

111TH CONGRESS
2D SESSION

S. 3849

To extend the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2010

Mr. KERRY (for himself, Mr. DURBIN, Mr. CASEY, Mr. BROWN of Ohio, Mr. BINGAMAN, Mr. BURRIS, Mr. HARKIN, Mr. LEAHY, Mr. MENENDEZ, Mr. REED, Mr. DODD, Mrs. BOXER, Mr. SCHUMER, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To extend the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs, and for other purposes.

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 “Job Preservation for
5 Parents in Poverty Act”.

6 **SEC. 2. EXTENSION AND MODIFICATION OF THE TANF**
7 **EMERGENCY FUND.**

8 (a) EXTENSION.—

1 (1) IN GENERAL.—Section 403(c) of the Social
2 Security Act (42 U.S.C. 603(c)) is amended—

3 (A) in paragraph (2)(A), by inserting “,
4 and for the first quarter of fiscal year 2011,
5 \$500,000,000” before “for payment”;

6 (B) by striking paragraph (2)(B) and in-
7 serting the following:

8 “(B) AVAILABILITY AND USE OF FUNDS.—

9 “(i) FISCAL YEARS 2009 AND 2010.—

10 The amounts appropriated to the Emer-
11 gency Fund under subparagraph (A) for
12 fiscal year 2009 shall remain available
13 through fiscal year 2010 and shall be used
14 to make grants to States in each of fiscal
15 years 2009 and 2010 in accordance with
16 paragraph (3), except that the amounts
17 shall remain available through fiscal year
18 2011 to make grants and payments to
19 States in accordance with paragraph
20 (3)(C) to cover expenditures to subsidize
21 employment positions held by individuals
22 placed in the positions before fiscal year
23 2011.

24 “(ii) FISCAL YEAR 2011.—Subject to
25 clause (iii), the amounts appropriated to

1 the Emergency Fund under subparagraph
2 (A) for the first quarter of fiscal year 2011
3 shall remain available through fiscal year
4 2012 and shall be used to make grants to
5 States based on expenditures in the first
6 quarter of fiscal year 2011 for benefits and
7 services provided in the first quarter of fis-
8 cal year 2011 in accordance with the re-
9 quirements of paragraph (3).

10 “(iii) RESERVATION OF FUNDS.—Of
11 the amounts appropriated to the Emer-
12 gency Fund under subparagraph (A) for
13 the first quarter of fiscal year 2011,
14 \$500,000 shall be placed in reserve for use
15 in fiscal year 2012, and shall be used to
16 award grants for any expenditures de-
17 scribed in this subsection incurred by
18 States after December 31, 2010.”;

19 (C) in paragraph (2)(C), by striking
20 “2010” and inserting “2012”;

21 (D) in paragraph (3)—

22 (i) in clause (i) of each of subpara-
23 graphs (A), (B), and (C)—

1 (I) by inserting “, and the first
2 calendar quarter of fiscal year 2011,”
3 after “2009 or 2010,”;

4 (II) by striking “and” at the end
5 of subclause (I);

6 (III) by striking the period at the
7 end of subclause (II) and inserting “;
8 and”;

9 (IV) by adding at the end the fol-
10 lowing:

11 “(III) if the quarter is in fiscal
12 year 2011, has provided the Secretary
13 with such information as the Sec-
14 retary may find necessary in order to
15 make the determinations, or take any
16 other action, described in paragraph
17 (5)(C).”;

18 (ii) in subparagraph (C), by adding at
19 the end the following:

20 “(iv) LIMITATION ON EXPENDITURES
21 FOR SUBSIDIZED EMPLOYMENT.—An ex-
22 penditure for subsidized employment shall
23 be taken into account under clause (ii)
24 only if the expenditure is used to subsidize
25 employment for—

1 “(I) a member of a needy family
2 (without regard to whether the family
3 is receiving assistance under the State
4 program funded under this part); or

5 “(II) an individual who has ex-
6 hausted (or, within 60 days, will ex-
7 haust) all rights to receive unemploy-
8 ment compensation under Federal and
9 State law, and who is a member of a
10 needy family.”;

11 (E) by striking paragraph (5) and insert-
12 ing the following:

13 “(5) LIMITATIONS ON PAYMENTS; ADJUSTMENT
14 AUTHORITY.—

15 “(A) FISCAL YEARS 2009 AND 2010.—The
16 total amount payable to a single State under
17 subsection (b) and this subsection for fiscal
18 years 2009 and 2010 combined shall not exceed
19 50 percent of the annual State family assist-
20 ance grant.

21 “(B) FISCAL YEAR 2011.—Subject to sub-
22 paragraph (C), the total amount payable to a
23 single State under subsection (b) and this sub-
24 section for the first quarter of fiscal year 2011

1 shall not exceed 5 percent of the annual State
2 family assistance grant.

