



## U.S. Commission on Civil Rights

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### **A New Paradigm for Welfare Reform: The Need for Civil Rights Enforcement**

**A Statement by the U.S. Commission on Civil Rights**

**August 2002**

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Passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996 was intended to drastically transform public assistance in the United States. With it, a new emphasis was established to move public assistance recipients from welfare to work. While a laudable goal, rather than engaging recipients in productive activities that lead to self-sufficiency, the reform instituted tough requirements and restrictions on eligibility (including time limits, work requirements, and participation rates). The law gave states discretion to structure programs, as long as they met basic requirements, and impelled them to enforce strict sanctions.

The Commission has evaluated the 1996 law against new executive and legislative proposals for reauthorization. Because women and people of color are disproportionately affected by public assistance policies, the Commission's goal is to ensure that civil rights protections are built into welfare reform. The Commission's analysis resonates with numerous studies, which have found: there are disparities in access to and utilization of services, there is discrimination in the delivery of welfare benefits, whether intentional or not, and civil rights considerations are paramount. Further, the strict requirements imposed by the 1996 law, which would be even more burdensome if the reauthorization proposals before Congress are passed, are most detrimental to the "hard to serve" populations, including recipients with low levels of education, individuals with disabilities, and immigrants, as well as women of color. A significant complicating factor is that many families are just beginning to reach the five-year limit on benefits, therefore, a true evaluation of the reform has yet to be performed.

The Commission found that the proposals before Congress not only ignore some of the negative outcomes of the 1996 reform, but potentially compound the disparate impact of the 1996 law. Without civil rights protections in the legislation, welfare reform cannot lift *all* Americans out of poverty. Based on its own review and numerous studies, the Commission encourages Congress to promote policies that will alleviate the disparities and advance the objectives of reform. The Commission's recommendations are offered in three categories: (1) those that will facilitate the enforcement of civil rights laws, (2)

those that will safeguard against discriminatory treatment, and (3) those that will prevent future disparate impact.

## I. FACILITATING CIVIL RIGHTS ENFORCEMENT

Neither the 1996 law nor the current proposals adequately define the applicability of civil rights laws to welfare recipients, and there does not appear to be movement to ensure that the civil rights laws are appropriately enforced in the delivery of welfare services. As will be shown, numerous studies prove that welfare reform has done little to eliminate historical discrimination in public assistance. People of color encounter insults and disrespect as they attempt to navigate the welfare system. Women are subjected to sexual inquisitions at welfare offices and sexual harassment at job activities. Individuals with limited English proficiency encounter language barriers. Immigrants are often turned away because of misconceptions about their eligibility status.

Institutional racism and discriminatory practices constitute significant barriers to job security and mobility, and hence earning potential. By promoting “work first” as the central objective of welfare reform, PRWORA assumes that welfare recipients face a level playing field in the labor market, an assumption that has repeatedly proven false. Unlike other employees, welfare workers who experience discrimination often do not have recourse options. The cost for filing a discrimination complaint is much higher for welfare-dependent and other low-wage workers because of the fear that if they file a complaint, they will lose employment and subsequently other benefits.

Furthermore, research has shown that despite the presence of civil rights protections, many individuals in the welfare system are subject to treatment that is discriminatory and illegal. For example, in many cases individuals with limited English proficiency are denied access to service because they cannot communicate with caseworkers or understand written materials. One study found that more than 75 percent of immigrant adults in Los Angeles and nearly two-thirds in New York are limited English proficient; and more than 50 percent in Los Angeles and 38 percent in New York do not speak English well or at all.<sup>1[1]</sup> Another study found that 87 percent of the Vietnamese immigrant recipients and 48 percent of Mexican immigrant recipients in California had limited or no English proficiency. Many were also not literate in their native languages.<sup>2[2]</sup>

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1[1] The Urban Institute and the Survey Research Center, University of California at Los Angeles, *How Are Immigrants Faring After Welfare Reform? Preliminary Evidence from Los Angeles and New York City*, Final Report, Mar. 4, 2002 (hereafter cited as the Urban Institute, *How Are Immigrants Faring After Welfare Reform?*).

2[2] Linda Burnham, “Welfare Reform, Family Hardship, and Women of Color,” *The Annals of the American Academy of Political and Social Science*, September 2001, p. 45 (hereafter cited as Burnham, “Welfare Reform, Family Hardship, and Women of Color”) citing Equal Rights Advocates, *From War on Poverty to War on Welfare: The Impact of Welfare Reform on the Lives of Immigrant Women* (San Francisco, CA: The Equal Rights Advocates, 1999).

In 1999, the Office for Civil Rights in the U.S. Department of Health and Human Services (HHS) found that the failure of welfare offices to provide translation services to non-English-speaking clients has the effect of discriminating on the basis of national origin and is a violation of federal civil rights laws. Yet, it appears that little has been done to enforce compliance, and state agencies have remained inadequate in the provision of services to language minorities.

Civil rights enforcement efforts are hampered by the fact that relatively little data have been collected on the distribution of benefits, sanctions, and access to services by race and ethnicity, and there is no uniform national standard for such data collection. This makes it difficult to draw conclusions about the civil rights implications of welfare reform at the national or state level, leaving policymakers unable to assess program deficiencies and guessing at how to redesign reform.

**Recommendation 1:** Congress should take the reauthorization of welfare reform as an opportunity to clarify and strengthen the applicability of civil rights and labor laws to participants in TANF (Temporary Assistance to Needy Families) activities and to reiterate the legal requirements of state agencies and employers.

**Recommendation 2:** Congress should allocate funding for stronger enforcement of civil rights laws, improved training of caseworkers, and outreach to employers of welfare recipients. Congress should give the Office for Civil Rights at the Department of Health and Human Services the resources necessary to investigate allegations of discrimination and monitor the activities of state welfare offices to ensure adherence to federal civil rights statutes.

**Recommendation 3:** The Administration for Children and Families within HHS should collect and disseminate standardized data by race/ethnicity on welfare recipients, those denied benefits, those sanctioned, and those exempted from work requirements. Data should also be disaggregated by subpopulations, particularly with respect to immigrant welfare recipients, so that state and local agencies can assess usage patterns and better determine the unique needs of various communities. The data should be produced in a uniform and easily accessible format and made available to researchers and practitioners.

**Recommendation 4:** HHS should conduct regular audits of state welfare agencies. States must be required to adopt grievance procedures. States should be required to develop a plan for dealing with noncompliance with federal civil rights laws and submit it to HHS, and be monitored for a set number of years until the problem is resolved and the compliance goals are met.

