

NLWJC - Kagan

Counsel - Box 036 - Folder 008

Technical Corrections

THE WHITE HOUSE
WASHINGTON

Stens

MEMORANDUM TO DISTRIBUTION*

From: Jeremy Ben-Ami 
Subject: Welfare Reform Technical Amendments Bill
Date: December 12, 1996

As most of you know, HHS and SSA will be sending a package of technical amendments to the welfare reform bill to Congress on Monday. This fulfills a statutory requirement to provide such a report within 90 days of the statute's enactment. The amendments included are truly technical, straightening out inconsistencies and providing necessary clarifications. OMB and DPC have coordinated an interagency review process that also encompassed various White House offices.

This package bears no relation to the President's Welfare to Work Initiative and is not related to the budget proposals that are being developed to fulfill the President's commitment to amend certain elements of the welfare reform bill.

HHS plans to provide the package to intergovernmental groups and to the press on Monday. Their exact plans, internal talking points, a summary of the bill, and a list of agency contacts are attached.

Please call me with questions.

Distribution*

Leon Panetta	Alexis Herman
Erskine Bowles	Kitty Higgins
Harold Ickes	Todd Stern
Evelyn Lieberman	Rahm Emanuel
Carol Rasco	Mike McCurry
Laura Tyson	Mary Ellen Glyn
Gene Sperling	Don Baer
Bruce Reed	Frank Raines
John Hilley	Ken Apfel
Janet Murguia	Emily Bromberg
Jack Quinn	Elena Kagan
Marcia Hale	

TALKING POINTS (INTERNAL)
Welfare Reform Technical Amendments Package

The Secretary of Health and Human Services and the Commissioner of the Social Security Administration have submitted a report to Congress containing proposals for technical and conforming amendments to the welfare reform bill enacted August 22, 1996.

- o The report contains exclusively technical amendments. The proposals maintain the spirit and the intent of the newly enacted legislation.
- o This report is mandated by the new legislation, which required that such a report be submitted within 90 days of enactment of the statute.
- o Most of these proposals have no cost. A few have minor costs or savings which offset each other, but the package as a whole has no significant budget impact.

This report does not contain any major policy changes to the new welfare law.

- o Policy proposals from the administration, such as a new welfare to work initiative, are under review and are not included in this package.

The reform of welfare programs is proceeding smoothly, and these technical changes and corrections will further the implementation process. We hope to work closely with Republican and Democratic members of Congress to ensure speedy, bipartisan action on this package.

**Report on Welfare Reform Technical Amendments
Roll-Out Activities**

HHS and SSA plan to submit the report to Congress on welfare reform technical amendments on Monday, December 16 at 2 PM. The package will include the cover letter from the Secretary and the Commissioner, the Executive Summary and the proposals. Individually addressed packages will be delivered to the attached distribution list of leadership, chairs and ranking members of relevant committees of Congress. Prior to the delivery on Monday, HHS and SSA legislative staff will make calls to alert key staff of the upcoming submission.

On Monday afternoon, HHS intergovernmental affairs office will make the package available to the key state, local and union groups, per the attached list.

The HHS press office will send the package to the New York Times (Robert Pear) and the Washington Post (Judy Havemann) and inform them that the package has been submitted to Congress. HHS and SSA will handle press calls using the attached internal talking points and referring inquiries to other agencies as appropriate.

- Attachments: Congressional distribution list
- Intergovernmental contact list
- Agency contacts for press and hill calls
- Internal Talking Points
- Executive Summary

12/11/96

**Summary of Technical and Conforming Amendments to Personal
Responsibility and Work Opportunity Reconciliation Act of 1996
(P.L. 104-193)**

Implementation of the Personal Responsibility and Work Opportunity Reconciliation Act is proceeding smoothly at both the federal and state levels. To date, 37 states have submitted Temporary Assistance for Needy Families (TANF) state plans, and many have already begun to reform their welfare programs. The changes in other programs are also proceeding smoothly.

Section 113 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) directs the Secretary of Health and Human Services and the Commissioner of Social Security, in consultation with other federal agencies, to submit to the appropriate committees of Congress legislative proposals for technical and conforming amendments necessary to bring the statutory language into conformity with the policies enacted in this new legislation.

