S. Hrg. 100-450, Pt. 2

WELFARE REFORM

HEARINGS

BEFORE THE

COMMITTEE ON FINANCE
UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

FIRST SESSION

ON

S. 869, S. 1001, S. 1511

OCTOBER 14 AND 28, 1987

Part 2 of 3

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PUBLIC WITNESSES

APPENDIX

Alphabetical Listing and Material Submitted

The CHAIRMAN. We have one more witness.

Senator Durenberger, did you desire to make a statement?

Senator DURENBERGER. All right.

The CHAIRMAN. Let me state to you, sir, that we have one more witness. We are pleased to have your statement, and neither one of us will stay and hear the other witness.

Senator DURENBERGER. Right. I regret not coming over sooner, Mr. Chairman. I have spent the last 2 hours trying to facilitate the process of the Medicare Catastrophic Bill, and I regret not being able to get here until now.

The CHAIRMAN. But did you make some headway? That is what I want to know.

Senator DURENBERGER. We made head but not way. [Laughter.]

Mr. Chairman, I do recognize the lateness of the hour, and I have a statement that I would like to have made a part of the record.

The CHAIRMAN. Of course.

Thank you, Governor.

[The prepared statement of Governor Clinton and Senator Durenberger appear in the appendix.]

The CHAIRMAN. Our last witness is Mr. Kevin M. Aslanian, Executive Director of the Coalition of California Welfare Rights Organizations, from Sacramento, California.

We are pleased to have you, sir.

STATEMENT OF KEVIN M. ASLANIAN, EXECUTIVE DIRECTOR, COALITION OF CALIFORNIA WELFARE RIGHTS ORGANIZATIONS, INC., SACRAMENTO, CA

Mr. ASLANIAN. Thank you, Senator.

I am very grateful that we have an opportunity to testify before the Finance Committee. We represent basically welfare rights organizations throughout the State of California.

We have done a section-by-section analysis of S. 1511, H.R. 1720, we have reviewed the Republican bill, and we put out a monthly newsletter called "The California WorkFare Reporter." We would like to share with you a little bit about the California GAIN program.

This program has been in operation for about a year, and we have just reviewed the Fresno County program. Fresno County has been operating for about one year, and during that one year 109 people found employment. The WIN program, during the one year, found 789 people jobs. The Fresno County Plan said that 80 percent of the participants are going to need child care. The 1-year report shows that only 8 percent of the participants received child care. The reason is neither that legislation, nor any, other legislation on the table today, actually mandates child care. It merely says that, if you need child care, we'll give it to you.

In San Diego, a lady was participating in a Workfare Program. When she came home, her children were taken away by the Child Protective Services. Apparently the child care arrangements were failed, but she still had to participate in the Workfare program, and the next thing you know, when she came back home, the children were gone.

We are also big advocates for welfare reform. For example, in America a pregnant woman cannot get AFDC in many States, which is the primary reason for the high increase in the infant mortality rate in America.

There is a real problem about the work incentives. Today if a woman goes to work, in many cases they have to live on food baskets, because they cannot feed their children. And as you know, the work incentives were changed in 1981, and we never got back to where we were. And your legislation, Senator, does not provide for the work incentives. So under the current statute, if you go to work, you lose money, and you lose money so you cannot feed your children. So, when a woman comes to me and says she cannot feed her children, I have to counsel her and tell her that her primary obligation is to raise her children, not to work and punish her children. So, she must quit her job to be able to feed her children. That is very hard for me to do, but I have to protect the children.

There is no emergency assistance program, nationwide. Some States have it, some States don't have it, and many States use it to enhance federal financial participation for their pet projects. We would suggest that there be mandatory emergency assistance in all States, to provide when families are homeless that they could get emergency assistance and could receive some help.

Senator MOYNIHAN. Well, now, aren't the emergency provisions in Title IV available automatically to the States, the 30-day provisions? I believe you will find that is true, sir. But I don't suggest they are always effective.

Mr. ASLANIAN. No. In fact, the AFDC/UP program—States can participate, but they don't have to.

Senator MOYNIHAN. Very well, I won't question you. I mean simply that all States that I know do. But then, we will find that out. Thank you.

Mr. ASLANIAN. There is also a real problem with retrospective budgeting. We have had a woman who lost her job this month. She had been working for six or seven months, and she was on AFDC. This month she lost her job. Her grant for November and December will be computed based upon the income that she received in September and October. So, you can imagine what a horrible Christmas these children are going to have, just because their mother went to work. The children are going to be sitting by the Christmas tree with nothing around it, because their mother worked. Had she not worked, had she gotten the regular AFDC check, they would have had a better Christmas.

There should be automatic supplementation for victims of retrospective budgeting. The current law provides that the State may do that, and that is the current law because New York wanted it; but it should be mandatory if we want to encourage people to take jobs.

You should also stop penalties for late reporting. If a woman gets her income reported in 3 days late, 2 months down the line they don't get their child care deductions, so they have to quit their job. It just doesn't make sense, Senator.

Senator MOYNIHAN. No, that doesn't.

Mr. ASLANIAN. I think welfare reform, basically, is an interesting thing. Where we are today, basically, is that it appears that our society is saying that it is okay for a woman not to take care of her children under the age of 6. And I don't think our society really believes that. If our society doesn't really believe that, then we should not impose these discriminatory policies against poor children. Some children do need their mother's guidance, some other children may not. Some mothers may be able to do it, some others may not. There should be flexibility for the woman to decide how she wants to raise her child, rather than having big-brother government say, "This is the way you are going to do it, because we, up here, have decided, or we at the State level have decided, that you are going to do this."

