TANF Reauthorization Bills Move Through House and Senate Committees
On March 16th, the House Ways and Means Subcommittee on Human Resources marked up H.R. 240, The Personal Responsibility, Work, and Family Promotion Act, the most recent version of the House TANF reauthorization bill. The bill is based on President Bush’s reform blueprint released in 2002. In addition to requiring “universal engagement” (a requirement that all non-exempt recipients begin work upon entry to the program), a 70% work participation rate and a 40-hour work week, the bill would:

• Increase child care funding by $1 billion, far short of the anticipated increase in need and virtually freezing child care funding over the next five years. The Congressional Budget Office estimates that child care needs under welfare reform would cost $11 billion over the time period.

• Require that states apply a full-family sanction when a recipient does not comply with program requirements. States are currently given the option to apply a sanction to the adult but not the children of a case.

• Allow work-eligible individuals to participate in “qualified activities” (limited education and training, substance abuse counseling or treatment, etc.) for up to 16 hours per week, and for only 3 months in any 24 consecutive months.

• Continue to bar legal immigrant parents from temporary assistance.

• Encourage states to pass through up to $100 (or $50 more than the amount of the current state pass-through; whichever is less) of child support payments to families receiving TANF, by eliminating the requirement for payment of the federal share up to these amounts.

• Amend the purpose of TANF to include the encouragement of “the formation and maintenance of healthy, 2-parent married families, and [to] encourage responsible fatherhood.”

• Provide $1.5 billion over 5 years for programs that promote marriage.

• Add to the list of state expenditures eligible for “maintenance of effort” credit, “spending on non-eligible [not just non-TANF, but non-eligible non-TANF] families” to prevent out-of-wedlock birth, marriage, and responsible fatherhood.

• Provide federal waivers to allow for state demonstration projects “to coordinate multiple public assistance, workforce development, and other programs.” The language allowing for the waivers is very broad, and it is therefore difficult to determine the possible effects.
this kind of proposal would have on people who need state social services. There is no limit on the number of states to which such a waiver might be granted.

- The bill specifies a limited number of activities that can be funded through the “Healthy Marriage Promotion” competitive state grants program. Among them:
  - Public advertising campaigns on the value of marriage and needed skills
  - High school education on the value of marriage, relationship skills and budgeting
  - Marriage enhancement and skills programs for married couples
  - Marriage mentoring programs that use married couples in at-risk communities.

During the March 16th mark-up, amendments were offered by several Democratic committee members that would have increased child care funding, extended eligibility for welfare benefits to legal immigrants, and rewarded states for job placement in addition to caseload reduction rewards. All of the Democratic amendments were rejected along party lines. Committee Chair Rep. Wally Herger (R-CA) did, however, offer to work with Rep. Jim McDermott (D-WA) to create a bi-partisan amendment to protect victims of domestic violence after Rep. McDermott offered an amendment to protect battered women with children who receive welfare assistance.

For a full list of provisions and a comparison of current bills and proposals for TANF reauthorization, see www.clasp.org. Although the comparisons are between proposals from previous years, the provisions remain unchanged. A copy of the bill is available at www.thomas.gov.

On the Senate side, the Senate Finance Committee marked up the Personal Responsibility and Individual Development for Everyone (PRIDE) bill, S. 667, on March 11. The bill was reintroduced by Chairman Charles Grassley (R-IA) and Ranking Democratic Member Max Baucus (D-MT), and contains many of the same provisions as the House bill, with some important distinctions.

- Provides $6 billion in child care assistance over the five-year period.
- Increases the required work hours to 34 hours per week (instead of the 40-hour work requirement contained in the House version) for parents with children over the age of 6, and to 24 per week if their children are younger than 6.
- States are given the option to pass through up to $400 for a family with one child and $600 for a family with two or more children in child support to families currently receiving TANF benefits if the family has been on TANF for no more than 5 years. States would also be required to pay any child support and arrearages to a family once they leave welfare before claiming the state’s assigned child support arrears.
- Provides $100 million over 5 years in mandatory funding for state responsible fatherhood demonstration projects plus $150 million over 5 years in national demonstrations.
- As with the House bill, provides $1 billion in federal funds over 5 years, of which $500 million is for matching grants to states and $500 million is for research and demonstration projects related to marriage. Certain domestic violence and privacy protections have been included.
• Allows activities such as 6 months out of 24 for literacy training and substance abuse treatment to count toward the work requirement. Post-secondary education could count for 3 months out of 24 for the first 24 hours of work per week. In addition, up to 10 percent of the TANF caseload could engage in post-secondary education for longer periods of time.

• Increases the Social Services Block Grant by $1 billion over 5 years.

• Allows families leaving TANF to remain eligible for continuing Medicaid for 12 months with a state option to continue coverage for an additional year.

The child support provisions are derived largely from a bill introduced earlier this session by Senators Herb Kohl (D-WI) and Olympia Snowe (R-ME). One provision of that bill would have prohibited child support agencies from collecting reimbursement from the father for the birth of a child when the mother receives Medicaid benefits. This provision was not included in the PRIDE bill, however.