## **II. MINIMIZING DISCRIMINATION AND DISPARITIES IN ACCESS**

Despite the absence of national data, many individual organizations have conducted studies that have resulted in similar findings; there is enough evidence to suggest that there are in fact disparities in access to and receipt of services across racial and ethnic lines. Caseworkers, who have great discretion in connecting recipients with available

services, often discriminate, whether intentionally or not, in the services they offer. For example, numerous studies have found that white recipients are more likely to be encouraged to pursue an education, are less likely to be sanctioned, and are more likely to receive child care subsidies than other groups. Other studies have found that welfare agencies are least helpful to blacks in providing job-readiness skills and more helpful to whites, Hispanics, and Asian Pacific Americans. They are also least likely to provide basic academic skills, enrichment, or tutoring services to black recipients.

The National Urban League Institute for Opportunity and Equality found that, generally, minority working mothers on TANF do not receive the necessary subsidies to transition to work—including child care, transportation assistance, and college degree assistance—at the same rate as white working mothers. More than 70 percent of Hispanic and African American women did not receive any subsidies for work-related activities as compared with 62 percent of white women. At the same time, African American and Hispanic women are more likely to work at unpaid jobs for benefits (65 percent and 72 percent, respectively) than are white women (46 percent).<sup>3[3]</sup> The study highlights the need for stronger quality assurance measures in the implementation of TANF to ensure consistency in the distribution of support services across racial and ethnic groups.<sup>4[4]</sup>

According to the Urban League, the most significant disparities exist among support services in which caseworkers are likely to have the most discretion. The study concludes that differences in support service utilization rates may explain differing rates at which racial/ethnic groups successfully leave welfare for work.

Another recent survey of post-1996 welfare recipients in 13 states revealed that people of color have encountered insults and disrespect as they have attempted to navigate the welfare system. The survey also found that women are frequently subject to sexual inquisitions at welfare offices and sexual harassment at job activities, often with no recourse. Individuals whose first language is not English have encountered language barriers, despite federal protections designed to guard against that barrier. Eligible immigrants are often turned away and have been told to “go back where they came from.”<sup>5[5]</sup> Specific findings of the survey include the following:

- Significantly more people of color than white respondents are required to perform “workfare,” working for a welfare check rather than actual wages.
- One out of six women welfare recipients has experienced sexual harassment in her work activity.

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<sup>3[3]</sup> National Urban League, Institute for Opportunity and Equality, “Differences in TANF Support Service Utilization: Is there Adequate Monitoring to Ensure Program Quality?” June 2002, p. 7 (hereafter cited as National Urban League, “Differences in TANF Support Service Utilization”).

<sup>4[4]</sup> National Urban League, “Differences in TANF Support Service Utilization.”

<sup>5[5]</sup> Rebecca Gordon, *Cruel and Usual: How Welfare “Reform” Punishes Poor People* (Oakland, CA: Applied Research Center, 2001), p. 5 (hereafter cited as Gordon, *Cruel and Usual*).

- More than a third of women have experienced personally invasive behavior from welfare officials with regard to their sex lives.
- 62 percent of recipients whose first language is not English report experiencing significant language barriers.
- Black and Native American recipients are much more likely to have been sanctioned than members of other racial groups.
- Whites are more likely to receive child care subsidies (70 percent) than other groups, with Native Americans being least likely (42 percent).
- White women in some jurisdictions are more likely to receive TANF benefits for unborn children than women of color.<sup>6[6]</sup>

With respect to service quality, another study found that in two Virginia counties, 41 percent of white recipients, but none of the black recipients, were encouraged to pursue education, and 47 percent of white recipients and no black recipients reported receiving transportation assistance beyond gas vouchers.<sup>7[7]</sup>

Similar findings were made in Mississippi, one of the nation's poorest states, where black recipients were found to be less likely to receive access to services than whites.<sup>8[8]</sup> Welfare agencies in Wisconsin were found to be least helpful to blacks in providing job-readiness skills and more helpful to whites, Hispanics, and Asian Pacific Americans. They were also least likely to provide basic academic skills, enrichment, or tutoring services to black recipients. These recipients were more likely to have their food stamp benefits reduced, and to have to pay for medical services than any other racial/ethnic group.<sup>9[9]</sup>

Evidence suggests that people of color and language minorities are often disparately affected by welfare rules and restrictions. For example, states with higher percentages of Hispanic and black recipients at the time of welfare reform were more likely to adopt

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<sup>6[6]</sup> Gordon, *Cruel and Usual*, pp. 5, 33–34.

<sup>7[7]</sup> Kenneth Finegold and Sarah Staveteig, "Race, Ethnicity, and Welfare Reform," chapter 11 in Alan Weil and Kenneth Finegold, eds., *Welfare Reform, The Next Act* (Washington, DC: The Urban Institute Press, 2002), p. 215 (hereafter cited as Finegold and Staveteig, "Race, Ethnicity, and Welfare Reform"); Susan T. Gooden, Center for Public Administration and Policy, Virginia Tech University, "All Things Not Being Equal: Differences in Caseworker Support Toward Black and White Welfare Clients," *Harvard Journal of African American Public Policy*, vol. 4 (1998), pp. 23–33.

<sup>8[8]</sup> The Scholar Practitioner Program, African American Leadership Institute, Academy of Leadership, University of Maryland at College Park, "Racial and Ethnic Disparities in the Era of Devolution: A Persistent Challenge to Welfare Reform," December 2001, p. 26 (hereafter cited as Scholar Practitioner Program, "Racial and Ethnic Disparities in the Era of Devolution"). Findings are based on research conducted under the W.K. Kellogg Foundation's Devolution Initiative. The Scholar Practitioner Program has undertaken specific studies in five states: Florida, New York, Mississippi, Washington, and Wisconsin.

<sup>9[9]</sup> Scholar Practitioner Program, "Racial and Ethnic Disparities in the Era of Devolution," p. 23.

shorter time limits, family caps on benefits, and stronger sanctions than states with lower percentages of minority recipients.<sup>10</sup>[10]

Whites are less likely than other former recipients to leave welfare for administrative reasons, such as not following program rules, administrative mistakes, or reaching time limits on benefits. White former recipients also are more likely to receive help with expenses in the first three months after leaving the rolls than are black former recipients. Blacks report leaving welfare because of administrative problems, time limits, or noncompliance with program rules much more frequently than whites or all other races combined.<sup>11</sup>[11] Nationally, whites leave the rolls at faster rates than minorities, and thus make a faster transition to work. The decline in welfare rolls has been 25 percent for whites, 17 percent for African Americans, and 9 percent for Hispanics.<sup>12</sup>[12] While there may be many causes for this occurrence, researchers have documented that racial discrimination in employment and discriminatory referral policies on the part of caseworkers play a role.<sup>13</sup>[13]