In fact, it is interesting. I have been in some of the debates about the mandatory versus voluntary. All the proponents for mandatory say, "Well, you know, we can't have people on welfare for generation after generation after generation. So, how will we deal with this? We will have a mandatory work program." And that becomes an assembly line approach. Everybody goes through the mandatory program. That doesn't make sense, either. That is not an efficient utilization of our limited resources.

Our suggestion is, we should target, and only make those people mandatory participants who are long-term recipients, who have been on aid for more than 6 years, who have children over the age of 12. Those are the people who should be mandatory participants. And if you give other folks the chance, they will volunteer for this program. You don't have to push people into these programs. In Massachusetts they are standing in line to get into the program. I mean, it really doesn't make sense.

We also have real problems with the welfare department administering these programs. When you have a cardiac problem, you don't run to your lawyer and say, "Lawyer, I have a cardiac problem." You go to your doctor. And if we have a job problem, we should not go to the welfare department, we should go to the job department. The job department happens to be the Labor Department, and the State employment agencies are the ones who operate the training program and the other programs. I could never understand why all of a sudden everybody is pushing welfare recipients through the welfare department. You are still going to have the welfare problem.

Child care problems: We had a classic case in California. A woman who was participating in the GAIN program was doing her job search. Of course, she didn't need child care while in the job search program, because she was looking for the job while the kids were in school. On the fifth day she finds a job. She was overjoyed; she finally found a job, and she was going to get off of AFDC. She runs to her welfare worker and says, "I've got a job. I need child care. What do I do?" The Workfare worker says, "Sorry, there is no child care. You could call up a child care center, but there is a big line." So she says, "What do I have to do?" They said, "Well, you don't have to take the job if you don't have child care." She says, "Fine. What do I do tomorrow?" They say, "Go and look for a job again." Now, that's ludicrous, and that is exactly how the programs work.

Our position is that you should never have anybody out there looking for a job unless they have a certificate saying that they have a job child care slot at Pepper Tree Child Care Center or any other child care center.

What happens with the employer? The employer calls you up and says, "Look, I have read the newspapers. You appropriated millions of dollars for child care, and this lousy welfare recipient comes to me, I offer her a job, and she turns the job down and says, 'I don't have child care.' I know better." He complains to you, he complains to his Congressmen, complains to everybody. It doesn't make sense. The program should be structured solidly.

Under your bill, part-time workers who are working less than 30 hours are not exempt from this program. We suggest that they should be. If somebody is in a part-time job——

Senator MOYNIHAN. Why?

Mr. ASLANIAN. Why? Because a part-time job——

Senator MOYNIHAN. I mean, we are holding hearings, and we are trying to get information. Tell us why.

Mr. ASLANIAN. Okay. A person has a part-time job, is making a decent salary, has an opportunity for a promotion. It is their chosen path into independence. They have taken the initiative. We should encourage people to take initiative rather than to say, "No. You took a part-time job? No way. It should have been a full-time job. We say you quit your job, go into our training program, into our job search program, or go into the Workfare program." That is simply wrong. I think we should discourage anybody who does something on their own.

For example, self-initiated educational training. I think anybody who is in some kind of an educational program, or some kind of a training program, that they initiated, at any time, that should be encouraged and not trashed.

What our system does now—I have a lot of people who are in some kind of a training program. They say, "Well, you can't be there, because we did not approve that. We, the government, did not decide that you should go there. So, therefore, you have to drop that, come and see us, and go through us." I guess they make more money that way.

We have a real problem with the so-called "contract." First of all, under your legislation the contract is optional rather than mandatory. The second thing is that we have, in California, this so-called "contract," and the contract is——

Senator MOYNIHAN. Yes, under GAIN.

Mr. ASLANIAN. In the GAIN program, yes. Basically what it is, Senator, is a rights-of-responsibilities form, where they lay out your rights of responsibilities. In fact, in California the clients don't even get to complete the contract; the worker completes the contract and says, "Sign it, here, okay?"

It is hard to have a contract that is not a bargain between two equal parties. And there is no way you can consider the welfare recipient and the welfare worker to be equal parties; because, if the client does not cooperate, they get sanctioned. The client can't sanction the welfare worker. So they are not equal parties.

We also support the National Governors Association, who suggested that the range of services be mandatory. Under your bill, basically, there is no mandatory range of services. If States could only run a workfare and job search program, it will be consistent with your bill.

The final thing I would like to talk about is sanctions. For example, in New York they ran a work program. They saved $11.5 million through sanctions, and they saved $6.5 million through getting people jobs. So, it appears that sanctions is where they save most of the money.

I don't know if you know how the sanctions work, but in the two-parent family—and I have had lots of families come to me—they get sanctions for three months for the first time and six months for the second time. And the whole family is sanctioned for this period of time. I can't understand; why punish the children for what their parents do? It is unconscionable. And do you know what the father does? He leaves the family, because he has to leave the family to make sure that those children can be fed.

The other problem is that, when you impose these durational sanctions, and the parent comes and says, "Well, after 15 days, I am willing to participate," the welfare system says, "No way. You have to serve out your three months"—their prison term—"and then come back and see us."

