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## **A Brief Comparison of the Marriage-Related Provisions in Welfare Reauthorization Bills Passed by the Senate Finance Committee and the House Human Resources Subcommittee**

**By Paula Roberts**

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On March 15, 2005, the Human Resources Subcommittee of the Ways and Means Committee of the House of Representatives marked up the “Personal Responsibility, Work, and Family Promotion Act of 2005” (H.R. 240). The bill was then referred to the full committee. On March 17, the Senate Finance Committee marked up the “Personal Responsibility and Individual Development for Everyone (PRIDE) Act of 2005” (S. 667). The bill has been placed on the Senate calendar. Each bill would reauthorize the Temporary Assistance for Needy Families (TANF) program and make substantial changes in child support. Title I of each bill also contains provisions relating to marriage. As the attached chart shows, there are both substantial similarities and major differences between the bills in regard to marriage.

### **Major Similarities**

Each bill:

- Appropriates \$100 million per year for fiscal years 2005 through 2010 for a new competitive grant program. States and Indian tribes would be able to apply to the Secretary of the U.S. Department of Health and Human Services (HHS) to obtain these funds in order to develop and implement innovative programs to promote and support healthy, two-parent married families.
- Requires that grantees of these funds match the federal funds dollar-for-dollar. TANF funds may be used as state match but, if they are used, they may not count toward the state’s maintenance of effort obligation.
- Lists specific activities that may be funded. The list of activities is similar in both bills, but there are some minor language differences. Notably, the Senate bill specifically authorizes funds to be spent on non-married recent parents (the so-called “fragile families”), while the House bill does not mention this group. The Senate bill also contemplates a broader range of high school education activities than does the House bill.
- Appropriates another \$100 million per year for fiscal years 2005 through 2010 for the Secretary of HHS to spend on healthy marriage activities. However, the Senate bill provides more specifics on what the money can be used for and how issues of domestic violence and voluntary participation are to be addressed.

## Major Differences

- The House bill makes several changes in the statutory language relating to the purposes of TANF. The changes emphasize the government role in encouraging marriage. The Senate bill makes one change in the TANF purposes language to the same end.
- The House bill requires the states to address marriage promotion in their state plans. States must describe what the state will do to encourage the formation and maintenance of healthy, two-parent married families, encourage responsible fatherhood, and reduce non-marital pregnancies. They must also provide specific, numerical goals for these activities. The Senate bill does not contain a similar provision. However, it does require that grantees of the federal funds establish performance goals for their programs and clarify that the primary objective is to increase the quality and incidence of healthy marriage not just expand the number or percentage of married couples.
- The Senate bill requires that TANF recipients be told that participation in all of the marriage-related activities (except public service campaigns and high school courses) is voluntary. If a TANF participant elects to participate in these activities, he/she may withdraw at any time and (if participation is part of the individual's TANF plan) substitute another non-marriage-related activity. Finally, no sanction can be imposed for failure to participate in a marriage-related activity. The House bill contains no parallel provisions.
- The Senate bill requires grantees to consult with domestic violence experts when developing their policies, procedures, and programs. The grantees must have specific protocols for identifying instances and risks of domestic violence and making service referrals.

## Side-by-Side Comparison of House and Senate Committee Bills

Provision	H.R. 240	S. 667
<b>TANF Extension</b>	TANF is authorized through FY 2010. (Section 102)	Same. (Section 102)
<b>TANF Out-of-Wedlock Bonus</b>	The TANF out-of-wedlock bonus is repealed and the funds are applied to healthy marriage promotion grant programs. (Section 103)	Same. (Section 103)
<b>TANF Purposes</b>	<p>The introductory language is changed to read: “The purpose of this part is to improve child well being by increasing the flexibility of States in operating [their programs].” (Section 101)</p> <p>The 2<sup>nd</sup> purpose is changed to read: “end the dependence of needy families on government benefits and reduce poverty by promoting job preparation, work, and marriage.”</p> <p>The 4<sup>th</sup> TANF purpose is changed to read: “encourage the formation and maintenance of healthy, 2-parent married families and encourage responsible fatherhood.” (Section 101)</p>	<p>Not included.</p> <p>Not included.</p> <p>Same. (Section 103)</p>
<b>TANF State Plan</b>	<p>The state plan must outline how the state intends to “encourage equitable treatment of 2-parent, married families” in the TANF program. (Section 103)</p> <p>In addition, the state plan must describe how the state will encourage the formation and maintenance of healthy 2-parent married families, encourage responsible fatherhood, and prevent/reduce the incidence of</p>	<p>The state plan must describe how the state intends to “encourage equitable treatment of <i>healthy</i>, married, two-parent families” in the TANF program. (Section 101)</p> <p>Not included.</p>

