

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5824

To amend the Social Security Act to eliminate the cap on certain payments under the TANF program to Puerto Rico, the Virgin Islands, Guam, and American Samoa, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2012

Mr. PIERLUISI (for himself, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. FALEOMAVAEGA, and Mr. SERRANO) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Social Security Act to eliminate the cap on certain payments under the TANF program to Puerto Rico, the Virgin Islands, Guam, and American Samoa, 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 “Territorial TANF Eq-  
5       uity Act of 2012”.

1 **SEC. 2. ELIMINATION OF CAP ON CERTAIN PAYMENTS TO**  
2 **PUERTO RICO, THE VIRGIN ISLANDS, GUAM,**  
3 **AND AMERICAN SAMOA.**

4 (a) IN GENERAL.—Section 1108 of the Social Secu-  
5 rity Act (42 U.S.C. 1308) is amended by striking sub-  
6 section (a).

7 (b) CONFORMING AMENDMENTS.—

8 (1) REDESIGNATIONS.—Section 1108 of such  
9 Act (42 U.S.C. 1308) is amended by redesignating  
10 subsections (b), (c), (d), (f), and (g) as subsections  
11 (a), (b), (c), (d), and (e), respectively.

12 (2) ADDITIONAL CONFORMING AMENDMENTS.—  
13 Section 1108 of such Act (42 U.S.C. 1308) is  
14 amended—

15 (A) in subsection (b), as redesignated by  
16 paragraph (1)—

17 (i) by striking paragraphs (2), (4),  
18 and (5); and

19 (ii) redesignating paragraph (3) as  
20 paragraph (2);

21 (B) in subsection (c), as redesignated by  
22 paragraph (1), by striking “subsection (b)” and  
23 inserting “subsection (a)”;

24 (C) in subsection (d), as redesignated by  
25 paragraph (1), by striking “subsection (g)” and  
26 inserting “subsection (e)”;

1 (D) in subsection (e), as redesignated by  
2 paragraph (1), by striking “subsection (f)” each  
3 place it appears and inserting “subsection (d)”.

4 **SEC. 3. SUPPLEMENTAL GRANTS TO PUERTO RICO, THE**  
5 **VIRGIN ISLANDS, GUAM, AND AMERICAN**  
6 **SAMOA.**

7 Section 1108(a) of the Social Security Act (42 U.S.C.  
8 1308(a)), as redesignated by section 2(b)(1) of this Act,  
9 is amended to read as follows:

10 “(a) ENTITLEMENT TO SUPPLEMENTAL GRANTS.—

11 “(1) IN GENERAL.—Each territory shall be en-  
12 titled to receive from the Secretary for each fiscal  
13 year a supplemental grant in an amount equal to—

14 “(A) in the case of Puerto Rico, the Virgin  
15 Islands, and Guam, 10 percent of the family as-  
16 sistance grant payable to the territory for the  
17 fiscal year; and

18 “(B) in the case of American Samoa,  
19 \$100,000.

20 “(2) APPROPRIATION.—Out of any money in  
21 the Treasury of the United States not otherwise ap-  
22 propriated, there are appropriated for fiscal year  
23 2012 such sums as are necessary for grants under  
24 this subsection.”.

1 **SEC. 4. ELIGIBILITY OF PUERTO RICO, THE VIRGIN IS-**  
2 **LANDS, GUAM, AND AMERICAN SAMOA FOR**  
3 **THE TANF CONTINGENCY FUND.**

4 (a) DEFINITION OF STATE.—Section 403(b)(7) of  
5 the Social Security Act (42 U.S.C. 603(b)(7)) is amended  
6 by striking “and the District of Columbia” and inserting  
7 “, the District of Columbia, Puerto Rico, the Virgin Is-  
8 lands, Guam, and American Samoa.”.