Senator MOYNIHAN. That is about as dim as you can get, isn't it?

Mr. ASLANIAN. Yes, but that is basically what happens.

We have your problem with the waivers—these waivers of the States, to do whatever they want to do.

Senator MOYNIHAN. Mr. Aslanian, I have no choice at this point; it is a quarter past 12. The rules of the Senate require us to cease a hearing at noon.

Mr. ASLANIAN. I am sorry.

Senator MOYNIHAN. No, nothing to do with you.

We allow ourselves 15 minutes leeway, and no one complains. Otherwise, we are subject to an objection on the Senate floor. So, I am going to have to momentarily bring this hearing to a close.

Let me say to you two things: First of all, thank you very much for coming all the way from California.

Mr. ASLANIAN. Thanks for having me.

Senator MOYNIHAN. And thank you for very interesting prepared materials, which we will listen to with great attention.

You have some hands-on experience with the GAIN program, and we want to know more about that. I would like to make, however, one general point. It is our experience—it may not be so in the GAIN program—our experience is that there is a great tendency of this present system to forget about these women and children and just leave them to moulder.

The idea that there is an energetic bureaucracy out there that is just waiting to seize the moment to take these poor people and force them into jobs—no. No, it is just the opposite. It is just to send them their checks and leave them alone.

Fifty-two percent of the married women with children are in the workforce today. That is a choice we have made. Seventy percent of all mothers with children under 18 are in the laborforce. Fifty-four percent with children under six. In contrast, the workforce participation rate of AFDC mothers in 1984 was 4.6 percent. They have the highest level of unemployment; it is the greatest concentration of unemployment in our society.

And no one is rushing out to make sure they get to work. On the contrary, people are rushing away from any effort.

But now, suddenly we see some willingness, as you heard from Governor Clinton. Wouldn't you accept that as being more nearly reality?

Mr. ASLANIAN. I will attest that most welfare recipients would rather work than get AFDC. I also believe that if a program is going to be structured, it should be structured with sugar and not with a stick. And S. 1511 has a big stick and very little sugar.

The reason that you only have 4.6 percent of the AFDC population working today is because of the 1981 cuts, at which time 30 percent of the caseload was working. And it went right down by 25 percent, as you correctly pointed out.

Senator MOYNIHAN. That may be.

Mr. ASLANIAN. So, that is where the problem is. And I think when you combine sanctions and bring down the mandatory ages, you just have a pilot program. That is what you are going to have.

Senator MOYNIHAN. But at that point, when we took away, we took people off of the system because they did have earnings, and that brought that ratio down.

We absolutely agree with you that child care is the choke point.

Mr. ASLANIAN. But there is no bill today that would guarantee anybody child care. I have had GAIN clients call me up in Yuba County, California, and say, "My worker told me that I have to find child care. And if I don't, my family is going to be sanctioned." That is the way they actually operate the GAIN program.

Now, you may sit up and say, "We are going to guarantee child care," and the States will write a letter and say, "Oh, yes, we guarantee child care." In fact, every county plan that is submitted has to say that "We have looked at it; we have done all this planning, and there is all the child care." But there is no child care there, sir.

Senator MOYNIHAN. That is under GAIN, though.

Mr. ASLANIAN. One thing I would like to give you for the record, if you would like to have it, sir——

Senator MOYNIHAN. Please.

Mr. ASLANIAN. We have a Recipient Impact Statement of S. 1511, and it is side-by-side.

Senator MOYNIHAN. Oh, good. We shall make those part of the record.

And now, the rules of the Senate really do require me to bring this hearing to a close.

First, I want to thank you for coming, and thank you for your willingness to put so much of your own career into a concern for others.

Senator Henry Bellmon, now Governor Bellmon, wished to be here and prepared a very careful statement, and, alas, is not going to be able to get to us on time. So I am going to put his statement in the record at this point.

Thanking our audience, thanking our various lighting experts and our most generally expert staff, and particularly our witnesses and the staff members from other members of the House and the Senate who are here, we will call this second of hearings of the Senate Committee on Finance on S. 1511 to a close.

[Whereupon, at 12:18 p.m., the hearing was concluded.]
[The prepared statement of Mr. Aslanian and Governor Bellman appear in the appendix.]

RECIPIENT IMPACT STATEMENT

S. 1511

SECTION-BY-SECTION ANALYSIS OF S. 1511
Introduced by
Senators Moynihan, Matsunaga, Bradley, Mitchell, Pryor, Rockefeller, Daschle, Adams, Kennedy, Kerry, Simon, Duranberger, Danford, Chaffee, Evans, Riegle, Biden, Wirth, Bumpers, Pell, Gore, Mikulski, Cochran and Bingaman.

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EDITORIAL

The New Welfare Fraud

by Frank Riessman

The new welfare reform proposals emanating from the National Governors Association, the Reagan Administration, and various states such as Massachusetts and New Jersey, while uniting many liberals and conservatives, are seriously flawed and self-deceiving. While all of them represent an improvement over traditional workfare proposals, in that they call for training, day-care services, health benefits, and counseling, they are basically deficient on the critical question of job creation.