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	non-marital pregnancies. The plan must include specific, numerical, and measurable performance objectives for these efforts, and reduction of non-marital births, and describe the methodology to be used to measure performance. (Section 112)	
<b>TANF Maintenance of Effort (MOE)</b>	Current law is expanded to allow state spending under the 3 <sup>rd</sup> and 4 <sup>th</sup> purposes to count towards MOE. (Section 103)	Same. (Section 103)
<b>Healthy Marriage Promotion Competitive Grants</b>	Funds are appropriated for the Secretary of HHS to award competitive grants to states, <i>territories</i> , and tribal organizations to develop and implement innovative programs to promote and support healthy, married, two-parent families. (Section 103)	Funds are appropriated for the Secretary of HHS to award competitive grants to states, <i>tribes</i> , and tribal organizations to develop and implement innovative programs to promote and support healthy, married, two-parent families. (Section 103)
<b>Marriage Grant Funds</b>	\$100 million is appropriated each year for FYs 2005 through 2010. <i>The 2005 money is to be available for use in 2006.</i> (Sections 103 and 115)	\$100 million is appropriated each year for FYs 2005 through 2010. <i>Appropriated funds for FY 2006-2010 remain available until expended.</i> (Section 103)
<b>Use of TANF Funds as Marriage Grant Match</b>	Federal funds may pay for not more than 50 percent of the cost for developing and implementing innovative programs to promote and support healthy, married, 2-parent families.  States, territories, and tribal organizations may use TANF funds for the other 50 percent. If a state uses TANF funds for this purpose, the funds cannot count toward state MOE. (Section 111)	Same. (Section 103)  Same except that <i>tribes</i> rather than <i>territories</i> are allowed to use TANF funds as match. (Section 103)

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<p><b>Allowable Marriage Grant Activities</b></p>	<p>Grants and matching funds can be used to support:</p> <ol style="list-style-type: none"> <li>1. Public advertising campaigns on the value of marriage and the skills needed to increase marital stability and health.</li> <li>2. Education in high schools on the value of marriage, relationship skills, and budgeting.</li> <li>3. Marriage education, marriage skills, and relationship skills programs, which may include parenting skills, financial management, conflict resolution, and job and career advancement for non-married pregnant women and non-married expectant fathers.</li> <li>4. Pre-marital education and marriage skills training for engaged couples and for couples and individuals interested in marriage.</li> <li>5. Marriage enhancement and skills training for married couples.</li> </ol>	<p>Grants and matching funds must be used to support:</p> <ol style="list-style-type: none"> <li>1. Same.</li> <li>2. Education in high schools on the importance of <i>healthy marriages and characteristics of other healthy relationships experienced throughout life, including the importance of grounding relationships in mutual respect and how earlier healthy relationships are the building blocks for later healthy marital relationships.</i></li> <li>3. Marriage education, marriage skills, and relationship skills programs, which may include parenting skills, financial management, conflict resolution, and job and career advancement for non-married pregnant women, non-married expectant fathers, <i>and non-married recent parents.</i></li> <li>4. Same.</li> <li>5. Same.</li> </ol>

