

103^D CONGRESS
2^D SESSION

H. R. 3823

To provide for the establishment of a uniform standard of need under the program of aid to families with dependent children.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 1994

Mr. BARCA of Wisconsin (for himself, Mr. BARCIA of Michigan, and Mr. BARRETT of Wisconsin) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To provide for the establishment of a uniform standard of need under the program of aid to families with dependent children.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Welfare Fairness Act”.

5 **SEC. 2. FINDINGS.**

6 The Congress find that—

7 (1) the Wisconsin State Legislature has passed
8 legislation calling upon the Congress of the United
9 States to provide for Federal establishment of bene-

1 fit levels for aid to families with dependent children
2 (AFDC);

3 (2) the current variation in benefit levels from
4 State to State has discouraged families receiving
5 AFDC from remaining in their home communities,
6 although it is generally in the best interest of all
7 citizens to live close to their families, friends, and
8 support networks, and where job opportunities exist,
9 and decisions on where to live should not be com-
10 plicated by the level of AFDC benefits;

11 (3) under the current system, taxpayers in
12 States are paying differing amounts, with some
13 States providing comparatively more in AFDC bene-
14 fits while others are paying well beneath the level of
15 poverty; and

16 (4) because poverty does not know State bound-
17 aries, and because of the current disparities in the
18 system for both taxpayers and AFDC recipients,
19 uniform AFDC benefits should be determined feder-
20 ally.

21 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

22 There is established a commission to be known as the
23 “Commission on Welfare Fairness” (in this Act referred
24 to as the “Commission”).

1 **SEC. 4. DUTIES OF COMMISSION.**

2 Within 1 year after the first date there are 8 mem-
3 bers of the Commission, the Commission shall, in con-
4 sultation with State officials responsible for the adminis-
5 tration of State programs of aid to families with depend-
6 ent children—

7 (1) establish a uniform standard of need for re-
8 cipients of aid to families with dependent children
9 under a State plan approved under part A of title
10 IV of the Social Security Act;

11 (2) devise a formula for adjusting the uniform
12 standard of need, on an annual basis, for differences
13 among the States in the cost of living for low income
14 persons; and

15 (3) devise a method of adjusting the uniform
16 standard of need to offset any other documented in-
17 centive for interstate migration by persons seeking a
18 higher level of benefits under the program of aid to
19 families with dependent children.

20 **SEC. 5. MEMBERSHIP.**

21 (a) NUMBER AND APPOINTMENT.—The Commission
22 shall be composed of 15 members appointed by the Presi-
23 dent, in consultation with the Secretary of Health and
24 Human Services and with State officials responsible for
25 the administration of State programs of aid to families

1 with dependent children, and by and with the advice and
2 consent of the Senate, not later than June 1, 1995.

3 (b) QUALIFICATIONS.—

4 (1) INDIVIDUAL QUALIFICATIONS.—Each mem-
5 ber of the Commission shall—

6 (A) have experience in the delivery of so-
7 cial services; or

8 (B) represent advocacy groups that work
9 for the interests of lower income individuals.

10 (2) GROUP QUALIFICATION.—The members of
11 the Commission, as a whole, shall represent the var-
12 ious regions of the United States.

13 (c) STAGGERED TERMS OF OFFICE.—

14 (1) IN GENERAL.—Each Commission member
15 shall be appointed for a term of 6 years, except as
16 provided in paragraphs (2) and (3).

17 (2) TERMS OF INITIAL APPOINTEES.—As des-
18 igned by the President at the time of appointment,
19 of the members first appointed—

20 (A) 5 shall be appointed for terms of 2
21 years; and

22 (B) 5 shall be appointed for terms of 4
23 years.

24 (3) VACANCIES.—Any member appointed to fill
25 a vacancy occurring before the expiration of the

1 term for which the member's predecessor was ap-
2 pointed shall be appointed only for the remainder of
3 that term.

4 (d) COMPENSATION.—The members of the Commis-
5 sion shall not receive compensation by reason of their serv-
6 ice on the Commission, except travel expenses, including
7 per diem in lieu of subsistence, in accordance with sections
8 5702 and 5703 of title 5, United States Code.

9 (e) QUORUM.—8 members of the Commission shall
10 constitute a quorum but a lesser number may hold hear-
11 ings.

12 (f) CHAIRPERSON; VICE CHAIRPERSON.—The Chair-
13 person and Vice Chairperson of the Commission shall be
14 elected by the members.

15 (g) MEETINGS.—The Commission shall meet at the
16 call of the Chairperson or a majority of the members of
17 the Commission.

18 **SEC. 6. DIRECTOR AND STAFF OF COMMISSION; EXPERTS**
19 **AND CONSULTANTS.**

20 (a) DIRECTOR.—The Chairperson of the Commission
21 may, with the approval of the Commission, and without
22 regard to section 5311(b) of title 5, United States Code,
23 appoint and fix the pay of a director and such additional
24 personnel as may be necessary to enable the Commission
25 to perform its duties, except that an individual so ap-

1 pointed may not receive pay in excess of the annual rate
2 of basic pay payable for level V of the Executive Schedule.