All of these proposals presume that if welfare recipients receive appropriate training and support services, they will have a good opportunity to obtain a job. No one seems to ask the obvious question: How are these individuals to obtain jobs in the current labor market? Nearly eight million people are actively seeking jobs and are not able to find them—to say nothing of the 5.8 million more who are too discouraged to look for a job and are not counted among the unemployed. Add to this the large number of part-time workers who would prefer a full-time position, if one was available. This all produces a pattern of circulating unemployment.

Unless more jobs are created, the welfare measures will simply create more competition for the jobs that exist and serve to lower wages further.

A much better design, essentially proposed by the New Careers movement in the 1960s, calls for first creating jobs for which welfare recipients could be encouraged to apply. These jobs would have attached to them the necessary training and support services.

There are a great many useful jobs providing needed services to society that could be filled at an entry level by welfare recipients who lack training and education, but where the necessary training would be acquired on the job and in release time (perhaps, one day per week). These jobs range from human-service positions such as recreation worker, day-care aide, and health assistant to jobs helping to rebuild our infrastructure: bridges, roads, sanitation systems, and so forth. For these workers, there would be provision for maintaining a portion of their welfare monetary benefits to supplement their wages. (Something, incidentally, that is not proposed in any of the new welfare plans.) For many on welfare who already have the requisite training and experience, higher level positions would be made available in the same employment areas.

Without job creation, the new welfare proposals are just one more window-dressing fraud that may very well anger the unemployed who would be competing for the very jobs the welfare recipient is going to be pressured to apply for. ■

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INTRODUCTION

S. 1511 would change the name from " AFDC" to "Child Support Supplement Program" and would retain the current overall AFDC program, with several major exceptions:

- *It would mandate that all States provide aid to two-parent families.*

- *It would mandate that all parents with children over the age of three years must participate in a workfare program.*

- *Would allow States to require parents (and both parents) with children over the age of 1 to become mandatory participants in a workfare program;*

- *Provides maximum flexibility to States to operate a workfare program;*

- *Provide hardly any flexibity for participants of the workfare program;*

- *Makes some modifications in the child support laws to enhance the amount of child support to recover expenditures for AFDC;*

- *Authorizes various demonstration programs for States;*

- *Authorizes 10 States to conduct demonstration programs whereby they would be able to consolidate the federal funds for AFC, child welfare services, JOBS program, Foster Care and Adoptions Assistance and Social services block grant funds to be used without the current federal protections, except that families included in the waiver project cannot have their benefits decreased below what they are receiving prior to the application for waiver.*

- *Provides States with increased funding to operate a workfare program in America, which would increase the number of welfare/workfare bureaucrats.*

- *Most of the severe Reagan AFDC cutbacks of 1981 remain in place.*

SUMMARY

In summary the bill would include two-parents families and force 90% of the AFDC population into working for their AFDC benefits free of charge for the federal State and local governments. Workfare has always had the sole purpose of punishing the poor for being poor. This bill would enhance the number of persons who will be punished for being poor.

TITLE I

CHILD SUPPORT AND ESTABLISHMENT OF PATERNITY

SECTION 101-Mandatory Income Withholding

Summary of the Section

This section provides that the employer of the absent parent will automatically withhold the child support portion of the wages, unless both parents agree to an alternative arrangement or when States find good cause to rely on an alternative arrangement.

Recipient Impact Statement

Unlike helping single-parent households whose absent parents receive above middle class income in salaries and wages and do not want to pay child support, this section will not drastically affect those single-parent households whose absent parent work at minimum wages and now pay court-ordered child support in an amount which represents a significant amount of their wages.

Many of these low paid workers are the primary wage earners for their second family. The courts in most States do not consider the fact that because these low wage earners do not have the money to hire an attorney to fight the District Attorney, the low wage earner pays more in child support.

Recommendation

Revise this section to limit the percentage of the wages that can be withheld by taking into consideration the absent parents current family expenses and liabilities.

SECTION 102-Child Support Disregard

Summary of the Section

This section clarifies current law by specifying that States shall disregard, for the purposes of determining cash aid benefits, the first $50 from any child support received by the family, so long as the absent parent made the payments on time.

Recipient Impact Statement

Current law, as is now applied, punishes AFDC children for the absent parent's late payments. Some current absent parents intentionally make these payments late so the custodial parent will not receive the $50 disregard.

Recommendation

Provide that the $50 disregard shall be paid to the custodial parent whenever a child support payment for any month is received from the noncustodial parent.

SECTION 103-State Guidelines for Child Support Awards

Summary of the Section

This section provides that the States shall establish guidelines for determination of child support levels by judges and State officials. These guidelines will be reviewed and updated once every two years.

All current and new cases will be reviewed to establish child support payments based upon the new levels. Both parents will receive a 30-day notice stating that the child support levels are being revised in accordance with the new guidelines.

Exceptions may be made to these guidelines on a case by case basis.

Recipient Impact Statement

This is a good policy for those one-parent head of households whose absent parents earn wages or a salary above the middle class income and do not pay their child support.

This policy is not so good for those absent parents who earn money under the poverty level and are ordered to pay a large percentage of the wages to the District Attorney. It is to be noted that the local District Attorney receives a portion of all money collected.

This section will allow upper class absent parents to hire an attorney to reduce the amount of child support he or she will have to pay, while a low wage earner will generally not be represented by counsel because he cannot afford attorney's fees.

Finally, this section fails to establish a process or guidelines for States to establish child support responsibilities of absent parents.