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	<p>6. Divorce reduction programs that teach relationship skills.</p> <p>7. Marriage mentoring programs which use married couples as role models and mentors <i>in at-risk communities</i>.</p> <p>8. Programs to reduce marriage disincentives in means-tested aid programs, if offered in conjunction with any activity listed above.</p> <p>(Section 103)</p>	<p>6. Same.</p> <p>7. Marriage mentoring programs which use married couples as role models and mentors.</p> <p>8. Same.</p> <p>(Section 103)</p>
<p><b>Voluntary Participation</b></p>	<p>Not addressed.</p>	<p>Participation in programs or activities offered pursuant to 3-7 is voluntary.</p> <p>A state, tribe, or tribal organization that carries out marriage promotion activities pursuant to 3-7 must provide the Secretary of HHS with assurances that TANF assistance recipients who elect to participate in funded programs or activities will be told:</p> <ul style="list-style-type: none"> <li>• Prior to making this election that participation is voluntary.</li> <li>• That they may “disenroll” from such programs and activities by notifying the state, Indian tribe, or tribal organization that they no longer want to</li> </ul>

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		<p>participate.</p> <ul style="list-style-type: none"> <li>• The process, if any, for them to become engaged in other non-marriage related activities.</li> <li>• That the state may reassign them to other non-marriage activities in accordance with universal engagement requirements.</li> </ul> <p>A state may not reduce or deny assistance to a TANF recipient solely on the basis of withdrawal from or failure to participate in marriage promotion activities described in 3-7.</p> <p>A state, Indian tribe, or tribal organization receiving a grant must establish performance goals for funded programs and activities that clarify that the primary objective is to increase the incidence and quality of healthy marriages and not solely to expand the number or percentage of married couples.</p> <p>(Section 103)</p>
<b>Domestic Violence</b>	Not addressed.	<p>Domestic violence is defined and given the same meaning as in the current TANF statute.</p> <p>A State, Indian tribe or tribal organization may not be awarded a grant unless it consults with domestic violence organizations that have a demonstrated expertise in working with survivors of domestic violence in developing policies, procedures, programs, and training necessary to</p>

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		<p>appropriately address domestic violence in families served by the programs and activities funded through the grant.</p> <p>The grant application must describe how the grantee's proposed programs or activities will address domestic violence.</p> <p>The grantee must establish protocols for providers and administrators of funded programs and activities to 1) identify instances or risks of domestic violence; and 2) make service referrals, and provide protections and appropriate assistance to identified individuals and families.</p> <p>A state, Indian tribe, or tribal organization that receives a grant must submit an annual report to HHS that describes who was consulted in developing the protocols, what training was provided and by whom, what the protocols are, how they are used, and any implementation issues encountered.</p> <p>In two years (and then every six months), the Secretary of HHS must submit a report to Congress providing a detailed description of the programs and activities funded by the grants, including how they address domestic violence.</p> <p>\$10 million annually is authorized for FY 2006-2010 for HHS to use for grants, contracts,</p>



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		<p>or interagency agreements to develop and implement programs designed to address domestic violence as a barrier to healthy relationships, marriage, and economic security. Programs should include training for caseworkers administering TANF, technical assistance, the provision of voluntary services to victims of domestic violence, and activities related to the prevention of domestic violence. Funding for these programs may not be diverted from existing domestic violence prevention programs.</p> <p>(Section 103).</p>
<p><b>Research, Evaluations and National Studies</b></p>	<p>\$102 million is appropriated each year for FYs 2005 through 2010, to be spent primarily on specified marriage activities. However, \$2 million per year is set aside for demo projects on coordination of TANF and child welfare to tribal families at risk of abuse and neglect. Funds appropriated for FY 2005 remain available through FY 2006. (Section 115)</p> <p>Not addressed.</p>	<p>\$100 million is appropriated yearly for FYs 2005 through 2010 for the Secretary of HHS to conduct research projects or provide technical assistance. 80% of the funds must be spent in connection with healthy marriage activities. Funded research and demonstration projects must meet the “voluntariness” and domestic violence criteria described above. Funds remain available until expended.</p> <p>\$20 million is authorized for each of FYs 2006 through 2010 for Domestic Violence Prevention Grants. (Section 114)</p>
<p><b>Data Collection</b></p>	<p>State quarterly reports must contain a variety of new data including data about the marital status of parents of any child in a TANF family at the time of the birth of the child, and if the</p>	<p>Same. (Section 112)</p>

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	parents were not married, whether paternity has been established. (Section 113)	
<b>Studies by the Census Bureau and the GAO</b>	The Census Bureau is to do a longitudinal survey of program participation, which is to include an examination of non-marital childbearing and marriage. (Section 116)	Same. (Section 115)