

## Revised Side-by-Side Comparison of Family Formation Provisions in TANF Reauthorization Legislation

by Shawn Fremstad, Zoë Neuberger, Wendell Primus, and Vicki Turetsky

This document summarizes and compares selected family formation provisions in current law and six TANF reauthorization proposals *as of June 5, 2002*:

- the bill passed by the House on May 16, 2002 (H.R. 4737);
- a Democratic substitute for H.R. 4737 offered by Rep. Cardin on the House floor;
- a list of provisions agreed to by a bipartisan group of Senate Finance Committee members (descriptions are based on an outline attached to an April 26, 2002 letter signed by Senators Breaux, Hatch, Jeffords, Lincoln, Rockefeller, and Snowe);
- a list of principles upon which Democratic members of the Senate Health, Education, Labor and Pensions Committee and other Senators agree (descriptions are based on a May 23, 2002 letter signed by 18 Senators);
- a bill introduced by Sen. Rockefeller (S. 2052); and
- a bill introduced by Senators Bayh and Carper (S. 2524).

For the proposals that have been described only in outline form, “does not address” is used to describe areas where the available materials are silent on a matter; “current law” is used to describe areas where materials state adherence to current law. The bill passed by the House is very similar to the Administration’s reauthorization plan; key differences are noted in the descriptions below. This document is part of a larger joint project of the Center for Law and Social Policy and the Center on Budget and Policy Priorities, which includes side-by-side comparisons of other aspects of proposed TANF reauthorization legislation. Although this document provides a summary of the key family formation provisions in these proposals, it does not address every detail of each proposal.

	<b>Current Law</b>	<b>H.R. 4737 (Passed by House)</b>	<b>House Democratic Substitute (Cardin, D-MD)</b>	<b>Senate Finance Bipartisan Consensus</b>	<b>Senate HELP Democratic Principles</b>	<b>S. 2052 (Rockefeller, D-WV)</b>	<b>S. 2524 (Bayh, D-IN; Carper, D-DE)</b>
<b>Funding</b>							
<b>Nonmarital Birth Reduction Bonus</b>	\$100 million annually is awarded to up to five states that reduce the percentage of nonmarital births without an increase in the state’s abortion rate above its 1995 level.	Eliminates nonmarital birth reduction bonus.	Eliminates nonmarital birth reduction bonus.	Does not address.	Does not address.	Eliminates nonmarital birth reduction bonus.	Eliminates nonmarital birth reduction bonus.

	<b>Current Law</b>	<b>H.R. 4737 (Passed by House)</b>	<b>House Democratic Substitute (Cardin, D-MD)</b>	<b>Senate Finance Bipartisan Consensus</b>	<b>Senate HELP Democratic Principles</b>	<b>S. 2052 (Rockefeller, D-WV)</b>	<b>S. 2524 (Bayh, D-IN; Carper, D-DE)</b>
<b>State Maintenance- of-Effort (MOE) Spending on Family Formation Purposes of TANF</b>	State funds must be spent on activities that serve <i>low-income</i> families and meet one of the four purposes of TANF.	States could count expenditures on families that are <i>not low-income</i> made under purposes three (reducing non-marital pregnancy) and four (promoting the formation and maintenance of married two-parent families and encouraging responsible fatherhood) of TANF toward meeting their MOE requirement. (The Administration did not propose this change.)	Current law.	Does not address.	Does not address.	Current law.	<p>According to staff of Senators Bayh and Carper and materials explaining the legislation, the intent was to eliminate the requirement that state spending under purposes three (reducing non-marital pregnancy) and four (promoting the formation and maintenance of two-parent families) must be targeted to <i>low-income</i> families to count toward MOE requirement.</p> <p>The legislative language as drafted, however, has the effect of entirely eliminating the MOE “new spending test” (which for non-AFDC activities allows states to count only spending <i>increases</i> since 1995) and continues to require that state MOE funds must be spent on activities that serve <i>low-income</i> families and meet one of the purposes of TANF.</p>