Differential and discriminatory treatment extends beyond the welfare office to employers and agencies that hire welfare-to-work individuals, suggesting further need for increased civil rights monitoring and enforcement. For example, research has found that small and suburban employers are less likely to hire black or Hispanic welfare recipients. Other studies have shown that, even when they have more education than whites, black welfare recipients receive shorter employment interviews (more than half are fewer than five minutes long), and among some temporary employment agencies, there is extensive evidence of racial discrimination in hiring for entry-level jobs.<sup>14</sup>[14] Another survey found that, compared with white recipients, black welfare recipients are also more likely to be subjected to pre-employment tests (usually drug or criminal background checks), are more likely to have to work undesirable evening hours, and are less likely to have a positive relationship with their employers.<sup>15</sup>[15]

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<sup>10</sup>[10] Finegold and Staveteig, "Race, Ethnicity, and Welfare Reform," p. 214, *citing* Joe Soss, Stanford F. Schram, Thomas V. Vartanian, and Erin O'Brien, "Setting the Terms of Relief: Explaining State Policy Choices in the Devolution Revolution," *American Journal of Political Science*, vol. 45, no. 2 (2001), pp. 378–95. *See also* Scholar Practitioner Program, "Racial and Ethnic Disparities in the Era of Devolution," p. 37.

<sup>11</sup>[11] Finegold and Staveteig, "Race, Ethnicity, and Welfare Reform," p. 207. The authors base their data on the Urban Institute's 1997 and 1999 National Survey of America's Families.

<sup>12</sup>[12] Burnham, "Welfare Reform, Family Hardship, and Women of Color," p. 45.

<sup>13</sup>[13] *Ibid.*

<sup>14</sup>[14] Finegold and Staveteig, "Race, Ethnicity, and Welfare Reform," p. 213.

<sup>15</sup>[15] Susan T. Gooden, "The Hidden Third Party: Welfare Recipients' Experiences with Employers," *Journal of Public Management and Social Policy*, vol. 5, no. 1 (1999), pp. 69–83 (hereafter cited as Gooden, "The Hidden Third Party").

In addition to women of color in general, several specific populations have a distinct stake in the reauthorization of welfare reform: immigrants, American Indians, and persons with disabilities. Each has unique needs that remain largely unmet under the current law. The Commission has given careful consideration to possible remedies, out of which flow the recommendations presented here.

### ***Immigrants***

The 1996 law prohibited states from supporting legal immigrants with TANF funds until they have resided in the United States for at least five years. As a result of these restrictions, many immigrants have left the rolls, and the living conditions of these poor families continue to decline. Today, significantly fewer legal immigrants, although eligible, receive TANF assistance, food stamps, and Medicaid. The changes to eligibility had a significant effect on children of immigrant parents; even the participation of U.S. citizen children who live in immigrant families has declined.

The effort to restrict immigrant eligibility was largely premised on false perceptions about the group's reliance on public assistance. Data show that, contrary to public perceptions, immigrant families are less likely to receive welfare than are citizen families, as was the case prior to 1996. Also contrary to public opinion, immigrants generally do not come to the United States with the intent of receiving "handouts." In fact, 14 of 19 "new growth" states (i.e., states that have seen a significant increase in immigration) offer no public assistance for new immigrants. New arrivals locate themselves based on the availability of jobs, not on the likelihood of receiving better benefits.<sup>16</sup>[16]

As a result of the 1996 reform measures, 60 percent fewer legal immigrants, although eligible, received TANF assistance in 2000 than in 1995; 48 percent fewer received food stamps; and 15 percent fewer received Medicaid.<sup>17</sup>[17] In other cases where immigrants are eligible for benefits, many do not receive them because they fear retribution from the government, such as deportation.<sup>18</sup>[18] Although, in 1997, Supplemental Security Income (SSI) was reinstated to immigrants who were in the United States prior to the 1996 reform, many immigrants with disabilities lost their coverage and the additional benefits afforded to them through public assistance programs. In many cases SSI was their only means of financial support or medical services.

An Urban Institute-sponsored study, conducted by the Survey Research Center of the University of California at Los Angeles, of immigrants in Los Angeles County and New

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<sup>16</sup>[16] See Michael Fix and Jeffrey S. Passel, "Assessing Welfare Reform's Immigrant Provisions," chapter 10 in Alan Weil and Kenneth Finegold, eds., *Welfare Reform, The Next Act* (Washington, DC: The Urban Institute Press, 2002), pp. 193–95.

<sup>17</sup>[17] Michael Fix and Jeffrey Passel, "The Scope and Impact of Welfare Reform's Immigrant Provisions," the Urban Institute, discussion paper, January 2002. See also Michael Fix and Ron Haskins, "Welfare Benefits for Non-citizens," the Brookings Institution, Policy Brief No. 15, February 2002.

<sup>18</sup>[18] Scholar Practitioner Program, "Racial and Ethnic Disparities in the Era of Devolution," p. 31.

York City demonstrates reduced benefit use, despite substantial levels of need, among immigrant families in programs directly affected by the eligibility restrictions imposed in the 1996 welfare reform.<sup>19</sup>[19]

As noted above, more than 75 percent of immigrant adults in Los Angeles and nearly two-thirds in New York are limited English proficient; and more than 50 percent in Los Angeles and 38 percent in New York do not speak English well or at all.<sup>20</sup>[20] Adults with limited English proficiency are also poorer than immigrant adults overall, with poverty rates at more than 30 percent in both Los Angeles and New York, despite having higher work force participation rates than poor non-immigrants.<sup>21</sup>[21] Language access in cases such as this is not only vital to welfare participants, but also required by law. Without language assistance, even eligible immigrant families are less likely to receive appropriate services and opportunities to transition to better employment.

For instance, a study of the Hmong community in Wisconsin found that this group faces many barriers to employment, including high rates of illiteracy, cultural and linguistic isolation, and lack of skills. Despite this knowledge, welfare agencies are not addressing employment barriers specific to the Hmong community, are failing to provide specialized training or literacy assistance, and are placing them in work assignments that provide little or no skill development.<sup>22</sup>[22]

The additional barriers faced by immigrants will be compounded by stricter work requirements and definitions of what qualifies as a work activity. Many of the non-cash services, such as counseling, training, English instruction, and education, would benefit new immigrants and help lift them out of low-paying jobs. Further, there is great variation within immigrant communities and among those who receive public assistance, raising the concern that state and local infrastructures may not be equipped to address the distinct needs of each group.

One researcher noted that limited English, lack of education, and limited job skills severely restrict immigrants' options in the job market, making it difficult for them to comply with welfare-to-work requirements. Language problems also impede their ability

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<sup>19</sup>[19] The Urban Institute, *How Are Immigrants Faring After Welfare Reform?* For this study, 3,447 immigrant families, including 7,843 people, were surveyed in New York City and Los Angeles County. The survey was conducted in five languages and had a response rate of 69 percent. Survey results were compared with data from the Current Population Survey of the U.S. Census Bureau and the Urban Institute's National Survey of America's Families.