9 (b) ALTERNATIVE ELIGIBILITY CRITERIA FOR TER-  
10 RITORIES.—Section 403(b)(5) of such Act (42 U.S.C.  
11 603(b)(5)) is amended—

12 (1) in subparagraph (A)(ii), by striking “or” at  
13 the end;

14 (2) in subparagraph (B)(ii), by striking the pe-  
15 riod at the end and inserting “; or”; and

16 (3) by adding at the end the following:

17 “(C) in the case of Puerto Rico, the Virgin  
18 Islands, Guam, and American Samoa, the State  
19 satisfies alternative eligibility criteria estab-  
20 lished by the Secretary in consultation with the  
21 Governor of the State, to be submitted to the  
22 Congress not later than 1 year after the date  
23 of the enactment of this subparagraph.”.

1 **SEC. 5. ELIGIBILITY OF PUERTO RICO, THE VIRGIN IS-**  
2 **LANDS, GUAM, AND AMERICAN SAMOA FOR**  
3 **CHILD CARE ENTITLEMENT FUNDS.**

4 (a) DEFINITION OF STATE.—Section 418(d) of the  
5 Social Security Act (42 U.S.C. 618(d)) is amended by  
6 striking “and the District of Columbia” and inserting “,  
7 the District of Columbia, Puerto Rico, the Virgin Islands,  
8 Guam, and American Samoa.”.

9 (b) AMOUNT OF PAYMENT.—

10 (1) GENERAL ENTITLEMENT.—Section  
11 418(a)(1) of such Act (42 U.S.C. 618(a)(1)) is  
12 amended by striking “equal to the greater of—” and  
13 all that follows and inserting the following: “equal  
14 to—

15 “(A) in the case of Puerto Rico, the Virgin  
16 Islands, Guam, and American Samoa, 60 per-  
17 cent of the amount required to be paid to the  
18 State for fiscal year 2010 under the Child Care  
19 and Development Block Grant Act of 1990; or

20 “(B) in the case of any other State, the  
21 greater of—

22 “(i) the total amount required to be  
23 paid to the State under section 403 of this  
24 Act for fiscal year 1994 or 1995 (which-  
25 ever is greater) with respect to expendi-  
26 tures for child care under subsections (g)

1 and (i) of section 402 of this Act (as in ef-  
2 fect before October 1, 1995); or

3 “(ii) the average of the total amounts  
4 required to be paid to the State for fiscal  
5 years 1992 through 1994 under the sub-  
6 sections referred to in clause (i).”.

7 (2) ALLOTMENT OF REMAINDER.—Section  
8 418(a)(2)(B) of such Act (42 U.S.C. 618(a)(2)(B))  
9 is amended to read as follows:

10 “(B) ALLOTMENTS TO STATES.—Of the  
11 total amount available for payments to States  
12 under this paragraph, as determined under sub-  
13 paragraph (A)—

14 “(i) an amount equal to 65 percent of  
15 the amount required to be paid to each of  
16 Puerto Rico, the Virgin Islands, Guam,  
17 and American Samoa for fiscal year 2010  
18 under the Child Care and Development  
19 Block Grant Act of 1990, shall be allotted  
20 to Puerto Rico, the Virgin Islands, Guam,  
21 and American Samoa, respectively; and

22 “(ii) the remainder shall be allotted  
23 among the other States based on the for-  
24 mula used for determining the amount of  
25 Federal payments to each State under sec-

1                   tion 403(n) of this Act (as in effect before  
2                   October 1, 1995).”.

3 **SEC. 6. INCREASE IN FEDERAL MATCHING RATE FOR FOS-**  
4 **TER CARE AND ADOPTION ASSISTANCE IN**  
5 **PUERTO RICO, THE VIRGIN ISLANDS, GUAM,**  
6 **AND AMERICAN SAMOA.**

7           Section 474(a) of the Social Security Act (42 U.S.C.  
8 674(a)) is amended in each of paragraphs (1) and (2)—

9                   (1) by striking “in the case of a State other  
10                   than the District of Columbia, or” and inserting “in  
11                   the case of each of the 50 States,”; and

12                   (2) by inserting “, or 75 percent, in the case of  
13                   Puerto Rico, the Virgin Islands, Guam, and Amer-  
14                   ican Samoa” after “in the case of the District of Co-  
15                   lumbia”.

16 **SEC. 7. EFFECTIVE DATE.**

17           The amendments made by this Act shall take effect  
18 on the 1st day of the 1st fiscal year that begins 1 year  
19 or more after the date of enactment of this Act.

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