	<b>Current Law</b>	<b>H.R. 4737 (Passed by House)</b>	<b>House Democratic Substitute (Cardin, D-MD)</b>	<b>Senate Finance Bipartisan Consensus</b>	<b>Senate HELP Democratic Principles</b>	<b>S. 2052 (Rockefeller, D-WV)</b>	<b>S. 2524 (Bayh, D-IN; Carper, D-DE)</b>
<b>Family Formation/ Marriage Promotion Funds</b>	TANF funds may be used to support these activities but there is no dedicated funding stream.	<p>Establishes two funds:</p> <p>1) A \$100 million annual competitive matching grant program to develop innovative approaches to promoting healthy marriages. (The Administration's proposal would have allowed these funds to be used for reducing nonmarital births.) States would need to match, on a dollar-for-dollar basis, the competitive grant funds provided, but could use federal TANF funds to meet this match requirement. Funds could only be used for the following "healthy marriage promotion" activities:</p> <p>a) public advertising campaigns on marriage and the skills needed to increase marital stability;</p> <p>b) education in high schools on the value of marriage, relationship skills, and budgeting;</p> <p>c) marriage education and skills programs, including parenting, financial management, conflict resolution, and career skills for unmarried pregnant women and expectant fathers;</p> <p>d) pre-marital education and marriage skills training for couples;</p> <p>e) marriage enhancement and marriage skills training;</p> <p>f) divorce reduction programs that teach relationship skills;</p> <p>g) marriage mentoring programs in at-risk communities; and</p> <p>h) programs to reduce disincentives to marriage in means-tested programs (if offered in conjunction with above activities).</p> <p>2) A \$100 million annual fund to conduct research and demonstration projects, and provide technical assistance related to healthy marriage promotion activities.</p>	<p>Establishes a \$100 million annual fund to provide competitive grants to states and localities for research, technical assistance, and demonstration projects in the following areas:</p> <p>a) promoting the formation of two-parent families;</p> <p>b) reducing teenage pregnancies; and</p> <p>c) increasing the ability of non-custodial parents to financially support and be involved with their children.</p> <p>Not less than 30 percent of the funds made available each year must be used in each of the areas described above.</p> <p>HHS must consider the potential impact of a proposed project on the incidence of domestic violence.</p>	<p>Establishes two funds:</p> <p>1) Aa \$100 million competitive grant program to develop innovative approaches to promoting healthy marriages and reducing nonmarital births.</p> <p>2) A \$100 million annual fund to conduct research and demonstration projects, and provide technical assistance "primarily focusing on family formation and healthy marriage activities."</p> <p>Funds may be used for teen pregnancy prevention programs.</p> <p>The special needs of domestic violence victims must be addressed in healthy marriage promotion programs.</p>	Does not address.	<p>Establishes a \$100 million annual fund to provide competitive grants to states and localities for research, technical assistance, replication, and adaptation of rigorously evaluated programs, and to conduct demonstration projects in the following areas:</p> <p>a) encouraging the formation and maintenance of two-parent families and healthy marriages and reducing nonmarital births;</p> <p>b) reducing first and subsequent teenage pregnancies; and</p> <p>c) increasing the ability of non-custodial parents to financially support and be involved with their children.</p> <p>Not less than 30 percent of funds made available each year must be used in each of the areas described above.</p> <p>HHS may reserve up to five percent of funds each year for technical assistance and research.</p> <p>Grantees must consult with domestic violence experts and child advocates, and offer marriage-related services only to individuals who voluntarily elect to receive such services.</p> <p>Criteria for selecting proposals for grants subject to public comment.</p>	See "Fatherhood Funds" below.

