AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Public Law 109–68
109th Congress

An Act

To provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families.

Sept. 21, 2005
[H.R. 3672]

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

TANF Emergency Response and Recovery Act of 2005.
42 USC 1305 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "TANF Emergency Response and Recovery Act of 2005".

SEC. 2. ADVANCE PAYMENT OF TANF BLOCK GRANTS FOR THE FIRST QUARTER OF FISCAL YEAR 2006.

(a) IN GENERAL.—Notwithstanding section 405 of the Social Security Act, the Secretary of Health and Human Services shall pay each grant payable under section 403 of such Act for the first quarter of fiscal year 2006, as soon as practicable after the date of the enactment of this Act.

(b) EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM THROUGH DECEMBER 31, 2005.—

(1) IN GENERAL.—Activities authorized by part A of title IV of the Social Security Act, and by section 1108(b) of such Act, shall continue through December 31, 2005, in the manner authorized for fiscal year 2005, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the first quarter of fiscal year 2006 at the level provided for such activities through the first quarter of fiscal year 2005.

(2) CONFORMING AMENDMENTS.—

(A) SUPPLEMENTAL GRANTS FOR POPULATION INCREASES IN CERTAIN STATES.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)) is amended by striking "September 30" and inserting "December 31".

(B) CONTINGENCY FUND.—Section 403(b)(3)(C)(ii) of such Act (42 U.S.C. 603(b)(3)(C)(ii)) is amended by striking "2005" and inserting "2006".

(C) MAINTENANCE OF EFFORT.—Section 409(a)(7) of such Act (42 U.S.C. 609(a)(7)) is amended—

(i) in subparagraph (A), by striking "or 2006" and inserting "2006, or 2007"; and

(ii) in subparagraph (B)(ii), by striking "2005" and inserting "2006".

(c) EXTENSION OF THE NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE AND CHILD WELFARE WAIVER AUTHORITY THROUGH

DECEMBER 31, 2005.—Activities authorized by sections 429A and 1130(a) of the Social Security Act shall continue through December 31, 2005, in the manner authorized for fiscal year 2005, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the first quarter of fiscal year 2006 at the level provided for such activities through the first quarter of fiscal year 2005.

SEC. 3. REIMBURSEMENT OF STATES FOR TANF BENEFITS PROVIDED TO ASSIST FAMILIES FROM OTHER STATES AFFECTED BY HURRICANE KATRINA.

Effective date. Termination date.

(a) ELIGIBILITY FOR PAYMENTS FROM THE CONTINGENCY FUND.—Beginning with the date of the enactment of this Act and ending with August 31, 2006, a State shall be considered a needy State for purposes of section 403(b) of the Social Security Act if—

(1) cash benefits under the State program funded under part A of title IV of the Social Security Act have been provided on a short-term, nonrecurring basis, to a family which—

(A) has resided in another State that includes an area for which a major disaster has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Katrina; and

(B) has travelled (not necessarily directly) to the State from such other State as a result of the hurricane; and

(2) the State has determined that the family is not receiving cash benefits from any program funded under such part of any other State.

(b) LIMITATION ON FUNDING.—Subject to section 403(b)(3)(C)(i) of the Social Security Act, the total amount paid under section 403(b)(3)(A) of such Act to a State which is a needy State for purposes of section 403(b) of such Act by reason of subsection (a) of this section shall not exceed the total amount of cash benefits provided as described in subsection (a)(1) of this section, to the extent that the condition of subsection (a)(2) of this section has been met with respect to the families involved.

(c) NO STATE MATCH REQUIRED.—Sections 403(b)(6) and 409(a)(10) of the Social Security Act shall not apply with respect to a payment made to a State by reason of this section.

SEC. 4. AVAILABILITY OF ADDITIONAL TANF FUNDS FOR HURRICANE-DAMAGED STATES.

Effective date. Termination date.

(a) CERTAIN STATES MADE ELIGIBLE FOR LOANS.—Beginning with the date of the enactment of this Act and ending with the end of fiscal year 2006:

(1) The States of Louisiana, Mississippi, and Alabama shall be considered loan-eligible States for purposes of section 406 of the Social Security Act.

(2) Notwithstanding section 406(d) of the Social Security Act, the cumulative dollar amount of all loans made to such a State under such section by reason of this section shall not exceed 20 percent of the State family assistance grant payable to the State under section 403 of such Act for fiscal year 2006.

(b) FORGIVENESS OF LOANS.—Notwithstanding section 406 of the Social Security Act, a penalty may not be imposed against any of the States of Louisiana, Mississippi, or Alabama for failure to—

(1) repay a loan made to the State under such section on or after the date of the enactment of this Act and before October 1, 2007; or

(2) make any interest payment on such a loan.

SEC. 5. AVAILABILITY OF UNSPENT TANF FUNDS TO PROVIDE BENEFITS AND SERVICES TO SUPPORT NEEDY FAMILIES AFFECTED BY HURRICANE KATRINA.

A State or tribe may use a grant made to the State or tribe under part A of title IV of the Social Security Act for any fiscal year to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under such part to support needy families affected by Hurricane Katrina.

SEC. 6. WORK REQUIREMENTS AND TIME LIMITS UNDER TANF PROGRAM NOT TRIGGERED BY RECEIPT OF TEMPORARY TANF BENEFITS BY FAMILIES AFFECTED BY HURRICANE KATRINA.

Benefits provided on a short-term, nonrecurring basis under a State program funded under part A of title IV of the Social Security Act, during the period that begins with the date of the enactment of this Act and ends with the end of fiscal year 2006, to meet a subsistence need of a family resulting from Hurricane Katrina shall not be considered assistance for purposes of sections 407 and 408(a)(7) of the Social Security Act.

SEC. 7. WAIVER OF TANF PENALTIES IN HURRICANE-DAMAGED STATES.

The Secretary of Health and Human Services shall not impose a penalty on any of the States of Louisiana, Mississippi, or Alabama under any of paragraphs (2) through (6), or (8) through (14) of section 409(a) of the Social Security Act with respect to a failure to comply with a provision of part A of title IV of such Act during the period that begins with the date of the enactment of this Act and ends with the end of fiscal year 2006, if the Secretary determines that the failure resulted from Hurricane Katrina or reasonable conduct of the State in addressing needs of victims of Hurricane Katrina.

SEC. 8. EMERGENCY DESIGNATION.

Each amount provided in this Act (other than in section 2) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Approved September 21, 2005.

LEGISLATIVE HISTORY—H.R. 3672:

CONGRESSIONAL RECORD, Vol. 151 (2005):
Sept. 8, considered and passed House.
Sept. 15, considered and passed Senate.