Recommendation

This section should be revised to establish mandatory guidelines that the State shall follow in setting child support payment guidelines. In part, these guidelines should specify a maximum percentage that could be ordered as child support against an absent parent living at or below the poverty level or living on a fixed income, workmen's compensation or unemployment insurance benefits.

SECTION 111-Performance Standards for Establishment of Paternity

Summary of the Section

This section establishes performance standards for States to establish paternity.

Recipient Impact Statement None

Recommendations None

SECTION 112-Increased Federal Assistance for Paternity Establishment

Summary of the Section

This section raises the federal matching rate to 90% (from 68% in fiscal year 1988) for State costs for laboratory tests used to determine paternity.

Recipient Impact Statement None

Recommendations None

SECTION 121- Requirement for Prompt State Response

Summary of the Section

This section would require that the Secretary of HHS establish a time limit in which a State must accept and respond to requests for assistance in establishing and enforcing child support orders from individuals and other States.

HHS must establish an advisory committee composed of various State officials for input into these regulations. This advisory committee shall hear testimony and complaints from the public regarding the child support program, administrative problems and the speed of collections.

Recipient Impact

Like most welfare reform bills, this bill also ignores the consumer, the parent receiving the child support.

Although this section is designed to be responsive to the consumers, the Secretary will not have consumer representatives on the committee.

Recommendation

This advisory committee should include an equal number of representation from the consumers, such as representation from local and statewide welfare rights organizations, the National Welfare Rights Union, Legal Services, women's groups, etc.

SECTION122-Mandatory Automated Tracking and Monitoring System

Summary of the Section

This section requires the State to establish an automated tracking system within 10 years of the enactment of this section.

The federal government will pay 90% of the costs.

Recipient Impact Statement None.

Recommendations None

SECTION 123-Additional Information Source for Parent Locater Service

Summary of the Section

This section would authorize HHS to have access to wage information maintained by the Department of Labor. This would include information regarding the identity of individuals receiving Unemployment Insurance Benefits.

Recipient Impact Statement None

Recommendations None

SECTION 1244-Use of Social Security Numbers to Identify Parents

Summary of the Section

This section mandates that States obtain the social security numbers from both parents at the time of the birth of the child. States would be allowed to waive this requirement for good cause.

Recipient Impact Statement None

Recommendations None

SECTION 125-Commission on Interstate Child Support

Summary of the Section

This section establishes a commission for the purpose of holding a national conference to discuss reforming the child support system.

Recipient Impact Statement None

Recommendations None

TITLE II

JOB OPPORTUNITIES AND BASIC SKILLS (JOBS) PROGRAMS

SECTION 201- Establishment of the JOBS program in All Political Subdivisions

Summary of the Section

This provision requires each State to submit a plan to establish a JOBS program in all political subdivisions of the State.

Recipient Impact Statement

Not all political entities have the assets and resources to operate a workfare program. Small counties as well as counties with high unemployment rates could operate such a program only if the federal and State governments pour money into the county to operate a wasteful program. Once the county must pay a reasonable share of the operation expenses of the program, it would be evident that operating such a program is not feasible.

Those counties in California who have submitted a GAIN plan, stating that all persons will become employed, turn around and apply for an exemption for participating in the food stamp employment and training program because the county has no jobs.

Local entities will operate any program, so long as the money comes from Washington, even if there are 100 clients and five job opportunities in the county.

Recommendation

Establish specific guidelines, such as, mandatory individual participation in the JOBS program shall occur if the unemployment rate of the county is less than 4%. If the unemployment rate of the county is greater than 4%, individual participation in the JOBS program should be voluntary.

SECTION 201.(2)-Involving the Private Sector in JOBS

Summary of the Section

This section mandates that State welfare agencies involve the private sector in the formulation of the JOBS program to make sure that clients are being trained for jobs that are available in the community.

Recipient Impact Statement

This section, like a previous section, ignores the consumers of this program and their representatives.

It assumes that the decision made by the private sector employers are based on what is best for the poor, and the poor should rely and depend upon the private sector to do the "right thing".

We believe that in order for the poor to become ***independent***, they must be involved in the planning and designing of the plan. To rely on others to make them independent merely breeds ***dependency***.

Recommendation

Mandate that States meaningfully and equally involve the poor and their representatives in the planning process and design of the JOBS program.

SECTION 202(3)-State Welfare Agency to Administer the JOBS Program

Summary of the Provision

This section provides that the State welfare agency shall operate the JOBS program.

Recipient Impact Statement

This provision is the major problem with the JOBS Program. The Congress will require the State welfare agency, which administered a jobs and training program, to operate the JOBS program for the poor.

When you have chest pains, you do not call your lawyer, you rush to the hospital to see a doctor.

In this case, welfare recipients need training and education. The agency that has been doing this, and continues to do this, is the Employment and Training Agency of the Department of Labor. This bill distinguishes between welfare recipients and all other unemployed persons by placing them in a different category for experimental purposes by welfare/workfare officials. Welfare and workfare officials have no experience in employment and training services.

This problem has surfaced in the California workfare program, when it designated the training and education responsibility to the county welfare department. During the first year of operation by Fresno County, only 106 persons found employment with sufficient wages to make the families self-sufficient. The State employment agency found jobs for 789 persons during the fiscal year of 1984-1985. It appears that the State employment agency outperformed the State welfare agency by over 700%; yet, Congress still tries to transfer the administration of the JOBS program to the welfare agency.