<sup>20</sup>[20] The Urban Institute, *How Are Immigrants Faring After Welfare Reform?*

<sup>21</sup>[21] Ibid.

<sup>22</sup>[22] Scholar Practitioner Program, "Racial and Ethnic Disparities in the Era of Devolution," pp. 23–24.

to negotiate the welfare bureaucracy, which provides very limited or no translation services, and denies them information about programs to which they are entitled.<sup>23</sup>[23]

**Recommendation 5:** Congress should immediately restore full benefits to legal immigrants, regardless of date of entry to the United States. Benefits should not be contingent on the financial resources of their sponsors, who may be unable or unwilling to help, especially in times of economic hardship. Congress should also allow access to certain public assistance programs to undocumented immigrants, such as health care, education, and food stamps. For the well-being of these families, particularly their children, all immigrants should have access to the basic human necessities, at the very least.

**Recommendation 6:** In keeping with the civil rights laws and guidelines already established, HHS must strengthen its monitoring and enforcement of language assistance requirements. Language assistance must be provided to welfare recipients who have limited English proficiency throughout the public assistance process. Congress should require HHS and the Department of Labor to update and circulate guidelines. All states, but particularly those with large language minority populations, should be required to put in place procedures for providing translation services. Welfare offices should partner with advocacy and community groups to ensure that volunteer interpreters are available when needed. In addition, written materials, including program offerings and eligibility rules, should be translated in appropriate languages.

### ***Indian Tribes***

Under PRWORA, federally recognized Indian tribes were given the authority to manage their own TANF programs, and they have generally welcomed this discretion. Many tribes have established independent requirements that reflect the unique economic and social conditions among tribal communities. However, despite efforts to stimulate economic development, tribal communities remain poor, and unemployment remains high. Geographic isolation and lack of education and job skills have hampered economic growth on reservations. Furthermore, many tribes lack the infrastructures and expertise to develop programs that will adequately serve the needs of their populations and have received little assistance from either state or federal government. According to one tribal leader, while tribes have admirably assisted their clients in a short time, “it is naturally self-evident that our programs do not have the resources, experience or infrastructure that state programs use, with the assistance of federal funding, in their daily administration of welfare services.”<sup>24</sup>[24]

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<sup>23</sup>[23] Burnham, “Welfare Reform, Family Hardship, and Women of Color,” pp. 45–46.

<sup>24</sup>[24] Dallas Massey, Sr., chairman, White Mountain Apache Tribe, testimony before the Committee on Indian Affairs, United States Senate, May 10, 2002, p. 3.

Between 1994 and 2001, the number of American Indian families receiving cash assistance through TANF state programs decreased to 26,000 from nearly 68,000.<sup>25</sup>[25] It should be noted that a portion of this decline can be attributed to the fact that many Indians participated in tribal TANF programs rather than state programs. However, it is estimated that tribal programs only serve approximately 22,000 families, making the decline in participation still significant but less than the decline among the general population. In six states, the proportion of the caseload composed of American Indians has actually increased since welfare reform. For example, in 2001 in South Dakota, 80 percent of individuals receiving cash assistance were American Indian, despite making up only 8 percent of the state's population. The U.S. General Accounting Office (GAO) estimates that the overall decline in the number of American Indians receiving cash assistance can be attributed to decreased usage among Indians living off reservations, not those on reservations.<sup>26</sup>[26]

**Recommendation 7:** Congress should provide resources and technical assistance to tribal TANF offices to assist them in the development of programs and infrastructures. Congress should provide to tribes capacity-building and technical assistance grants, similar to those provided in state programs, so they can improve the administration of their own welfare assistance programs.

**Recommendation 8:** Congress should render tribal TANF programs eligible to receive performance incentives as an inducement for creating and maintaining successful programs. Tribes should also be provided funding for management information systems, technical assistance, transportation grants, vocational and educational opportunity grants, and community and economic development grants.

### ***Persons with Disabilities***

Individuals with disabilities make up a segment of the population that was largely ignored by welfare reform and will be disproportionately affected by provisions built into the reauthorization proposals, such as increased work requirements. While many persons with disabilities are eligible for Supplemental Security Income, the strict eligibility requirements of SSI have forced others to rely on TANF assistance.

It is estimated that more than 40 percent of TANF recipients have impairments or are caring for a child with a disability, compared with 15 percent of the non-TANF population.<sup>27</sup>[27] The National Council on Disability estimates that of the “hardest to

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<sup>25</sup>[25] U.S. General Accounting Office, “Welfare Reform: Tribes Are Using TANF Flexibility to Establish Their Own Programs,” testimony before the Committee on Indian Affairs, U.S. Senate, May 10, 2002, p. 8. This includes only the 34 states with federally recognized Indian tribes.

<sup>26</sup>[26] Ibid., p. 9.

<sup>27</sup>[27] U.S. General Accounting Office, “Welfare Reform: Outcomes for TANF Recipients with Impairments,” July 2002, p. 13 (hereafter cited as GAO, “Outcomes for TANF Recipients with Impairments”).

serve” individuals remaining on welfare since the enactment of PRWORA, more than half face barriers because of learning disabilities, mental retardation, and emotional or behavioral problems.<sup>28</sup>[28]

Based on analyses of current TANF recipients across several states, it is estimated that a quarter to a third have serious mental health problems; more than 20 percent have physical impairments that limit their ability to work; a fifth to a third have learning disabilities; and 20 to 25 percent have IQs of less than 80.<sup>29</sup>[29] Of former TANF recipients, between 20 and 40 percent of those who left TANF and are not working are not working due to a disability or health condition. Of those, 25 to 50 percent are no longer using TANF due to a failure to comply connected to their disability or health condition.<sup>30</sup>[30] Some studies indicate that those who have learning disabilities or low intelligence are noncompliant because it is difficult to understand the complicated rules of the program. Other studies have shown that recipients with health problems are more likely to be sanctioned for noncompliance than nondisabled recipients (50 percent as compared with 39 percent).<sup>31</sup>[31] Disabilities can make it difficult for individuals to find and keep jobs, thus, making it difficult for them to meet TANF requirements. Increased work requirements, without needed supports, will place these individuals at a greater disadvantage.

A study by the U.S. General Accounting Office, based on data collected in the Census Bureau’s Survey of Income and Program Participation, found that recipients with impairments are half as likely to leave TANF as recipients without impairments. They are also less likely to be employed after leaving the welfare rolls.<sup>32</sup>[32] In their first month after leaving TANF, 36 percent with impairments reported having no earnings (including from SSI), as compared with 23 percent of other welfare leavers.<sup>33</sup>[33] GAO also found that many recipients with impairments are not receiving the assistance needed to move

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<sup>28</sup>[28] National Council on Disability, *National Disability Policy: A Progress Report*, November 1999–November 2000, <<http://www.ncd.gov>>, p. 49.

