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## **Marriage-Related Provisions in Welfare Reauthorization Proposals: A Summary**

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### **Introduction**

In February 2003, the House of Representatives passed H.R. 4, the Personal Responsibility, Work, and Family Promotion Act of 2003, a bill to reauthorize the Temporary Assistance for Needy Families (TANF) program. H.R. 4 would provide up to \$1.8 billion (\$1.2 billion in federal funding and \$600 million in state matching funding) for marriage-related activities from 2003 to 2008, including for Healthy Marriage Promotion Grants and Research, Demonstration, and Technical Assistance Projects. H.R. 4 also includes Promotion and Support of Responsible Fatherhood and Healthy Marriage Grants. In October 2003, the Senate Finance Committee approved legislation with similar marriage provisions but with different fatherhood provisions. To date, the full Senate has not passed legislation to reauthorize TANF.

The marriage provisions in these 2003 TANF reauthorization bills are based on similar legislation passed by the House in 2002. In 2002, the Senate Finance Committee approved legislation with somewhat different marriage provisions, including lower funding levels and a broader list of allowable activities, but this bill never reached the Senate floor for a vote.

This paper briefly gives the background of marriage-promotion efforts within the context of welfare reform and describes the provisions relating to marriage and family formation in the 2003 and 2002 TANF reauthorization efforts.<sup>1</sup>

### **Background**

In 1996, the Personal Responsibility and Work Opportunity and Reconciliation Act (PRWORA) replaced the welfare program (Aid to Families with Dependent Children) with Temporary Assistance for Needy Families (TANF), a program of block grants to

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<sup>1</sup> Also see Turetsky, V. (November 2003). *Summary of Child Support, Fatherhood, and Marriage Provisions in House and Senate Versions of H.R. 4*. Washington, DC: Center for Law and Social Policy. Available at [www.clasp.org](http://www.clasp.org).

states. Most of the initial interest in this new law focused on its requirements related to work, time-limited assistance, and sanctions. At that time, little attention was paid to the fact that three of the four purposes of the new Act include references to family formation. The law states that its overall purpose is “to increase the flexibility of States in operating a program designed to—

- (1) provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;
- (2) end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;
- (3) prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and
- (4) encourage the formation and maintenance of two-parent families.”

While TANF funds spent by states on activities designed to meet purposes (1) and (2) must be restricted to “needy” families (as defined by the states), spending on activities designed to meet purposes (3) and (4) can be directed to a broader population.

Two-parent families are not defined in the law. Some states have funded programs to improve and stabilize the relationships between two parents, whether married or not and whether living in the same household or not. Prior to 1996, under the AFDC program, states were required to have stricter eligibility requirements for two-parent families than for single-parent families.

PRWORA gave states considerable flexibility to decide how to determine eligibility requirements and how to spend TANF monies. Thirty-five states have now changed their eligibility requirements to make it easier to assist two-parent families. Some states have used TANF dollars to fund activities to reduce teen pregnancies; others fund programs for non-custodial parents. Seven states (Arizona, Louisiana, Michigan, New Mexico, Oklahoma, Utah, and Virginia) spend significant TANF funds on activities specifically designed to strengthen marriage and parental relationships.<sup>2</sup>

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<sup>2</sup> The amounts vary from \$10 million in Oklahoma to \$250,000 in Michigan, over a range of years. For more information about these state activities, see the upcoming report, Ooms, T., Bouchet, S., & Parke, M. (Forthcoming, 2004). *Beyond Marriage Licenses: Efforts in States to Strengthen Marriage and Two-Parent Families, A State-by-State Snapshot*. Washington, DC: Center for Law and Social Policy.

## Welfare Reauthorization in 2003

H.R. 4, the Personal Responsibility, Work, and Family Promotion Act of 2003, passed the House of Representatives in February 2003. Among other things, this reauthorization plan amends the TANF program to encourage states to promote marriage and, to a lesser extent, responsible fatherhood. This reauthorization plan commits up to \$300 million per year to encourage states “to increase their efforts to promote child well-being and healthy marriages.” The bill would provide substantial funds—\$1.8 billion over six years—focused on grants for the promotion and support of marriage as follows:<sup>3</sup>

- **Healthy Marriage Promotion Grants (Section 103)**—A Department of Health and Human Services (HHS) program of competitive grants for states, territories, and tribes (\$1.2 billion over six years, or up to \$200 million annually, including a dollar-for-dollar state match; states could use federal TANF funds for the state match). These funds are only to be spent on a specified list of marriage-related activities (see Appendix 1). This grants program would be funded by redirection of the \$100 million annual out-of-wedlock birth bonus (\$100 million awarded annually to the five states with the greatest percentage reduction in out-of-wedlock births).
- **Marriage Research and Demonstration Funds (Section 115)**—An HHS initiative to spend \$600 million over six years, or up to \$100 million annually, for research demonstration and technical assistance grants to be used primarily for marriage activities (as specified in Appendix 1). These projects are expected to be funded through redirecting half of the TANF High Performance Bonus, which is currently \$200 million per year awarded to states on the basis of employment and other outcomes.