SECTION 201.(4)-Maintenance of FISCAL Efforts By States

Summary of the Provision

States will not be allowed to use JOBS money to replace State funds that were used for workfare programs during fiscal year 1986.

Recipient Impact Statement

None

Recommendation

None

SECTION 201(5)-All Nonexempt Persons Required to Participate

Summary of the Provision

This provision provides that all mandatory participants shall be required to participate in the JOBS program, unless they do not have child care. Any person receiving cash aid may volunteer to participate. Moreover, States may allow, or require unemployed absent parents to participate in the JOBS program.

Recipient Impact Statement

The provision would force women who do not have adequate child care arrangements, to participate in the JOBS program. The provision does not contain sufficient protection insuring available child care when the participant receives a job offer.

This provision leaves the door wide open for State welfare officials to abuse poor women by requiring a 12 year old child to supervise a 6 year old sibling. This very problem is now occuring in Yuba County, California. This provision contains nothing to prevent the situation whereby the mother is forced to go to workfare and leave her children without any supervision, only to come home and find that the children have been removed from the home by Child Protection Services, another arm of the welfare department. This happened in San Diego, California.

While child care is not mandatory, it is only provided if the State agency can be shown that the parent needs child care arrangements.

We are contemptuous of the practice of forcing parents to become slaves to the federal, State or local government because they are poor or cannot find jobs with wages high enough to support their families in an economy that needs at least 6 or more percent unemployment.

Recommendation

Mandate that a "certificate of a child care slot" at a designated child care center is to be made available to any person who participates in the program *before* the recipient is required to participate in the program. When the participant has a certificate of a child care slot at a designmated child carte center, and is offered a job, he or she will not have to refuse to accept the job due to lack of child care and then turn around and look for work again.

SECTION 201(6)-Exemptions

Summary of the Provision

This provision contains most of the current exemptions. It also includes the categories of mandatory participants which includes custodial parents with:

> *a. children over the age of three (3) years to be mandatory participants; and*
>
> *b. children over the age of 1 to 3 to be mandatory participants at the option of the State welfare agency.*

Recipient Impact Statement

This provision fails to set forth how individuals would be allowed to establish these exemptions? What type of proof will they have to provide?

State agencies now require that an ill recipient will have to participate in the program, unless a statement from a doctor, stating that they are too ill to participate in the program, can be produced. Many clients cannot find a doctor who will take medicaid patients. Thus, they have to continue to slave for the federal, State and local government, even when they are ill.

This provision would also require a person who works less than 30 hours a week to quit his or her job and provide free labor for the federal, State and local government. The fact that some part-time jobs turn into full time jobs should be considered and it should be the clients' option rather than the welfare/workfare workers' option to leave a part time job to participate in the JOBS program.

Mothers, who are breast feeding their children will be forced to leave their children to provide free labor to federal, State and local government.

While foster children in America will have "parents" to guide them through their tender years, poor children will have their parents snatched away from them and marched to the workfare program to provide free labor to federal, State and local governmental entities.

Recommendation

Limit mandatory participation to recipients who have been on aid for more than six years and have a child over 12 years old. These are the long term recipients who should be mandatory participants of a program designed to help people get off welfare.

Persons working part-time should be exempted from the program, unless they volunteer to participate in the JOBS program.

All participants shall be asked in writing whether or not they meet any of the exemptions of the JOBS program. If they indicate or claim such an exemption, then such exemption shall be granted, unless the State has clear and convincing evidence to the contrary.

SECTION 201(7)-Requiring Both Parents to Participate in JOBS

Summary of the Provision

States would have the option of requiring both parents to participate in the JOBS program, if child care is assured.

Recipient Impact Statement

We have already commented on the false availability of child care and how State welfare agencies are not interested in insuring that children receive adequate care; rather, State welfare agencies are only concerned about reducing the welfare caseload, regardless of the costs.

Recommendation

The States should not have the option to require that both parents participate in the JOBS program. The option should be given to the parents since they are capable of making such decisions.

SECTION 201(8)- Encouraging Both Parents of a Two-Parent Family With a Child Under Six Years to Participate in the JOBS Program

Summary of the Provision

This provision would allow States to encourage both parents of a two-parent family with a child under the age of six years to participate in the JOBS program.

Recipient Impact Statement

Encouragement is no different from requiring both parents to participate in the JOBS program. When the welfare/workfare official makes a suggestion, most recipients go along with the suggestion for fear of losing their cash aid.

Recommendation

This provision should provide that such parent shall be informed that they do not have to participate in the JOBS program unless they choose to do so in writing.

SECTION 201(9) Self Initiated Education or Training

Summary of the Section

An individual who currently attends "an approved" school or training program, may continue in such program and may be eligible to receive only child care expenses.

Recipient Impact Statement

This section provides that if the State welfare/workfare officials approve the individual's self-initiated education or training program, then the individual would be allowed to complete that education or training. However, if the welfare/workfare officials do not approve of the education/training already started by the individual, then the individual will have to quit the education or training that he or she has begun, after making a financial investment or borrowing money, and be forced to provide free labor to the federal, State and local governmental entities.