<sup>29</sup>[29] Eileen P. Sweeney, Center on Budget and Policy Priorities, “Recent Studies Indicate That Many Parents Who Are Current or Former Welfare Recipients Have Disabilities and Other Medical Conditions,” Feb. 29, 2000, <<http://www.cbpp.org/2-29-00wel.pdf>>, pp. 1–5.

<sup>30</sup>[30] Ibid.

<sup>31</sup>[31] Denise F. Polit, Andrew S. London, and John M. Martinez, “The Health of Poor Urban Women: Findings from the Project on Devolution and Urban Change” (New York: Manpower Demonstration Research Corporation, 2001).

<sup>32</sup>[32] GAO, “Outcomes for TANF Recipients with Impairments,” p. 7. Both findings hold after controlling for gender, race, age, marital status, education, and state of residency.

<sup>33</sup>[33] Ibid., p. 21.

toward employment, and while they are sometimes exempted from work requirements, they are often not exempted from time limits.<sup>34</sup>[34]

**Recommendation 9:** Congress should encourage states to develop community-based programs that assist individuals with disabilities in finding work. Time limits should be eliminated for individuals with disabilities who have insurmountable barriers to employment, and these individuals should not count against state exemptions for extreme hardship cases.

### III. PREVENTING FUTURE DISPARATE IMPACT

Unduly restrictive rules for work requirements, participation rates, countable work activities, and time limits established under the 1996 welfare reform law make it difficult for many TANF-receiving women to sustain productive employment. The provisions adopted disproportionately affect people of color, individuals with disabilities, and those with limited English proficiency. In addition to the discriminatory effects of poorly designed and implemented welfare programs cited here, the Commission is concerned about policy proposals that have the potential to disproportionately affect certain populations. Thus, the Commission recommends prophylactic measures that will minimize the projected risks associated with the stricter requirements.

The proposals call for tougher work requirements without providing the help recipients need to find decent employment and benefits. Rather than affording individuals the opportunity to obtain skills and experiences that have the potential to move them into better, living-wage jobs, this approach requires individuals to take low-wage jobs without advancement potential, simply to comply with the definition of work activity.

The restriction on the number of people in each state who can count education as a work activity has prevented states from allowing many welfare recipients to pursue education. This is a disturbing trend considering the proven relationship between education and income. Studies have found that TANF recipients who are *not* working have significantly lower levels of education than those who are working. Further, skill patterns of women on welfare reveal disparities along racial and ethnic lines. While 51 percent of white recipients have “competent, advanced, or superior” skills, only 17 percent of African American recipients and 16 percent of Hispanic recipients do.<sup>35</sup>[35] At the same time, 46 percent of African American women and 29 percent of Hispanic women on welfare have basic skills and could raise their earning potential through one semester of

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34[34] Ibid., p. 9; U.S. General Accounting Office, “Welfare Reform: More Coordinated Effort Could Help States and Localities Move TANF Recipients with Impairments Toward Employment,” Oct. 31, 2002; U.S. General Accounting Office, “Welfare Reform: Moving Hard-to-Employ Recipients into the Workforce,” Mar. 15, 002.

35[35] Anthony P. Carnevale and Katherine Reich, “A Piece of the Puzzle,” *Educational Testing Service Leadership 2000 Series*, <<http://www.span-online.org/puzzle.pdf>>.

coursework.<sup>36</sup>[36] However, as noted above, evidence shows that race and ethnicity often determine who is given access to the limited education programs in existence. A recent study of the National Urban League found that PRWORA's anti-education policies have had a significant impact on African American TANF recipients in particular. State policies that do not allow college courses to count toward work requirements have resulted in significantly lower college enrollment for these women.<sup>37</sup>[37]

In addition, the training and education programs states offer are often inappropriate for the needs of individual recipients. Frequently, states take a one-size-fits-all approach to training. National research has found that the most successful welfare-to-work programs are those that provide services tailored to different recipients' needs (for example, assistance to overcome language barriers or specialized training to accommodate disabilities).<sup>38</sup>[38]

While it is still too soon to determine the true impact of the initial five-year limit, as many are just now reaching that point, there is widespread concern that many of the individuals who will be forced off the rolls due to time limits are the hardest to employ, those with disabilities, and those for whom the system has failed. Negative and discriminatory treatment of individuals on welfare is also likely to affect their ability to succeed off the rolls, through job retention and increased earnings, which is especially critical in an era of time-limited benefits.<sup>39</sup>[39]

Prior to the 1996 reform, the Urban Institute found that blacks and Hispanics tend to remain on welfare for longer periods of time, and thus would be more seriously affected by time limits. Data at the time suggested that 41 percent of black recipients and 51 percent of Hispanic recipients, while only 27 percent of white recipients, would be forced off the rolls due to time limits.<sup>40</sup>[40] More recent research estimates that black women are 55 percent more likely, and Hispanic women are 90 percent more likely, than white women to spend at least five years on welfare.<sup>41</sup>[41] More than 20 states implemented

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<sup>36</sup>[36] Ibid.

<sup>37</sup>[37] National Urban League, Institute for Opportunity and Equality, "Negative Effects of TANF on College Enrollment," Special Research Report, June 2002. The Urban League criticized the Census Bureau's report on the work activities of mothers receiving TANF for not analyzing differences by race and ethnicity, particularly in the key areas of education and access to services. See National Urban League, "Census Report Spins Data, Urban League Contends," press release, June 6, 2002.

<sup>38</sup>[38] Center for Law and Social Policy and the National Council of State Directors of Adult Education, "Built to Last: Why Skills Matter for Long-Run Success in Welfare Reform," May 2002, <[www.clasp.org](http://www.clasp.org)>, p. 6.

<sup>39</sup>[39] Gooden, "The Hidden Third Party," p. 81.

<sup>40</sup>[40] Steve Savner, "Welfare Reform and Racial/Ethnic Minorities: The Questions to Ask," *Poverty and Race*, vol. 9 no. 4 (July/August 2000), p. 3.

<sup>41</sup>[41] Finegold and Staveteig, "Race, Ethnicity, and Welfare Reform," p. 209. See also Scholar Practitioner Program, "Racial and Ethnic Disparities in the Era of Devolution," p. 6.

time limits that were shorter than five years, and there is evidence that the shorter time limits have already had a disparate impact.<sup>42</sup>[42] For instance, in Utah, 53 percent of Hispanics and 48 percent of Native Americans who left the rolls since welfare reform did so due to time limits. Only 24 percent of white recipients left for the same reason. In Florida, 70 percent of the people who have left welfare because they reached time limits are African American.<sup>43</sup>[43]

Finally, numerous studies have demonstrated that navigating the welfare system is often challenging for families, resulting in lack of access to the programs and support systems designed to move them out of poverty. In addition, as this review demonstrates, customer service concerns are often linked with civil rights. It is frequently the case that people of color are subjected to differential treatment in the provision of services, and people of color and language minorities are often disparately affected by welfare rules and restrictions. While the Commission acknowledges that legislating customer service is difficult, measures can be taken to ensure that state and local welfare agencies are adequately serving the communities that rely on their services and that services are delivered in an equitable manner.