A thorough consultation process was conducted among affected agencies to identify provisions in the new law that require technical or conforming amendments to PRWORA. Each proposal includes an explanation of the specific problem that has been identified and a statutory amendment to address the problem in a manner that maintains the spirit and intent of the new law. Early enactment of these technical and conforming amendments will assist the Administration and the States to implement the new law successfully.

Amendments are proposed to the following Titles: Title I (Block Grants for Temporary Assistance for Needy Families (TANF)), Title II (Supplemental Security Income), Title III (Child Support), Title IV (Restricting Welfare and Public Benefits for Aliens), Title V (Child Protection), Title VI (Child Care), and Title VIII (Food Stamps and Commodity Distribution). With the exception of two amendments, which have some costs, we estimate that all of the amendments have negligible costs.

The following summarizes the type and nature of the technical amendments contained in this report.

Resolve Inconsistent Terminology: In several instances, the new law inadvertently uses incorrect or inconsistent terminology. For example, PRWORA establishes mandatory work requirements, but uses the phrase "participating in work activities" in some places and the phrase "making progress in work activities" in others. To resolve this inconsistency, an amendment is proposed to use the phrase "participating in work activities" throughout these provisions. (p.6)

Conform Dates: Amendments are proposed to conform or revise a number of dates utilized in the statute. For example, the new law requires states to "look back" to prior AFDC eligibility standards to determine eligibility for Medicaid and for Foster Care and Adoption Assistance. However, the statute utilizes two different look back dates (June 1, 1995 and July 16, 1996) -- creating administrative burdens on the states. An amendment is proposed to use the July 16, 1996 look-back date for both programs. (p.31)

Make Data Elements Uniform: Upon further review of the data and reporting requirements in PRWORA, several amendments are proposed to ensure reference to uniform, accurate and available data sources. The new law does not, for example, specify the data used to calculate historic state expenditures for maintenance of effort purposes. In order to establish a fixed and consistent maintenance of effort level, an amendment is proposed to specify that the same data elements used to calculate the TANF state family assistance grants be used to calculate historic state expenditures. (p.13)

Another data problem arises with the state bonus for reductions in rates of illegitimacy. While the statute explicitly requires the calculation of one data source on a fiscal-year basis, this data is currently available on a calendar-year basis only. Thus, an amendment is proposed to allow calculation of the bonus using the data available on a calendar-year basis in order to avoid the burden and expense of new data collection requirements. (p.3)

Clarify Congressional Intent: Several amendments are proposed to conform statutory language to congressional intent. For example, the new law establishes several penalties on states for failure to comply with various provisions. However, it also prohibits imposition of the penalties in certain reasonable cause instances and then makes specified exceptions to the reasonable cause prohibition. Because the conference report specifies additional exceptions to the reasonable cause prohibition (e.g. failure to repay the loan fund, and failure to replace grant reductions caused by penalties) beyond those included in the statute, an amendment is proposed to include those specified exceptions in statute. (p.18)

Another amendment is proposed to clarify congressional intent with respect to access to federal programs for qualified alien widow(er)s of persons who have served in the military. While the new law prohibits certain federal benefits for qualified aliens, it provides an exception for the spouse or unmarried dependent

12-17-1995 8:37AM FROM

child of veterans or active duty military personnel. In order to clarify that qualified alien widow(er)s do not lose eligibility for these benefits when the veteran or active duty personnel dies, an amendment is proposed to except widow(er)s of such personnel from the general prohibition. (p.66)

Close Gaps Between Previous Law and New Statute: In a few instances, the transition from the previous law to the new statute inadvertently left gaps in the application or coverage of various laws. For example, the Attorney General is required to develop a new legally enforceable affidavit of support for aliens entering the country after enactment of PRWORA. At the same time, the authority for states to deem sponsor income for aliens already in the country was repealed. Because this leaves states with no authority to deem sponsor income for current aliens, an amendment is proposed to reinstate the previous deeming requirement, and make it applicable to all affidavits of support executed before the effective date of the new requirement. (p.72)

Conform Provisions and Correct Citations: A number of amendments are proposed to correct citations and references in the new law, and to add further conforming amendments.

