

112TH CONGRESS
2D SESSION

S. 3397

To prohibit waivers relating to compliance with the work requirements for the program of block grants to States for temporary assistance for needy families, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 18, 2012

Mr. HATCH (for himself, Mr. ROBERTS, Mr. CORNYN, Mr. GRASSLEY, Mr. ENZI, Mr. COBURN, Mr. CRAPO, Mr. THUNE, Mr. BURR, Mr. KYL, and Mr. MCCONNELL) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To prohibit waivers relating to compliance with the work requirements for the program of block grants to States for temporary assistance for needy families, 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 “Preserving Work Re-
5 quirements for Welfare Programs Act of 2012”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The bipartisan 1996 welfare reforms suc-
2 ceeded as a result of their pro-work focus, as dem-
3 onstrated by the following:

4 (A) Research has shown that 65 percent of
5 families receiving welfare through the former
6 Aid to Families with Dependent Children
7 (AFDC) program, which lacked effective work
8 requirements and was replaced by the 1996
9 welfare reform law (Public Law 104–193), re-
10 mained on welfare for 8 or more years, and the
11 average lifetime receipt of welfare for families
12 then receiving benefits was 13 years.

13 (B) The 1996 welfare reform law replaced
14 the failed AFDC program with the Temporary
15 Assistance for Needy Families (TANF) block
16 grant program, which made promoting work a
17 central focus of each State’s efforts to assist
18 low-income parents in achieving self-sufficiency.

19 (C) The 1996 welfare reforms resulted
20 in—

21 (i) significant increases in the employ-
22 ment and earnings of single mothers;

23 (ii) record declines in welfare depend-
24 ency as TANF rolls fell by more than 57
25 percent; and

1 (iii) significant reductions in child
2 poverty in female-headed households, which
3 even after the impact of a deep recession
4 are still below pre-reform levels.

5 (2) The authors of the 1996 welfare reforms
6 did not intend for States to be able to “waive” this
7 pro-work focus, as indicated by the following:

8 (A) In the 1996 welfare reform law, Con-
9 gress created specific new work requirements
10 for welfare recipients.

11 (B) In the 1996 welfare reform law, Con-
12 gress allowed States some limited waiver au-
13 thority over only TANF State plan require-
14 ments which require the State to describe how
15 they intend to carry out various TANF pro-
16 gram requirements.

17 (C) In section 1115 of the Social Security
18 Act, Congress specifically did not authorize
19 States to seek, or the Secretary of Health and
20 Human Services to award, waivers involving
21 TANF work requirements. In section 415 of
22 the Social Security Act, Congress specified that
23 any waivers subsequently approved could not
24 waive features of those work requirements.

1 (D) In a Congressional summary published
2 immediately after enactment of the 1996 re-
3 forms, the authors of the 1996 welfare reform
4 law summarized its intended treatment of waiv-
5 ers as follows: “Waivers granted after the date
6 of enactment may not override provisions of the
7 TANF law that concern mandatory work re-
8 quirements.”.

9 (3) The recent Department of Health and
10 Human Services Information Memorandum dated
11 July 12, 2012, suggesting States may waive this
12 pro-work focus should be immediately withdrawn by
13 the Obama Administration, or repealed through this
14 legislation, for the following reasons:

15 (A) In the 16 years since enactment of the
16 1996 welfare reforms, no previous Secretary of
17 Health and Human Services has ever asserted
18 that he or she has authority to grant waivers
19 involving TANF work requirements.

20 (B) Despite this fact, and without any
21 prior Obama Administration legislative proposal
22 or consultation with Congress, on July 12,
23 2012, the Department of Health and Human
24 Services unilaterally determined that the Sec-

1 retary could permit States to waive statutory
2 work requirements for welfare recipients.

3 (C) The Secretary should repeal the July
4 12, 2012 Information Memorandum and make
5 it clear once again that States do not have au-
6 thority to seek, and the Secretary does not have
7 the authority to grant, waivers of work require-
8 ments under the TANF program, consistent
9 with longstanding interpretation of TANF law.

10 **SEC. 3. PROHIBITION ON TANF WAIVERS RELATING TO**
11 **COMPLIANCE WITH THE TANF WORK RE-**
12 **QUIREMENTS.**

13 (a) IN GENERAL.—Notwithstanding any other provi-
14 sion of law, the Secretary of Health and Human Services
15 may not do the following:

16 (1) Finalize, implement, enforce, or otherwise
17 take any action to give effect to the Information
18 Memorandum dated July 12, 2012 (Transmittal No.
19 TANF-ACF-IM-2012-03), or to any administrative
20 action relating to the same subject matter set forth
21 in the Information Memorandum or that reflects the
22 same or similar policies as those set forth in the In-
23 formation Memorandum.

24 (2) Authorize, approve, renew, modify, or ex-
25 tend any experimental, pilot, or demonstration

1 project under section 1115 of the Social Security
2 Act (42 U.S.C. 1315) that waives compliance with
3 a requirement of section 407 of such Act (42 U.S.C.
4 607) through a waiver of section 402 of such Act
5 (42 U.S.C. 602) or that provides authority for an
6 expenditure which would not otherwise be an allow-
7 able use of funds under a State program funded
8 under part A of title IV of such Act (42 U.S.C. 601
9 et seq.) with respect to compliance with the work re-
10 quirements in section 407 of such Act to be re-
11 garded as an allowable use of funds under that pro-
12 gram for any period.

13 (b) RESCISSION OF WAIVERS.—Any waiver relating
14 to the subject matter set forth in the Information Memo-
15 randum or described in subsection (a)(2) that is granted
16 before the date of the enactment of this Act is hereby re-
17 scinded and shall be null and void.

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