**Recommendation 10:** Given that many of those remaining on the rolls are the hardest to employ, the employment difficulties faced by racial and ethnic minorities, and current economic conditions, which do not favor full-time employment for many, Congress should not increase work requirements, and in some cases reduction, perhaps to 20 hours per week, should be allowed for individuals such as single parents of young children, persons with disabilities, and those with other extenuating circumstances. Requiring only part-time work while providing assistance will better enable these recipients to pursue education and job training.

**Recommendation 11:** Congress should include a broader range of education programs that meet the work-related activities requirement, such as adult basic education, literacy training, English as a second language classes, GED preparation, and postsecondary education. Allowing English as a second language instruction is necessary to bridge the information gap for immigrants.

**Recommendation 12:** Congress should not place restrictions on the length of time education can be counted toward work, so that welfare recipients have realistic opportunity to move through education programs that will result in better jobs. Nor

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<sup>42</sup>[42] States that placed restrictions on or shortened the 60-month limit include Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Louisiana, Massachusetts, Nebraska, Nevada, North Carolina, Ohio, Oregon, South Carolina, Tennessee, Utah, and Virginia. *See* U.S. Department of Health and Human Services, Administration for Children and Families, “Time Provisions of State TANF Plans,” <<http://www.acf.dhhs.gov/programs/ofa/TIME2.htm>>.

<sup>43</sup>[43] National Campaign for Jobs and Income Support, “TANF Reality Check: Time Limits,” <<http://www.nationalcampaign.org/download.tlissuebrief.pdf>>.

should Congress restrict the proportion of state recipients enrolled in postsecondary or vocational education, thus forcing states to limit this opportunity to a select few.

**Recommendation 13:** States should be required to develop an individualized approach to training, so that appropriate “curricula” can be developed for each recipient based on her or his needs. Individual needs assessments should be conducted and a tailored plan developed for each recipient prior to training or employment assignments. Plans must be reviewed for progress on a quarterly basis and revised if necessary, and there should be in place a review mechanism to determine that all recipients have access to available education programs and that individuals are not being unfairly steered away from such opportunities.

**Recommendation 14:** Congress should abolish the mandatory 60-month time limit for participation in the TANF program, and recipients should be evaluated for eligibility on a case-by-case basis. Alternatively, Congress could allow extensions of time limits based on assessments of the needs of those perennially on the rolls, who are likely to be among the hardest to employ. If a time limit is imposed, Congress should require states to temporarily suspend participation for recipients who are employed, regardless of whether that employment is full time or part time. Congress should allow states the discretion to extend time for all recipients who face hardships such as a disability, taxing family responsibilities, or loss of employment.

**Recommendation 15:** Congress, by establishing minimum standards for service delivery, should ensure that states make efforts to better serve welfare recipients, for example, by expanding office hours and locations, and where possible, providing child care during visits. Caseworkers should be required to conduct on-site visits to the hardest to reach individuals, for instance, through monthly visits to low-income housing complexes, local public libraries, community centers, and neighborhood schools. Welfare agencies should hold regular town/neighborhood meetings to provide technical assistance to people navigating the system and to let the public know what services are available. These efforts should provide tailored services to immigrant families irrespective of their levels of assimilation.

**Recommendation 16:** Ongoing caseworker training is essential to prevent discrimination and to ensure caseworkers understand eligibility requirements and the availability of services. Caseworkers should be held to the same high standards as other professionals, meet standards for competency, and engage in continuing education.

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## Comparison and Analysis of the 1996 Welfare Reform Bill and 2002 Proposals

Provision	1996 Welfare Bill	2002 Proposals
<b>Work requirements</b>	Required recipients to work 30 hours per week after two years of cash assistance; 10 hours could be spent engaging in job training or education activities that were directly related to employment. Single parents of children under 6 years of age were required to work only 20 hours per week, and two-parent families were required to work 35 hours per week.	<p><u>Administration and House Proposals</u> Both require recipients to work 40 hours per week. Of those hours, 24 must be “direct work activity,” as specified by the state within the bounds of the federal definition (discussed in next section). The remaining 16 hours per week may be spent on substance abuse counseling or treatment, rehabilitation treatment and services, work-related education or training, or job search or job readiness assistance.</p> <p><u>Senate Proposal</u> Maintains the requirement of 30 hours of work participation per week, but increases the priority work activities requirement from 20 hours to 24 hours. Retains the 20-hour work week for single parents of children under 6 years of age.</p>
Provision	1996 Welfare Bill	2002 Proposals
<b>Definition of work activity</b>	Counted 12 activities toward the work participation standard:  unsubsidized jobs; subsidized private jobs; subsidized public jobs; work experience; on-the-job-training; job search (six-week maximum); community service; vocational educational training (12-month limit); providing child care for certain	<p><u>Administration and House Proposals</u> Both have narrowly defined what can be counted toward the “work activity” requirements, effectively limiting the opportunities for individuals to participate in many education and job training programs that would improve their chances of obtaining self-sufficiency.</p>

Provision	1996 Welfare Bill	2002 Proposals
	<p>TANF recipients; job skills training related to employment; education directly related to work; and completion of secondary school (for high school dropouts).</p> <p>Allowed states to count education as a work activity for only 20 percent of welfare recipients.</p> <p>Allowed, but did not require states to develop an individual responsibility plan (IRP) for TANF recipients.</p>	<p>Direct work activity is defined as unsubsidized employment, subsidized private sector employment, subsidized public sector employment, on-the-job training, supervised work experience, or supervised community service. Under the proposals, adult literacy, English as a second language, and high school equivalency courses do not count toward the 24 hours of required paid work for recipients.</p> <p><u>House Bill</u> Reduces the time that full-time education and training can count toward work requirements to four months in a 24-month period. This is determined on a case-by-case basis, if needed to permit the individual to complete a certificate program or other work-related education or training. Also requires states to develop and monitor family self-sufficiency plans that specify appropriate activities, including direct work activities, designed to assist the family in achieving self-sufficiency.</p> <p><u>Senate Proposal</u> Expands the list of approved priority work activities to include time-limited rehabilitative services, including substance abuse and mental health treatment, adult basic education, and limited English proficiency classes. As full-time activities, these are limited to three out of 24</p>