In addition, H.R. 4 includes a provision on fatherhood and healthy marriage:

- **Promotion and Support of Responsible Fatherhood and Healthy Marriage Grants (Section 119)**—HHS would be authorized to award \$100 million over five years, or \$20 million annually, to fund marriage and fatherhood promotion activities designed to accomplish four broad objectives, of which \$15 million over five years is set aside for direct HHS-funded projects and the remaining \$85 million would fund competitive grants for a variety of community-based and national projects (see Appendix 2). The legislation includes language to require funded projects to assess for domestic violence and child abuse and to coordinate with the relevant domestic violence and child protection agencies. It also requires HHS, to the maximum extent feasible, to conduct random assignment evaluations of full-service projects and multi-

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<sup>3</sup> President Bush’s budget for fiscal year 2005 proposes an increase in the amount of funding for healthy marriage grants and marriage research from \$300 million per year in FY 2004, to \$360 million per year in FY 2005 and thereafter. Each of the \$100 million appropriations (\$100 million for healthy marriage promotion grants, \$100 million in state match for healthy marriage promotion grants, and \$100 million for research and demonstration) would be increased to \$120 million annually. The President’s budget also proposes \$50 million annually for responsible fatherhood and healthy marriage grants, an increase from \$20 million annually in the House-passed 2003 welfare legislation, and a decrease from \$75 million in the Senate Finance Committee 2003 bill.

city demonstration projects. Funding for these grants would be authorized by this legislation, not appropriated; thus, Congress would have to take additional steps to appropriate the funds for this \$100-million grants program.

In addition, H.R. 4 would amend the TANF purpose language. The overall purpose language would be changed to focus on child well-being, and the four TANF purposes would be changed to include an emphasis on poverty reduction, healthy marriage and responsible fatherhood [new language in italics]. The revised language reads that the overall purpose of the legislation is “*to improve child wellbeing* by increasing the flexibility of States in operating a program designed to—

- (1) provide assistance to needy *parents* so that children may be cared for in their own homes or in the homes of relatives;
- (2) end the dependence of needy *families* on government benefits *and reduce poverty* by promoting job preparation, work, and marriage;
- (3) prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and
- (4) encourage the formation and maintenance of *healthy* two-parent *married* families, and *encourage responsible fatherhood*.”

H.R. 4 would allow states to count state maintenance of effort expenditures under purposes (3) and (4) on families who are not “needy.” H.R. 4 would eliminate the separate two-parent work participation rate and require that states outline in state plans how they intend to encourage equitable treatment of married two-parent families in the TANF program. The legislation also includes a requirement for states to establish annual, numerical, and measurable performance goals with respect to each of the four TANF purposes, including promoting “healthy marriages.”

In October 2003, the Senate Finance Committee approved its own TANF reauthorization legislation (also called H.R. 4, the Personal Responsibility, Work, and Family Promotion Act of 2003). The Senate Finance Committee marriage-related provisions are similar to those of the House-passed bill of 2003, with several exceptions. The Senate Finance Committee bill states that participation in the majority of the allowable marriage-related activities would be voluntary and prohibits funding under both the marriage grants and the research monies unless states and organizations consult with domestic violence experts in developing their marriage-related activities. It would also prohibit funding unless grantees described in their applications both how they will address issues of domestic violence and what they will do to ensure that participation in these activities is voluntary. The allowable activities under the Healthy Marriage Grants are the same, except that the Senate Finance bill does not restrict spending for marriage mentoring programs to those in at-risk communities, as the House bill does (see Appendix 1).

With regard to the research monies, the Senate Finance Committee bill has more application requirements than the House bill, including evaluation by an independent contractor, and would require program coordination of marriage-related services with existing services in order to provide more effective service delivery.