Clearly, this section robs poor people of their attempts to independently try to become self-sufficient and it clearly tells welfare recipients to be totally dependent upon your welfare/workfare worker or lose the welfare benefits. This section exposes what this bill is really about- ***power to the workfare workers and make the poor completely dependent upon government.***

Recommendation

Change the current language to read:

> *"An individual who is attending an accredited post-secondary institution or a training program shall be deemed to be satisfactorily participating in the JOBS program without being required to attend any of the JOBS components."*

SECTION 201(10) Initial Assessment

Summary of the Provision

During the initial assessment, States are required to review the individuals' education and skills and may develop an employability plan which shall reflect the preference of the participant, "to the extent possible."

States have an option of entering into a contract with participants which will state the obligations of both the participant and the State under the program.

Recipient Impact Statement

These assessments are ways to produce jobs for workfare bureaucrats by using poor women and their children. Participants have no meaningfull participation in these assessments or the development of the "adhesive contacts".

Recommendation None

SECTION 201(11) The Adhesive Workfare Contact

Summary of the Provision

This provision allows the State welfare agency to "require each participant in the JOBS program to negotiate a contract with the State agency" that sets forth the participant's and State's obligation.

Clients also have a right to a fair hearing, if they disagree with the contract.

Recipient Impact Statement

The language of the statute makes it clear that "recipients are required to negotiate a contract". How can negotiation be mandatory? You cannot force people to negotiate.

In California, clients are not allowed to either complete their own contract or to specify what choices they desire. Rather, the workfare worker completes the contract and the client is told "sign it or else." The county welfare department never fills out welfare applications for clients, but they can't wait to complete the workfare contract. And the reason is—the person who completes the form has control over what goes into the form.

Recommendation

We believe that the bill should eliminate this phony contract and admit the truth—that poor people in America will be treated like third class citizens. They will be told what to do, when and how to do it, under the false and dishonest guise of making the poor "self-sufficient" with an "adhesive contract."

The State agency shall assess the participant. The out-come of the assessment, the name of the local legal and welfare rights office, the availability of the various types of supportive services, including a recommended component for participation shall be mailed to the participant. The participant shall have the right to select either the recommended component or one of his or her choice and the right to request the services the client believes is needed. The component selected by the recipient shall be deemed to be appropriate, unless there is clear and convincing evidence that the component selected by the participant is inappropriate.

This would insure that clients would be

empowered to select a reasonable component and ask for supportive services, without having the workfare bureaucrat breathing down their neck and telling them what they should write on the form, which is a common practice within the welfare system.

CCWRO has published a proposed "Welfare Reform Bill". This bill has specific language which contains all the necessary protections that clients needed for a agency-client agreement. With that language this alleged agreement will be another cruel joke upon the needy of America.

SECTION 201(12)-State Option to Give a Client a Case Manager

Summary of the Provision

This provision would give the State welfare agency the option of assigning each participant a case manager.

Recipient Impact Statement- None

Recommendation- None

SECTION 201(13)-Range of Services

Summary of the Provision

This provision provides that the State "may" provide a broad range of services available to JOBS participants. These services include education, training, workfare, work supplementation, and job search services.

Recipient Impact Statement

This section allows the State welfare agency to limit this so-called education and training program to job search and workfare for the rest of the recipients life.

There is no requirement that State agency provide any training or educational services to all clients.

Recommendation

The State agency shall have a full range of services before they are allowed to operate the JOBS program and the clients shall be allowed to select from that full range of options.

There should also be a prohibition against recycling clients through the same components over and over again.

SECTION 201(14)-JOBS Requirements for Mothers Under the Age of 21 Years-

Summary of the Provision

A parent who is under the age of 21 and has not completed high school, and who is not otherwise exempt, shall be required to participate in:

- high-school training;
- remedial literacy training; or
- ESL.

If the State decides that education is not necessary, they may enroll such person in other JOBS components, such as workfare, job search, etc, in lieu of education.

Recipient Impact Statement

This section is unnecessary. It must have been placed here to mislead the public into believing that women under the age of 21 years old will be entitled to educational services, which is not truee—they are not entitled to any educational services.

The provision provides that if the State welfare agency finds that education is not necessary, then they shall be enrolled in other JOBS components.

In a meeting with the California State welfare agency, we were informed that, in the agency's opinion, it is not necessary speak English in order to find work in America.

With people like this running the JOBS program we can assure the authors of this bill that welfare mothers under the age of 21 years old will not get an education.

Recommendation:

This section is unnecessary if it is to stay permissive. The State already has the option of providing education in Section 201(13). If this section is to remain for honest purposes, then it should state that any person receiving cash aid under the age of 21 years old, who does not have a high school diploma, *shall* (not may) be required to attend high school, until they secure a high school diploma.

SECTION 201(15)-Component Assignment

Summary of the Provision

This provision provides that in deciding which component the participant shall be assigned, the State agency shall consider the participants health, physical capacity, skills, experience, place of residence and family responsibility. The participant shall not be forced to stay overnight at a job site in order to participate in a component.

Recipient Impact Statement

All of this rhetoric sounds appealing. However, this section does not give the client the right to state whether he or she does or does not want to participate in a given component. Rather, the State agency may take the client's reasons into consideration in making a final determination.

Recommendation

Allow the client to select the component in which they want to participate and abolish all of this unnecessary rhetoric about protecting clients.