<b>Provision</b>	<b>1996 Welfare Bill</b>	<b>2002 Proposals</b>
		<p>months, with an additional three months allowed when combined with work activities. Also increases the period for counting vocational education or community college programs from 12 to 24 months, but maintains the 30 percent cap on the proportion of recipients who may engage in these activities. Educational time limits do not apply to recipients participating in at least 24 hours of priority work activities per week. Allows states to elect to count postsecondary or vocational education as an approved work activity for 10 percent of their caseloads, making individuals participating in postsecondary education eligible for cash assistance and other supports paid for with federal TANF dollars, without being subject to time limits.</p> <p>Requires states to develop IRPs for recipients who have not completed high school or a GED program and are not attending secondary school. The IRP would detail the individual's work activities and needed work supports.</p>
<b>Provision</b>	<b>1996 Welfare Bill</b>	<b>2002 Proposals</b>
<b>State work participation rates</b>	Required states to have 50 percent of their welfare recipients engaged in work activities for at least 30 hours per week. (States could exempt single parents caring for a child under 1 year old.) For two-parent families the participation	The Administration, House, and Senate proposals all increase the percentage of families required to participate in work activities from 50 percent under the current law by 5 percent a year until FY 2007, when states would be expected to have 70

Provision	1996 Welfare Bill	2002 Proposals
	<p>rate was set at 90 percent. States were allowed to reduce the required work participation rate by one percentage point for each percentage point drop in its welfare caseload since 1995. This provision is known as the caseload reduction credit.</p>	<p>percent of their welfare rolls working and participating in job preparation activities. They also phase out the caseload reduction credit and replace it with an employment credit, which allows states to deduct from their participation rates welfare leavers who become employed.</p> <p><u>Administration Plan</u> Specifies that states will only be allowed to count toward their participation rates families that meet both the 24-hour work requirement and the 40-hour full participation requirement. The employment credit allows states to count for three months those who leave welfare for employment against participation rates.</p> <p><u>House Bill</u> Provides “super achiever” credits for states whose caseloads for 2001 have declined by at least 60 percent from the state caseload for fiscal year 1995.</p> <p><u>Senate Proposal</u> Eliminates the separate two-parent work participation rate. The employment credit is calculated based on two quarters of employment from the previous year for those who have left the rolls.</p> <p>Allows states to exempt 10 percent of their caseloads from work requirements for the care of family members with</p>

Provision	1996 Welfare Bill	2002 Proposals
		disabilities.
Provision	1996 Welfare Bill	2002 Proposals
<b>Time limit on benefits</b>	Established a lifetime limit on cash assistance of 60 months (five years), but allowed states to exempt up to 20 percent of recipients from the time limit. States were also allowed to continue benefits beyond the five years with their own funds.	The Administration, House, and Senate proposals maintain the five-year limit on benefits to recipients, with states having the discretion to shorten the time allowable. They also include the 20 percent exemption from this requirement.
Provision	1996 Welfare Bill	2002 Proposals
<b>Funding for child care</b>	<p>Consolidated four existing programs into Child Care and Development Fund (CCDF) block grant.</p> <p>Under the CCDF, states were entitled to a basic mandatory block grant based on FY 1992–1995 child care expenditures. Additional mandatory funds were provided to states on a matching basis for FYs 1997–2002.</p> <p>Mandatory funds increased by an average of \$150 million per year from \$2 billion in 1997 to \$2.7 billion in 2002.</p> <p>Discretionary funds totaled \$2.1 billion in 2002.</p>	<p><u>Administration Plan</u> Maintains the 2002 levels for both mandatory and discretionary funds, at \$2.7 billion and \$2.1 billion, respectively.</p> <p><u>House Bill</u> Increases mandatory funding for the CCDF by \$1 billion over five years, and authorizes an increase in discretionary funds by \$3 billion over five years (contingent on appropriations). States are also required to use at least 6 percent (up from 4 percent) of the amount of such funds for activities to improve the quality of child care services, such as professional development activities to enhance the skills of the child care workforce, and activities within child care settings to enhance early learning for young children.</p> <p><u>Senate Proposal</u> Provides guaranteed CCDF mandatory child care funding in the following amounts: \$3.7 billion for FY 2003, FY 2004, and FY 2005; and \$3.97 billion</p>

<b>Provision</b>	<b>1996 Welfare Bill</b>	<b>2002 Proposals</b>
		for FY 2006 and FY 2007. The increase to \$3.7 billion does not require matching funds from states. The increase beyond that does. In all, the proposal increases child care spending by \$5.5 billion over the next five years.
<b>Provision</b>	<b>1996 Welfare Bill</b>	<b>2002 Proposals</b>
<b>Funding for TANF</b>	Allocated \$16.5 billion per year for five years to states through the TANF block grant. Required each state to contribute 75 percent of the amount it spent on the AFDC program in 1994 (known as the maintenance of effort requirement). The amount increased to 80 percent if the state failed to meet the work participation rate. The federal government also provided annual supplemental grants to 17 states that experienced high population growth and had large needy populations. The amount of supplemental grants grew from \$79 million in 1998 to \$319 million in 2002. (This provision originally expired at the end of 2001, but was extended through Sept. 30, 2002.) The total TANF funding for FY 2002 was roughly \$16.9 billion.	<p><u>Administration and House Proposals</u> Both maintain the current level of basic TANF block grant funding for fiscal years 2003–2007. The proposals also retain state maintenance of effort (MOE) requirements at 75–80 percent and reinstate the supplemental grants to states at the level at which they expired in FY 2001 (\$319 million).</p> <p><u>Senate Proposal</u> Extends TANF funding through FY 2007 at \$16.5 billion per year. Expands supplemental grants to include 24 states at \$441 million per year and folds them into the main TANF block grant, rather than keeping them as a separate fund.</p> <p>Also retains the state MOE requirement at 75–80 percent.</p>
<b>Provision</b>	<b>1996 Welfare Bill</b>	<b>2002 Proposals</b>
<b>Immigrant eligibility</b>	Expanded restrictions that had previously only applied to undocumented immigrants to legal immigrants. States were barred from using federal TANF dollars to assist most legal immigrants until they had lived in the United States for at least five years. In addition,	<p><u>Administration and House Proposals</u> Both proposals continue the restrictions on immigrant eligibility outlined in the 1996 law. The Administration proposal does, however, align the restrictions on food stamp eligibility with TANF</p>