3 “(C) ADJUSTMENT AUTHORITY.—If the
4 Secretary determines that the Emergency Fund
5 is at risk of being depleted before December 31,
6 2010, or that funds are available to accommo-
7 date additional State requests under this sub-
8 section, the Secretary may, through program
9 instructions issued without regard to the re-
10 quirements of section 553 of title 5, United
11 States Code—

12 “(i) specify priority criteria for award-
13 ing grants to States during the first quar-
14 ter of fiscal year 2011; and

15 “(ii) adjust the percentage limitation
16 applicable under subparagraph (B) with
17 respect to the total amount payable to a
18 single State for the first quarter of fiscal
19 year 2011.”; and

20 (F) in paragraph (6), by inserting “or for
21 expenditures described in paragraph (3)(C)(iv)”
22 before the period.

23 (2) CONFORMING AMENDMENTS.—Section 2101
24 of division B of the American Recovery and Rein-

1 vestment Act of 2009 (Public Law 111–5) is amend-
2 ed—

3 (A) in subsection (a)(2)—

4 (i) by striking “October 1, 2010” and
5 inserting “January 1, 2011”; and

6 (ii) by striking all that follows “re-
7 pealed” and inserting a period; and

8 (B) in subsection (d)(1), by striking “Octo-
9 ber 1, 2010” and inserting “January 1, 2011”.

10 (b) MODIFICATION OF GRANT REQUIREMENTS.—

11 (1) IN GENERAL.—Effective October 1, 2010,
12 section 403(c) of the Social Security Act (42 U.S.C.
13 603(c)), as amended by subsection (a), is amend-
14 ed—

15 (A) in paragraph (3)(A)—

16 (i) by striking “RELATED TO CASE-
17 LOAD INCREASES” in the heading and in-
18 serting “RELATED TO INCREASED EXPEND-
19 ITURES”;

20 (ii) by striking clause (ii) and redesignig-
21 nating clause (iii) as clause (ii); and

22 (iii) by striking “each State that” and
23 all that follows in clause (i) and inserting
24 “each State that requests a grant under

1 this subparagraph for the quarter, to the
2 extent provided in clause (ii)”;

3 (B) in paragraph (4), by striking “the
4 caseload of a State and”; and

5 (C) in paragraph (9)—

6 (i) by striking subparagraph (A) and
7 redesignating subparagraphs (B) and (C)
8 as subparagraphs (A) and (B), respec-
9 tively; and

10 (ii) by striking “The average monthly
11 assistance caseload of the State.” in clause
12 (ii)(I) and inserting “The average quar-
13 terly total expenditures of the State for
14 basic assistance (as defined by the Sec-
15 retary under paragraph (3)(A)(ii)).”.

16 (2) CONFORMING AMENDMENTS.—Effective Oc-
17 tober 1, 2010, section 407(b)(3) of the Social Secu-
18 rity Act (42 U.S.C. 607(b)(3)) is amended—

19 (A) by striking “(within the meaning of
20 section 403(c)(9))” in subparagraph (A)(i); and

21 (B) by adding at the end the following new
22 subparagraph:

23 “(C) AVERAGE MONTHLY ASSISTANCE
24 CASELOAD.—For purposes of this paragraph,
25 the term ‘average monthly assistance caseload’

1 means, with respect to a State and a quarter,
 2 the number of families receiving assistance dur-
 3 ing the quarter under the State program fund-
 4 ed under this part or as qualified State expendi-
 5 tures, subject to adjustment by the Secretary as
 6 permitted by section 403(c)(4).”.

7 (c) PROGRAM GUIDANCE.—The Secretary of Health
 8 and Human Services shall issue program guidance, with-
 9 out regard to the requirements of section 553 of title 5,
 10 United States Code, which ensures that the funds provided
 11 under the amendments made by this section to a jurisdic-
 12 tion for subsidized employment do not support any sub-
 13 sidized employment position the annual salary of which
 14 is greater than, at State option—

15 (1) 200 percent of the poverty line (within the
 16 meaning of section 673(2) of the Omnibus Budget
 17 Reconciliation Act of 1981, including any revision
 18 required by such section 673(2)) for a family of 4;
 19 or

20 (2) the median wage in the jurisdiction.

21 **SEC. 3. FUNDING LEVEL OF TANF CONTINGENCY FUND.**

22 Notwithstanding any other provision of law, the total
 23 amount appropriated for the Contingency Fund for State
 24 Welfare Programs established under section 403(b) of the
 25 Social Security Act (42 U.S.C. 603(b)) shall be—

- 1 (1) for fiscal year 2012, \$112,000,000; and
- 2 (2) for fiscal year 2013, \$612,000,000.

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