Another child support provision would allow the State of Texas to continue to operate the State's pilot program for the monitoring and enforcement of a court order without the necessity of a written application from the custodial parent, and to expand this program to other counties without the need for a federal waiver.

To keep the TANF program operating until there is agreement on a final TANF reauthorization bill, TANF was extended in its current form for the tenth time, this time until June 30, 2005.

For more information and continued updates on legislative actions regarding TANF reauthorization, see the Coalition on Human Needs at [www.chn.org](http://www.chn.org).

**Lawsuit Challenges State Law Criminalizing Cohabitation**

The ACLU of North Carolina has filed a lawsuit against the state's 1805 statute that makes cohabitation a criminal offense. The suit is brought on behalf of Deborah Hobbs who was a 9-1-1 dispatcher for the Pender County Sheriff's Office in February 2004 when her employer notified her that because she was living with her male partner in violation of the state law, she would be required to either marry him, move out of the house they shared, or leave her job.

North Carolina General Statute §14-184 states that “If any man and woman, not being married to each other, shall lewdly and lasciviously associate, bed and cohabit together, they shall be guilty of a Class 2 misdemeanor,” punishable by up to 60 days in jail. The ACLU is challenging the law on the grounds that it violates numerous federal and state constitutional rights guaranteed under the First, Fourth, Fifth, Ninth and Fourteenth Amendments to the U.S. Constitution as well as Article I, § 19 of the North Carolina Constitution. The lawsuit asks the Court to declare the law unconstitutional and to issue an injunction preventing its future enforcement.

According to the Los Angeles Times, U.S. Magistrate Carl Horn routinely enforces the North Carolina law in his Charlotte courtroom, asking defendants, no matter what their charge, whether they are living with unmarried partners. If the answer is yes, Horn insists that they agree to change their situation — by marrying or moving — before he will release them from the courtroom.

Florida, Michigan, Mississippi, North Carolina, North Dakota, Virginia and West Virginia all have state laws that make male-female cohabitation illegal. The Common Sense Foundation of North Carolina points out that, “the existence of these laws allows for discrimination in custody cases,
housing, and employment. For example, landlords can refuse to rent to unmarried couples, lesbians, and gay men under the guise that they do not want to aid in a crime. Employers can use the same rationale to deny people jobs. The pretense of not wanting to aid and abet a crime provides a convenient justification for discriminating against people for other reasons, such as sexual orientation, race, religious beliefs, or class.”


For more information, see [www.acluofnorthcarolina.org](http://www.acluofnorthcarolina.org) and [www.common-sense.org](http://www.common-sense.org) and [www.unmarried.org](http://www.unmarried.org).

**Website Offers Job Opportunities for Former Convicts and Substance Abusers**

An internet-based service, America in Recovery, provides a free service that matches employers and job-seekers with a history of substance abuse or a criminal record. The site was established and is supported by a business owner who had the experience of hiring former convicts and substance abusers and learned that they were among his best employees. The owner and founder of the website, Larry Keast, became a supporter of “second-chance employment” when he found that by hiring employees with records and substance abuse histories, all of his employees got along better, had fewer personnel problems, more productivity and better results for his company. The website operates without staff and is non-profit. Job-seekers register by entering their resume information directly onto the website. Employers communicate with job-seekers directly. The website is available at [www.americainrecovery.org](http://www.americainrecovery.org).

**Report on Marriage Promotion and Reproductive Health**

The February issue of *The Guttmacher Report on Public Policy* is devoted to the exploration of the connection between marriage promotion and reproductive health. Articles in the issue:

- *Reproductive Health Advocates and Marriage Promotion: Asserting a Stake in the Debate*, by Cynthia Dailard
- *Conservatives’ Agenda Threatens Public Funding for Family Planning*, by Adam Sonfield and Rachel Benson Gold
- *Bush Health ‘Reform’ Agenda: Implications for Reproductive Health*, by Rachel Benson Gold and Adam Sonfield
- *Ominous Convergence: Sex Trafficking, Prostitution and International Family Planning*, by Susan A. Cohen

The report is available on-line at [www.guttmacher.org/pubs](http://www.guttmacher.org/pubs).

**Federal Child Support Grants Available**

The federal Office of Child Support Enforcement (OCSE) has announced a funding opportunity for Special Improvement Project (SIP) grants. Proposed projects should promote OCSE’s FY 2005-2009 strategic plan, “that child support should be a reliable source of income for families; that the child support system should help secure children’s health care coverage and that child support agencies should use early prevention strategies to help build a culture of compliance in
which parents will support their children voluntarily and reliably."

A total of approximately $1.8 billion is available for FY 2005. Projects are expected to start August 2005. Eligible applicants include state human services umbrella agencies, other state agencies (including state IV-D agencies), tribes and tribal organizations, local public agencies (including IV-D agencies), non-profit organizations (including faith-based and community-based organizations and universities such as historically black colleges and universities) and consortia of state and/or local public agencies. No funding matches are required, but all applicants must have the cooperation of IV-D (child support) agencies to operate these projects. Preference will be given to applicants representing child support enforcement agencies and applicant organizations that have letters of commitment or cooperative agreements with such agencies. The due date for applications is May 3, 2005.