Funding in the Senate Finance Committee bill is for five years, from 2004 through 2008, totaling up to \$1.5 billion from Healthy Marriage Promotion Grants and Research (up to \$200 million per year), and Demonstration and Technical Assistance (up to \$100 million per year). However, the Senate language allows for up to 20 percent of the research monies (Section 114 in the Senate Finance Committee bill) to be spent on activities other than research and evaluation of marriage activities. In the House-passed legislation, the language reads that these funds would be used *primarily* for marriage activities, but without a specific figure attached. The Senate Finance Committee bill includes different fatherhood provisions than the House bill and authorizes (but not appropriates) \$75 million per year for five years. (For the fatherhood language of the Senate Finance Committee legislation, see Appendix 3.)

Legislation has not come before the full Senate yet for a vote.

### **Welfare Reauthorization in 2002**

In 2002, the Bush Administration declared that promoting “healthy” marriage was one of its top priorities in TANF reauthorization. The House and the Senate Finance Committee passed two bills in 2002 that included marriage provisions.

In May 2002, the House of Representatives passed H.R. 4737, the Personal Responsibility, Work, and Family Promotion Act, which, among other things, would have amended the TANF program to encourage states to promote marriage and, to a lesser extent, responsible fatherhood. The bill redirected substantial funds—\$1.6 billion over five years—focused on these issues.<sup>4</sup>

The main difference between the marriage-related provisions in H.R. 4737 and the House-passed bill of 2003 is that all of the funding in the 2002 legislation is for five years, not six. H.R. 4737 would have appropriated up to \$1.5 billion over five years (\$1 billion in federal funding and \$500 million in state matching funding, which could have been federal TANF dollars). As with the 2003 legislation, another \$100 million in federal funding was authorized, but not appropriated, for Responsible Fatherhood and Healthy Marriage Grants.

The Senate Finance Committee approved a bipartisan reauthorization bill in 2002, which was never brought to the Senate floor for action. The marriage-related provisions in this

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<sup>4</sup> For analysis of these and additional marriage-related provisions in H.R. 4737, see Levin-Epstein, J., Ooms, T., Parke, M., Roberts, P., & Turetsky, V. (2002). *Spending Too Much, Accomplishing Too Little: An Analysis of the Family Formation Provisions of H.R. 4737 and Recommendations for Change*. Washington, DC: Center for Law and Social Policy. Available at [www.clasp.org](http://www.clasp.org).

bill were similar to those in H.R. 4737, but with some important differences. The main differences between the marriage provisions in the Senate 2002 bill and the House 2002 bill were that the Senate legislation:

- Precluded states from imposing more restrictive TANF eligibility rules for two-parent families than for one-parent families.
- Provided less money to fund marriage-related activities. This bill directed up to \$1 billion in federal dollars, subject to a lower state match requirement of 25 percent, which could be in in-kind contributions.
- Developed one funding stream with the \$1 billion in Healthy Marriage Promotion Grants, a program of competitive grants to states, tribes, and non-profits to be used to develop, implement, and evaluate demonstration projects that used different approaches to strengthening families and promoting healthy marriages.
- Included a broader range of allowable activities, such as teen pregnancy; prevention, domestic violence prevention, and income stability.
- Eliminated the separate two-parent work participation rate.
- Included safeguards ensuring that participation in marriage programs was strictly voluntary.
- Required programs funded through the Healthy Marriage Promotion Grants to consult with domestic violence experts.
- Required public and expert input into the criteria for awarding the marriage grants.<sup>5</sup>
- Did not allow for state match dollars to come from federal funds.
- Did not modify state maintenance of effort requirements.
- Did not require the state plan to include “healthy marriage” performance goals.

The Senate Finance Committee legislation also had different fatherhood language from its House-passed counterpart. The Senate bill:

- Included a grant program for noncustodial parents in need of employment services and facing contempt proceedings for failure to pay child support obligations, authorized annually for \$25 million over four years.
- Included grants to conduct policy reviews and demonstration projects to coordinate services for low-income, non-custodial parents, also authorized annually for \$25 million over four years, with a 25 percent match requirement from states.
- Was funded for a total of \$225 million from 2004 to 2007, authorized but not appropriated.

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<sup>5</sup> See Fremstad, S., Parrott, S., Greenberg, M., Savner, S., Turetsky, V., & Mezey, J. (2002). *One Step Forward or Two Steps Back? Why the Bipartisan Senate Finance Bill Reflects a Better Approach to TANF Reauthorization Than the House Bill*. Washington, DC: Center on Budget and Policy Priorities and Center for Law and Social Policy. Available at [www.clasp.org](http://www.clasp.org) and [www.cbpp.org](http://www.cbpp.org).