<b>Provision</b>	<b>1996 Welfare Bill</b>	<b>2002 Proposals</b>
	<p>states were given the option to deny Medicaid to all immigrants. (Currently Wyoming is the only state that does so.)</p> <p>Legal immigrants who entered the country on or after Aug. 22, 1996, were prohibited from receiving not only direct cash assistance, but also work supports, child care, transportation, and job training. Receipt of food stamps was further restricted to apply only to individuals who become citizens or who can be credited with 40 quarters (10 years) of work. It should be noted that some of the restrictions enacted in 1996 have since been lifted. In 1997 Congress restored Supplemental Security Income to most pre-1996 immigrants, and in 1998 it restored food stamp eligibility for immigrant children and elderly and disabled individuals who were in the United States before 1996.i[1]</p>	<p>restrictions, lowering the residency requirement from 10 years to five.</p> <p><u>Senate Proposal</u> Allows states to use TANF funds to assist legal immigrants who have arrived since Aug. 22, 1996. If states opt to do so, they are required to include the income of immigrants' sponsors for three years after entry for the purposes of determining eligibility. Also allows states the flexibility to use federal Medicaid and State Child Health Insurance Program (SCHIP) funds to cover eligible legal immigrant children and pregnant women. Makes a technical change to the 1996 law to clarify that state and local governments may provide health services to immigrants with their own funds.</p>
<b>Provision</b>	<b>1996 Welfare Bill</b>	<b>2002 Proposals</b>
<b>Inclusion of Indian tribes</b>	<p>Recognizing the harsh economic conditions of American Indians living on reservations and Alaska Native villages, Congress exempted those living on reservations with high unemployment from the five-year time limit on receipt of cash assistance. Tribes and villages were also given the option to administer their own TANF programs, rather than being required to enroll in state welfare programs</p>	<p>Notably missing from much of the dialogue about the reauthorization of welfare reform is the impact of reform on the Native American/Native Alaskan population, particularly those living on reservations.</p> <p><u>Administration Plan</u> Includes the provision of technical assistance to tribes.</p> <p><u>House Bill</u> Appears to maintain the status</p>

Provision	1996 Welfare Bill	2002 Proposals
	<p>as had been the case under AFDC. (Hereafter when referring to “tribes” generally, this includes Alaska Native villages.) Tribes could establish their own participation rate goals and define accepted work activities, as well as what types of work supports will be provided to tribal members.ii[2] Unlike states, tribes were required to submit a three-year TANF plan directly to HHS for review and approval. Tribal grants were based on the amount the state spent in fiscal year 1994 for all American Indians residing in the tribe’s service area. Tribes were not eligible for performance bonuses, caseload reduction credits, or contingency funds.</p> <p>States were not required to contribute funds to tribal programs, although the majority do contribute at least some of their maintenance of effort (MOE) funds to tribes. In cases where tribes elect to administer their own programs, states can deduct from their MOE requirements an amount proportionate to the population served by the tribal program. State contributions to tribes do not count toward their MOE requirements.</p>	<p>quo of 1996 bill.</p> <p><u>Senate Proposal</u> Extends the authorization for tribes to operate TANF programs and creates a tribal TANF improvement fund totaling \$75 million for FYs 2003–2006. The fund would support building tribal infrastructure and technical assistance aimed at improving reservation economies.</p> <p>Also funds tribal job training programs at \$37 million yearly and sets aside \$25 million in TANF contingency funds for tribes.</p> <p>Allows the disregard of time limits for adults living in an area in which 20 percent of TANF recipients are jobless (Alaska is not included in this).</p>
Provision	1996 Welfare Bill	2002 Proposals
<p><b>Other needed civil rights safeguards</b></p>	<p>Required that activities and programs provided under TANF comply with the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, the</p>	<p>The applicability of civil rights laws and issues of discrimination are largely ignored in the proposals set forth.</p>

<b>Provision</b>	<b>1996 Welfare Bill</b>	<b>2002 Proposals</b>
	<p>Americans with Disabilities Act of 1990, and Title VI of the Civil Rights Act of 1964.</p>	<p><u>House Bill</u> Does not plainly reaffirm the applicability of the antidiscrimination statutes included in the 1996 law.</p> <p><u>Senate Proposal</u> Adds a statement on the applicability of worker protection laws, including the Fair Labor Standards Act, the Occupational Safety and Health Act, and Title VII of the Civil Rights Act to recipients of TANF engaged in work activities. However, because the proposal has not yet been reduced to a formal bill, it is unclear whether the final legislation will also include the specific civil rights laws cited in the 1996 bill.</p>
<b>Provision</b>	<b>1996 Welfare Bill</b>	<b>2002 Proposals</b>
<p><b>Promoting marriage and families</b></p>	<p>Did not provide special grants for the promotion of marriage, but provided bonuses totaling \$100 million to the top five states that saw a reduction in out-of-wedlock births (known as the “illegitimacy” reduction bonus).</p> <p>Allowed states to deny additional benefits when children are born to families already receiving cash assistance. Also provided \$250 million for abstinence education within the Maternal Child Health block grant (\$50 million per year).</p>	<p><u>Administration Plan</u> Establishes a \$100 million grant fund to conduct research and initiate demonstration projects focusing on family formation.</p> <p>Redirects funds from the High Performance Bonus established under the 1996 law to create a competitive matching \$100 million grant program to states developing innovative approaches to reducing out-of-wedlock births and promoting marriage.</p> <p>Requires states to describe their plans to promote these goals.</p> <p><u>House Bill</u> Includes \$300 million per year for experiments promoting</p>

Provision	1996 Welfare Bill	2002 Proposals
		<p>marriage and extends the \$50 million program promoting abstinence.</p> <p>Awards \$100 million each year for competitive grants to states to develop innovative programs to promote two-parent families, such as public advertising campaigns, education in high schools, and marriage and relationship skills programs.</p> <p>Also includes grants to public and nonprofit community entities (\$20 million per year) for demonstration service projects and activities designed to test various approaches to accomplish promotion of marriage objectives.</p> <p>Allows states to apply for funding for related demonstration projects. States can request waivers from statutory requirements to implement such demonstration projects.</p> <p><u>Senate Proposal</u>  Repeals the illegitimacy reduction bonus and replaces it with \$200 million per year in grants to support demonstration programs that promote healthy marriages. Reauthorizes the “abstinence-first” education program at \$50 million per year, but allows states to discuss other prevention methods. Also bans states from implementing stricter eligibility rules for two-parent families.</p>
Provision	1996 Welfare Bill	2002 Proposals

<b>Provision</b>	<b>1996 Welfare Bill</b>	<b>2002 Proposals</b>
<b>Customer service and program accessibility</b>	Does not address	Does not address

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i[1] Last spring President Bush promoted, and Congress passed, a proposal that includes the reinstatement of food stamp benefits to immigrants living in the country for five years, in alignment with TANF requirements.

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ii[2] U.S. General Accounting Office, "Welfare Reform: Tribes are Using TANF Flexibility to Establish Their Own Programs," testimony before the Committee on Indian Affairs, U.S. Senate, May 10, 2002.