “(or if the immediately preceding fiscal year is fiscal year 2011 or 2012, then, at State option, during the emergency fund base year of the State with respect to the average monthly assistance caseload of the State (within the meaning of section 403(c)(9)), except that, if a State elects such option for fiscal year 2011, the emergency fund base year of the State with respect to such caseload shall be fiscal year 2009))” before “under the State”.

(c) DISREGARD FROM LIMITATION ON TOTAL PAYMENTS TO TERRITORIES.—Section 1108(a)(2) of such Act (42 U.S.C. 1308(a)(2)) is amended by inserting “403(c)(3),” after “403(a)(5),”.