## Appendix 1

### **Allowable<sup>6</sup> Activities for Healthy Marriage Promotion Grants in H.R. 4737 (2002) and the 2003 House of Representatives and Senate Finance Committee Versions of H.R. 4**

Funds shall be used to support any of the following activities:

- (1) Public advertising campaigns on the value of marriage and the skills needed to increase marital stability and health.
- (2) Education in high schools on the value of marriage, relationship skills, and budgeting.
- (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.
- (4) Pre-marital education and marriage skills training for engaged couples and for couples *or individuals* interested in marriage. [Individuals were not included in this provision in H.R. 4737.]
- (5) Marriage enhancement and marriage skills training programs for married couples.
- (6) Divorce reduction programs that teach relationship skills.
- (7) Marriage mentoring programs, which use married couples as role models and mentors *in at-risk communities*. [The phrase “in at-risk communities” is not included in the Senate Finance Committee-approved legislation.]
- (8) Programs to reduce the disincentives to marriage in means-tested aid programs, if offered in conjunction with any activity described in this subparagraph.

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<sup>6</sup> If an activity is not included in the list of specific “allowable” activities, it is not subject to possible funding. For example, item number 3 allows marriage education, marriage skills, and relationship skills programs, and such programs may include, among other things, job and career advancement for non-married pregnant women and non-married expectant fathers. Therefore, stand-alone programs of employment services would not be fundable, but allowing for “job and career advancement” services as an activity for the non-married expectant parents (as opposed to custodial or non-custodial parents who are not expectant) would be fundable.

## Appendix 2

### **Objectives and Authorized Activities of the Fatherhood Program in H.R. 4737 (2002) and the House of Representatives Version of H.R. 4 (2003)<sup>7</sup>**

Grants must be designed to accomplish four objectives, including:

1. Promoting responsible, caring, and effective parenting through counseling, mentoring, parenting education, information dissemination, positive involvement, and other methods.
2. Enhancing the abilities and commitment of unemployed or low-income fathers to provide material support for their families by assisting them to take full advantage of education, job training, and job search programs; to improve work habits and work skills; to secure career advancement by activities, such as outreach and information dissemination, coordination with employment services and job training programs, encouragement and support of child support payments, and other methods.
3. Improving fathers' ability to effectively manage family business affairs through education, counseling, and mentoring on matters, including household management, budgeting, banking, financial transactions, time management, and home maintenance.
4. Encouraging and supporting healthy marriages and married fatherhood through premarital education and inventories, marriage preparation programs, couples counseling, marriage therapy, and skill enhancement programs, including reduction of child abuse and domestic violence and information dissemination about the benefits of marriage.

Authorized projects include:

1. Demonstration service projects that address all four objectives, and annual limited purpose grants under \$25,000 that address at least one objective;
2. Two multi-city demonstration projects, one of which must test services delivered by married couples; and
3. Other projects include a national information clearinghouse, a national media campaign, technical assistance, and evaluation.

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<sup>7</sup> For further information about the fatherhood provisions, see Levin-Epstein, J., Ooms, T., Parke, M., Roberts, P., & Turetsky, V. (2002). *Spending Too Much, Accomplishing Too Little: An Analysis of the Family Formation Provisions of H.R. 4737 and Recommendations for Change*. Washington, DC: Center for Law and Social Policy. Available at [www.clasp.org](http://www.clasp.org).



## Appendix 3

### Objectives and Authorized Activities of the Fatherhood Program in the 2003 Senate Finance Committee Bill, H.R. 4

Grants must be designed to accomplish three purposes, including:

- Promoting responsible fatherhood through marriage through activities including counseling, mentoring, disseminating information about the benefits of marriage and two-parent involvement for children, enhancing relationship skills, education regarding how to control aggressive behavior, disseminating information on the causes of domestic violence, and other methods.
- Promoting responsible fatherhood through parenting promotion through activities such as counseling, mentoring, and mediation, disseminating information about good parenting practices, parenting education, encouraging child support payments, and other methods.
- Promoting responsible fatherhood through fostering economic stability of fathers through helping fathers improve their economic status by providing activities such as work-first services, job search, job training, subsidized employment, job retention, job enhancement, and encouraging education, including career-advancing education, and other methods.

Authorized money can fund:

- Up to 10 eligible states to carry out demonstration service projects that address two purposes and target low-income parents;
- Local and community-based organizations and agencies, both public and private, to carry out service projects that address two purposes and target low-income parents; and
- Other projects include a national information clearinghouse, a national media campaign, technical assistance, and evaluation.