3 (b) STAFF.—The Chairperson of the Commission
4 may, without regard to section 5311(b) of title 5, United
5 States Code, appoint and fix the pay of such additional
6 personnel as may be necessary to enable the Commission
7 to perform its duties, except that an individual so ap-
8 pointed may not receive pay in excess of the annual rate
9 of basic pay payable for level V of the Executive Schedule.

10 (c) EXPERTS AND CONSULTANTS.—The Chairperson
11 may procure temporary and intermittent services under
12 section 3109(b) of title 5, United States Code, but at rates
13 for individuals not to exceed the daily equivalent of the
14 annual rate of basic pay payable for level V of the Execu-
15 tive Schedule.

16 (d) STAFF OF FEDERAL AGENCIES.—Upon request
17 of the Chairperson, the head of any Federal department
18 or agency may detail to the Commission, without reim-
19 bursement, any personnel of the department or agency to
20 assist the Commission in carrying out the duties of the
21 Commission.

22 **SEC. 7. POWERS OF COMMISSION.**

23 (a) HEARINGS AND SESSIONS.—

24 (1) IN GENERAL.—Subject to paragraph (2),
25 the Commission may, for the purpose of carrying out

1 this Act, hold hearings, sit and act at times and
2 places, take testimony, and receive evidence as the
3 Commission considers appropriate.

4 (2) BROAD PUBLIC PARTICIPATION.—The Com-
5 mission shall conduct hearings in various areas of
6 the United States, including inner cities, suburbs,
7 and rural areas, to gather a broad spectrum of infor-
8 mation on the issues to be addressed by the Com-
9 mission. All interested persons shall be afforded an
10 opportunity to testify at such hearings.

11 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
12 ber or agent of the Commission may, if authorized by the
13 Commission, take any action which the Commission is au-
14 thorized to take by this section.

15 (c) OBTAINING OFFICIAL DATA.—The Commission
16 may secure directly from any department or agency of the
17 United States such information as the Commission consid-
18 ers necessary to carry out this Act. Upon request of the
19 Chairperson, the head of that department or agency shall
20 furnish such information to the Commission, to the extent
21 not otherwise prohibited by law.

22 (d) MAILS.—The Commission may use the United
23 States mails in the same manner and under the same con-
24 ditions as other departments and agencies of the United
25 States.

1 **SEC. 8. ANNUAL REPORTS.**

2 (a) **FIRST REPORT.**—Upon the establishment of a
3 uniform standard of need and a formula and method for
4 adjusting the uniform standard of need under section 4,
5 the Commission shall submit to the President, the Sec-
6 retary of Health and Human Services, the Committee on
7 Ways and Means of the House of Representatives, and the
8 Committee on Finance of the Senate a report on the uni-
9 form standard of need, and the formula and method for
10 adjusting the uniform standard of need.

11 (b) **SUBSEQUENT REPORTS.**—On each anniversary of
12 the date the report required by subsection (a) is submit-
13 ted, the Commission shall submit to the President, the
14 Secretary of Health and Human Services, the Committee
15 on Ways and Means of the House of Representatives, and
16 the Committee on Finance of the Senate a report that re-
17 views the success of the establishment of a uniform stand-
18 ard of need in curbing interstate migration for the pur-
19 poses of seeking greater payments of aid to families with
20 dependent children under State plans approved under part
21 A of title IV of the Social Security Act.

22 **SEC. 9. TERMINATION.**

23 (a) **IN GENERAL.**—The Commission shall terminate
24 6 years after the first date there are 8 members of the
25 Commission.

1 (b) INAPPLICABILITY OF TERMINATION PROVISION
2 OF THE FEDERAL ADVISORY COMMITTEE ACT.—Section
3 14(a)(2)(B) of the Federal Advisory Committee Act shall
4 not apply to the Commission.

5 **SEC. 10. CONFORMING AMENDMENTS.**

6 (a) IN GENERAL.—Section 402(a) of the Social Secu-
7 rity Act (42 U.S.C. 602(a)) is amended—

8 (1) by striking “and” at the end of paragraph
9 (44);

10 (2) by striking the period at the end of para-
11 graph (45) and inserting a semicolon; and

12 (3) by inserting after paragraph (45) the fol-
13 lowing:

14 “(46) provide that the State’s standard of need
15 for a family shall be—

16 “(A) during the life of the Commission on
17 Welfare Fairness, the uniform standard of need
18 determined for a family of the same size by the
19 Commission on Welfare Fairness under section
20 4 of the Welfare Fairness Act, adjusted by the
21 Commission (as appropriate) in accordance with
22 the formula and method established under such
23 section; and

24 “(B) after the termination of the Commis-
25 sion, the uniform standard of need referred to

1 in subparagraph (A) of this paragraph, ad-
2 justed by the Secretary (as appropriate) in ac-
3 cordance with the formula and method estab-
4 lished under such section; and

5 “(47) provide that, in determining the amount
6 of aid payable to a family under the State plan, the
7 State may not apply any rule not expressly provided
8 in Federal law.”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall apply to payments under part A of
11 title IV of the Social Security Act for calendar quarters
12 ending after the date the Commission establishes a uni-
13 form standard of need, and a formula and method for ad-
14 justing the uniform standard of need, under section 3 of
15 this Act.

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