	<b>Current Law</b>	<b>H.R. 4737 (Passed by House)</b>	<b>House Democratic Substitute (Cardin, D-MD)</b>	<b>Senate Finance Bipartisan Consensus</b>	<b>Senate HELP Democratic Principles</b>	<b>S. 2052 (Rockefeller, D-WV)</b>	<b>S. 2524 (Bayh, D-IN; Carper, D-DE)</b>
<b>Fatherhood Funds</b>	TANF funds may be used to support these activities but there is no dedicated funding stream.	<p>Authorizes \$20 million annually for discretionary fatherhood programs. Discretionary funds are not actually available until they are appropriated. Up to 15% of funds may be used for multi-city, multi-state demonstration projects, specified projects of national significance, and evaluations.</p> <p>Remaining funds used for competitive grants to public and nonprofit community entities for demonstration service projects and activities designed to accomplish the following objectives:</p> <p>a) promoting responsible parenting through counseling and other methods;</p> <p>b) assisting fathers in taking full advantage of education and job training programs so they can support their families through activities such as outreach and information dissemination, and coordination with employment services and job training programs;</p> <p>c) improving fathers' family business management skills through education and counseling; and</p> <p>d) encouraging and supporting healthy marriages and married fatherhood through such activities as premarital education, and relationship skills programs, including child abuse and domestic violence programs.</p> <p>Grant applicants must describe how they will assess for, and intervene to resolve, domestic violence and child abuse.</p>	See "Family Formation/ Marriage Promotion Funds" above. (Provides \$33 million annually for fatherhood activities and services for non-custodial parents.)	Does not address.	Does not address.	See "Family Formation/ Marriage Promotion Funds" above. (Provides \$33 million annually for fatherhood activities and services for non-custodial parents.)	<p>Establishes three funds:</p> <p>1) A \$50 million annual matching grant program available to any state, for FY 2003 through FY 2007, for programs that promote marriage, sustain marriages, promote responsible parenting, or help fathers and their families avoid or leave cash assistance. For each program supported, 50% of participants must be the parent of a child receiving cash assistance or who received cash assistance within the past 24 months or must be a parent whose income is below 150% of the federal poverty level. Provides \$1 million for an evaluation of the outcomes associated with the program participation.</p> <p>2) A \$25 million annual grant program available to any state, for FY 2003 through FY 2007, for media campaigns that promote the formation and maintenance of two-parent families, strengthen fragile families, and promote responsible fatherhood. Provides \$1 million for an evaluation of the impact of these media campaigns.</p> <p>The state must consult with domestic violence centers when undertaking these activities.</p>

	<b>Current Law</b>	<b>H.R. 4737 (Passed by House)</b>	<b>House Democratic Substitute (Cardin, D-MD)</b>	<b>Senate Finance Bipartisan Consensus</b>	<b>Senate HELP Democratic Principles</b>	<b>S. 2052 (Rockefeller, D-WV)</b>	<b>S. 2524 (Bayh, D-IN; Carper, D-DE)</b>
<b>Employment Services for Non- Custodial Parents</b>	TANF funds may be used to support these activities but there is no dedicated funding stream.	Current law.	See “Family Formation/ Marriage Promotion Funds” above. (Provides \$33 million annually for fatherhood activities and services for non-custodial parents.)	Does not address.	Does not address.	See “Family Formation/ Marriage Promotion Funds” above. (Provides \$33 million annually for fatherhood activities and services for non-custodial parents.)  Provides funding for transitional jobs programs that could serve non-custodial parents. For more details see side-by-side comparison of work provisions.	Establishes two funds:  1) A \$200 million annual competitive matching grant program, for FY 2003 through FY 2007, for states that offer a court-supervised employment programs for non-custodial parents with a history of non-payment of child support.  2) A \$30 million annual competitive grant program, for FY 2003 through FY 2007, for states that conduct policy reviews, develop recommendations, or conduct demonstration projects regarding increasing earnings, child support payments, and involvement with their children by non-custodial parents and coordination of services for non-custodial parents.  Provides funding for transitional jobs programs that could serve non-custodial parents. For more details see side-by-side comparison of work provisions.  Allows non-custodial parents of current or former cash assistance recipients who receive employment services and agree to comply with child support obligations partially to count toward work participation rates. For more details see side-by-side comparison of work provisions.