List of Members to Whom Technical Amendments Will Be Sent

SENATE

Leadership

Maj. Leader	Asst. Leader	D. Leader	D. Whip
Lott	Nickles	Daschle	Ford

Agriculture

Chair	Ranking	New Chair	New Ranking
Lugar	Leahy	Lugar	Harkin

Appropriations

Hatfield	Byrd	Stevens	Byrd
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Budget

Domenici	Exon	Domenici	Lautenberg
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Finance

Roth	Moynihan	Roth	Moynihan
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Judiciary

Hatch	Biden	Hatch	Leahy
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Indian Affairs

McCain	Inouye	Nighthorse-Campbell	Inouye
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Labor and Human Resources

Kassebaum	Kennedy	Jeffords	Kennedy
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HOUSE

Leadership

Speaker	Maj. Leader	D. Leader	D. Whip
Gingrich	Arney	Gephardt	Bonior

Agriculture

Roberts	de la Garza	Smith	Stenholm
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Appropriations

Livingston	Obey	Livingston	Obey
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Budget

Kasich	Sabo	Kasich	Spratt
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Commerce

Bliley	Dingell	Bliley	Dingell
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Economic and Educational Opportunities

Goodling	Clay	Goodling	Clay
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Judiciary

Hyde	Conyers	Hyde	Conyers
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Ways and Means

Archer	Gibbons	Archer	Rangel
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Welfare Technicals Rollout -- IGA Distribution

APWA
NCSL
NGA
DGA
NACO
Conference of Mayors
League of Cities

SEIU
AFL-CIO
AFSCME

Welfare Technicals Rollout -- Agency Contacts

Press Calls

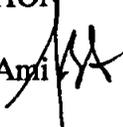
HHS:	Melissa Skolfield	(202) 690-6853
SSA:	Phil Gambino	(410) 965-8904)

Hill Calls

HHS:	Mary Bourdette/Patricia Savage	(202) 690-6311
SSA:	Judy Chesser/Bill Daly	(202) 358-6030
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12-17-1995 8:55AM
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Hatfield	Byrd	Stevens	Byrd
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Finance

Roth	Moynihan	Roth	Moynihan
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Indian Affairs

McCain	Inouye	Nighthorse-Campbell	Inouye
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Labor and Human Resources

Kassebaum	Kennedy	Jeffords	Kennedy
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HOUSE

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Speaker	Maj. Leader	D. Leader	D. Whip
Gingrich	Armey	Gephardt	Bonior

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E X E C U T I V E O F F I C E O F T H E P R E S I D E

22-Oct-1996 12:59pm

TO: Jeremy D. Benami
TO: Emily Bromberg
TO: Elena Kagan
TO: Richard E. Green
TO: Stephen C. Warnath

FROM: Diana M. Fortuna
 Domestic Policy Council

SUBJECT: technical corrections package

Rich Tarplin called me to update me on the technical corrections package. He says that HHS now has an internal process underway on the technical corrections package, with documents being worked on by ACF, HCFA, and immigration folks at HHS. They expect to clear it internally by the end of this week. They have talked to SSA; I advised them to talk to USDA and DOJ/INS as well.

There are format questions and strategic questions. Strategically, Rich said he thought it would be better to dispose of as many items as possible now, deferring fewer things to next year's more substantive legislative package, so that that package is cleaner, with fewer items to trade off and more focus on the key changes we want.

Also, we need to bring in Hilley's office at the appropriate time.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

22-Oct-1996 02:11pm

TO: Diana M. Fortuna

FROM: Emily Bromberg
Intergovernmental Affairs

CC: Jeremy D. Benami
Elena Kagan
Richard E. Green
Stephen C. Warnath

SUBJECT: RE: technical corrections package

so when does rich think he can brief us on it? that's when we could bring in

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

22-Oct-1996 07:21pm

TO: Diana M. Fortuna
FROM: Jeremy D. Benami
 Domestic Policy Council

CC: Emily Bromberg
CC: Elena Kagan
CC: Richard E. Green
CC: Stephen C. Warnath

SUBJECT: RE: technical corrections package

Interesting. My update from Mary Bourdette was different!

Mary said Rich and Judy were going to be holding an interagency meeting, including INS, DOJ and USDA. They would also be calling other agencies to seek their comments -- e.g. HUD and Ed.

They would not have a package for another couple of weeks, and would then come in to brief us.