

112TH CONGRESS
1ST SESSION

H. R. 3226

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.

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. RESTORATION OF TANF EMERGENCY CONTIN-**
4 **GENCY FUND.**

5 (a) IN GENERAL.—Section 403 of the Social Security
6 Act (42 U.S.C. 603) is amended by adding at the end the
7 following:

8 “(c) EMERGENCY FUND.—

9 “(1) ESTABLISHMENT.—There is established in
10 the Treasury of the United States a fund which

1 shall be known as the ‘Emergency Contingency
2 Fund for State Temporary Assistance for Needy
3 Families Programs’ (in this subsection referred to as
4 the ‘Emergency Fund’).

5 “(2) DEPOSITS INTO FUND.—

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

11 “(B) AVAILABILITY AND USE OF FUNDS.—

12 The amounts appropriated to the Emergency
13 Fund under subparagraph (A) shall remain
14 available through fiscal year 2013 and shall be
15 used to make grants to States in each of fiscal
16 years 2012 and 2013 in accordance with the re-
17 quirements of paragraph (3).

18 “(C) LIMITATION.—In no case may the

19 Secretary make a grant from the Emergency
20 Fund for a fiscal year after fiscal year 2013.

21 “(3) GRANTS.—

22 “(A) GRANT RELATED TO CASELOAD IN-
23 CREASES.—

24 “(i) IN GENERAL.—For each calendar
25 quarter in fiscal year 2012 or 2013, the

1 Secretary shall make a grant from the
2 Emergency Fund to each State that—

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

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

7 “(ii) CASELOAD INCREASE REQUIRE-
8 MENT.—A State meets the requirement of
9 this clause for a quarter if the average
10 monthly assistance caseload of the State
11 for the quarter exceeds the average month-
12 ly assistance caseload of the State for the
13 corresponding quarter in the emergency
14 fund base year of the State.

15 “(iii) AMOUNT OF GRANT.—Subject to
16 paragraph (5), the amount of the grant to
17 be made to a State under this subpara-
18 graph for a quarter shall be an amount
19 equal to 80 percent of the amount (if any)
20 by which the total expenditures of the
21 State for basic assistance (as defined by
22 the Secretary) in the quarter, whether
23 under the State program funded under this
24 part or as qualified State expenditures, ex-
25 ceeds the total expenditures of the State

1 for such assistance for the corresponding
2 quarter in the emergency fund base year of
3 the State.

4 “(B) GRANT RELATED TO INCREASED EX-
5 PENDITURES FOR NON-RECURRENT SHORT
6 TERM BENEFITS.—

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

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

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

15 “(ii) NON-RECURRENT SHORT TERM
16 EXPENDITURE REQUIREMENT.—A State
17 meets the requirement of this clause for a
18 quarter if the total expenditures of the
19 State for non-recurrent short term benefits
20 in the quarter, whether under the State
21 program funded under this part or as
22 qualified State expenditures, exceeds the
23 total expenditures of the State for non-re-
24 current short term benefits in the cor-

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

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

9 “(C) GRANT RELATED TO INCREASED EX-
10 PENDITURES FOR SUBSIDIZED EMPLOYMENT.—

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

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

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

19 “(ii) SUBSIDIZED EMPLOYMENT EX-
20 PENDITURE REQUIREMENT.—A State
21 meets the requirement of this clause for a
22 quarter if the total expenditures of the
23 State for subsidized employment in the
24 quarter, whether under the State program
25 funded under this part or as qualified

1 State expenditures, exceeds the total such
2 expenditures of the State in the cor-
3 responding quarter in the emergency fund
4 base year of the State.

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

11 “(4) AUTHORITY TO MAKE NECESSARY ADJUST-
12 MENTS TO DATA AND COLLECT NEEDED DATA.—In
13 determining the size of the caseload of a State and
14 the expenditures of a State for basic assistance, non-
15 recurrent short term benefits, and subsidized em-
16 ployment, during any period for which the State re-
17 quests funds under this subsection, and during the
18 emergency fund base year of the State, the Sec-
19 retary may make appropriate adjustments to the
20 data, on a State-by-State basis, to ensure that the
21 data are comparable with respect to the groups of
22 families served and the types of aid provided. The
23 Secretary may develop a mechanism for collecting
24 expenditure data, including procedures which allow

1 States to make reasonable estimates, and may set
2 deadlines for making revisions to the data.

3 “(5) LIMITATION.—The total amount payable
4 to a single State under subsection (b) and this sub-
5 section for fiscal years 2012 and 2013 combined
6 shall not exceed 50 percent of the annual State fam-
7 ily assistance grant.

8 “(6) LIMITATIONS ON USE OF FUNDS.—A State
9 to which an amount is paid under this subsection
10 may use the amount only as authorized by section
11 404.

12 “(7) TIMING OF IMPLEMENTATION.—The Sec-
13 retary shall implement this subsection as quickly as
14 reasonably possible, pursuant to appropriate guid-
15 ance to States.

16 “(8) APPLICATION TO INDIAN TRIBES.—This
17 subsection shall apply to an Indian tribe with an ap-
18 proved tribal family assistance plan under section
19 412 in the same manner as this subsection applies
20 to a State.

21 “(9) DEFINITIONS.—In this subsection:

22 “(A) AVERAGE MONTHLY ASSISTANCE
23 CASELOAD DEFINED.—The term ‘average
24 monthly assistance caseload’ means, with re-
25 spect to a State and a quarter, the number of

1 families receiving assistance during the quarter
2 under the State program funded under this
3 part or as qualified State expenditures, subject
4 to adjustment under paragraph (4).

5 “(B) EMERGENCY FUND BASE YEAR.—

6 “(i) IN GENERAL.—The term ‘emer-
7 gency fund base year’ means, with respect
8 to a State and a category described in
9 clause (ii), whichever of fiscal year 2009 or
10 2010 is the fiscal year in which the
11 amount described by the category with re-
12 spect to the State is the lesser.

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

16 “(I) The average monthly assist-
17 ance caseload of the State.

18 “(II) The total expenditures of
19 the State for non-recurrent short term
20 benefits, whether under the State pro-
21 gram funded under this part or as
22 qualified State expenditures.

23 “(III) The total expenditures of
24 the State for subsidized employment,
25 whether under the State program

1 funded under this part or as qualified
2 State expenditures.

3 “(C) QUALIFIED STATE EXPENDITURES.—

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

6 (b) MODIFICATION OF CASELOAD REDUCTION CRED-
7 IT.—Section 407(b)(3)(A)(i) of such Act (42 U.S.C.
8 607(b)(3)(A)(i)) is amended by inserting “(or if the imme-
9 diately preceding fiscal year is fiscal year 2011 or 2012,
10 then, at State option, during the emergency fund base
11 year of the State with respect to the average monthly as-
12 sistance caseload of the State (within the meaning of sec-
13 tion 403(c)(9)), except that, if a State elects such option
14 for fiscal year 2011, the emergency fund base year of the
15 State with respect to such caseload shall be fiscal year
16 2009))” before “under the State”.

17 (c) DISREGARD FROM LIMITATION ON TOTAL PAY-
18 MENTS TO TERRITORIES.—Section 1108(a)(2) of such Act
19 (42 U.S.C. 1308(a)(2)) is amended by inserting
20 “403(c)(3),” after “403(a)(5),”.

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