	<b>Current Law</b>	<b>H.R. 4737 (Passed by House)</b>	<b>House Democratic Substitute (Cardin, D-MD)</b>	<b>Senate Finance Bipartisan Consensus</b>	<b>Senate HELP Democratic Principles</b>	<b>S. 2052 (Rockefeller, D-WV)</b>	<b>S. 2524 (Bayh, D-IN; Carper, D-DE)</b>
<b>Teen Pregnancy Prevention Funds</b>	<p>TANF funds may be used to support these activities but there is no dedicated TANF funding stream.</p> <p>\$50 million in matching funds for “abstinence-only” education was provided annually, for FY 1998 through FY 2002, through the Maternal and Child Health Services Block Grant. An additional \$52 million in FY 2002 for “abstinence-only” education was provided through the separately enacted Community-Based Abstinence Education program and the Adolescent Family Life Act.</p>	<p>Current law.</p> <p>Extends through FY 2007 the \$50 million annual “abstinence-only” education funding under the Maternal and Child Health Services Block Grant.</p>	<p>See “Family Formation/ Marriage Promotion Funds” above. (Provides \$33 million annually for teen pregnancy prevention activities.)</p> <p>Extends through FY 2007 the \$50 million annual abstinence education funding under the Maternal and Child Health Services Block Grant, but requires funded programs to be medically and scientifically accurate and based on a model that has been demonstrated to be effective in reducing unwanted pregnancies or disease transmission. Eliminates the “8-point” definition of abstinence education programs and gives states broader discretion over the educational approach. Requires HHS to conduct a comparative evaluation of abstinence education programs that prohibit education about contraception with abstinence programs that offer education about contraception.</p>	<p>See “Family Formation/ Marriage Promotion Funds” above.</p> <p>Does not address funding for “abstinence-only” education under the Maternal and Child Health Services Block Grant. Extends current funding for “abstinence-only” education provided through the Community-Based Abstinence Education program and the Adolescent Family Life Act.</p>	<p>Does not address.</p> <p>Asserts that states should have the flexibility to use abstinence education funds to provide comprehensive sex education that promotes abstinence and “provides medically-accurate information to reduce health risks and teen pregnancy.”</p>	<p>See “Family Formation/ Marriage Promotion Funds” above. (Provides \$33 million annually for teen pregnancy prevention activities.)</p> <p>Does not reauthorize abstinence education funding.</p>	<p>Establishes two funds:</p> <p>1) A \$100 million annual grant program (\$50 million in FY 2003) available to any state, for FY 2003 through FY 2007, for states to implement proven, “abstinence-first” teen pregnancy prevention strategies.</p> <p>2) \$10 million annually, for FY 2003 through FY 2007, to develop a national teen pregnancy prevention resource center, which may conduct media campaigns. \$5 million of those funds are for an evaluation of its outcomes.</p> <p>Does not reauthorize abstinence education funding.</p> <p>Sets a national goal of reducing teen pregnancy by 25% by 2013.</p>

	<b>Current Law</b>	<b>H.R. 4737 (Passed by House)</b>	<b>House Democratic Substitute (Cardin, D-MD)</b>	<b>Senate Finance Bipartisan Consensus</b>	<b>Senate HELP Democratic Principles</b>	<b>S. 2052 (Rockefeller, D-WV)</b>	<b>S. 2524 (Bayh, D-IN; Carper, D-DE)</b>
<b>Two-Parent Families</b>							
<b>Two-parent Family Eligibility</b>	No provision.	As part of their TANF state plans, states must outline how they intend to encourage equitable treatment of married, two-parent families in their TANF programs. No requirement to provide equitable treatment.	States may not impose stricter eligibility requirements on two-parent families, unless they subsequently pass a law imposing such requirements. States that fail to comply are subject to a five percent reduction in their TANF block grant.	Does not address.	Does not address.	States may not impose stricter eligibility requirements on two-parent families. States that fail to comply are subject to a five percent reduction in their TANF block grant.	States may not impose stricter eligibility requirements on two-parent families. States that fail to comply are subject to a five percent reduction in their TANF block grant.
<b>Two-parent Families Work Participation Rates</b>	Separate participation rate for two-parent families. In FY 2002, 90 percent of two-parent families must be engaged in federally defined work activities. A state that fails to meet required rate is subject to a penalty of up to five percent of its block grant.	Eliminates separate two-parent rate.	Eliminates separate two-parent rate.	Eliminates separate two-parent rate.	Does not address.	Eliminates separate two-parent rate.	Eliminates separate two-parent rate.

	Current Law	H.R. 4737 (Passed by House)	House Democratic Substitute (Cardin, D-MD)	Senate Finance Bipartisan Consensus	Senate HELP Democratic Principles	S. 2052 (Rockefeller, D-WV)	S. 2524 (Bayh, D-IN; Carper, D-DE)
<b>TANF Program Purposes</b>							
<b>Purposes</b>	The purpose of TANF is to increase state flexibility to 1) assist needy families; 2) end dependence of needy parents by promoting work and marriage; 3) reduce out-of-wedlock pregnancies; and 4) encourage the formation and maintenance of two-parent families.	Amends prefatory language to read: "The purpose of this part is to <i>improve child well-being by increasing</i> the flexibility of states in operating a program designed to . . ."  Amends first purpose to read: "provide assistance <i>and services</i> to needy families so that children may be cared for in their own homes or in the homes of relatives."  Amends second purpose to read: "end the dependence on needy <i>families</i> on government benefits <i>and reduce poverty</i> by promoting job preparation, work, and marriage."  Amends fourth purpose to read: "encourage the formation and maintenance of <i>healthy, 2-parent married families and encourage responsible fatherhood.</i> "	Adds as a fifth purpose: "reduce the extent and severity of poverty and promote self-sufficiency among families with children."	Does not address.	Does not address.	Current law.	Current law.