Let poor people protect themselves without relying on the State bureaucrats. The authors of this bill would be surprised to discover what poor people can accomplish with a helping hand and without the preconceived notion that all poor people are ignorant.

SECTION 201(16)-Right to a Fair Hearing

Summary of the Provision

This section provides that the State welfare agency shall allow client to file for a fair hearing.

Recipient Impact Statement

It takes a law to give poor people what all other people of America have— Due Process of the Law.

Recommendation None

SECTION 416(g)-Workfare

Summary of the Provision

This section allows State welfare agencies to operate a workfare program, also known as "community work experience program", the pride and joy of Ronald Reagan and the right wing of the Republican Party and now adopted and promoted by most all Democrats.

The participation of the indivudal in the workfare program can go on forever. The States may, but not mandated to, take into consideration the participants' prior training, experience and skills.

Participants will have to work for minimum wage, less child support payments. Workfare participants are not suppose to displace paid workers.

Subsection 416(g)(a)(1)(D) makes sure that none of these protections would apply if a State wants to operate a workfare program that violates any of the protections in this bill.

Recommendation

We oppose involuntary servitude, even if it is coated with gold. However, we see no problem in a recipient wanting to volunteer in a workfare program, as long as it is limited to as long as the participant wants to be in the program.

If this section is not repealed, then mandatory CWEP should be limited to three (3) months, which is similar to the San Diego County Workfare program, which has been labeled to be a successful program.

SECTION 416(h)(1) and (2)-Job Search

Summary of the provision

This section allows States to require an eight (8)-week job search requirement for applicants and recipients during any twelve (12) consecutive months.

Recipient Impact Statement

This provision ignores the fact that there may be no jobs in the community in which the client is required to do job search. We feel this is another way to harass poor people.

We have witnessed poor women spending their childrens' food money (and the children go hungry) to look for non-existent jobs in fear of losing their AFDC benefits.

Futile efforts in job search benefits only the workfare bureaucrats in that they have a reason to get a monthly paycheck from the welfare department. It harms the children of the family, because their single parent has less time to spend with them on school work, and less money in which to buy food.

Recommendation

Job search should be limited to three (3) weeks with advance payment for transportation expenses in localities that have less than 4% unemployment. In all other localities job search should be voluntary.

SECTION 416(h)-Sanctions
Summary of the Provision

Individuals who are required to participate in the JOBS program, and who fail to do so without good cause, shall be subject to the following fiscal sanctions:

SINGLE PARENT FAMILIES

• In single parent families, the individual's needs shall not be taken into account in calculating the cash aid benefits and the remainder of the grant shall, where feasible, be paid to a substitute payee.

• After the first instance of non-cooperation, the penalty shall be imposed until such time as the individual cooperates.

• After the second instance, the penalty shall be imposed until the individual cooperates or for three months, whichever is longer.

• In subsequent instances, the penalty shall be imposed until the individual cooperates or for six months, whichever is longer.

TWO PARENT FAMILIES

• In two-parent families, when the principal earner fails to cooperate, the entire family will become ineligible for cash aid.

• After the first instance of non-cooperation, the penalty shall be imposed until such time as the principal earner cooperates.

• After the second instance, the penalty shall be imposed until the principal earner cooperates or for three months, whichever is longer.

• After subsequent instances, the penalty shall be imposed until the principal earner cooperates or for six months, whichever is longer.

Recipient Impact Statement

This is what the JOBS program is all about: sanctions, sanctions and more sanctions.

How can one explain to his/her children that they cannot eat and they have to live in the streets because daddy or mommy was late to a workfare assignment. S/he begs to return to his/her work program assgnment, but the workfare law says s/he has to be punished this way for three months or in many cases, six months.

Why punish the children for what their parents have done. Americans are not callous, they do not enjoy seeing children suffer. The message being sent through this bill is, "We do not care what happens to poor children".

Recommendation

It is barbaric to deny food and shelter to poor children in order to punish the parents. Such barbarism has no place in a civilized nation, unless the authors of this bill do not believe that America is a civilized nation, which is the current view of many welfare recipients today.

If Congress feels compelled to punish someone, then they should only punish the parent who committed the act of non-cooperation and leave the children alone.

The parent should be taken out of the grant until they agree to cooperate. Once they agree to cooperate, they should be right back on the grant. This would also simplify the system.

SECTION 402-Payments of Child Care, Transportation, and Other Work Related Expenses

Summary of the Section

This section provides that the State agency can decide what child care services will be available to the recipient, when and how he/she shall receive it.

Recipient Impact Statement

The recipient will have zero rights in determining anything concerning child care arrangements for his or her child. And if they interfere with the States' right to make it's decision about child care, then the recipient will be found not to be cooperating with the JOBS program and fiscal sanctions will be imposed against the family. The recipient is totally dependent upon the State.

Recommendation

No welfare worker nor anyone else should tell a parent what type of child care their child should receive. Welfare recipients are not the personal property of the welfare/workfare bureaucrat.

Applicants and recipients shall have the right to select the type of child care they wish for their children and they shall only be required to participate if they have verifiable child care in case they get a full time job.

No participant shall use his or her cash aid to meet the expenses of the JOBS program. The State agency shall issue advance payments of child care and transportation, unless the participant knowingly and willingly waives his or her right to such advance payments.

SECTION 403- Federal Matching Rate

Summary of the Section

This section provides that the federal government will appropriate $140 million dollars to States and States would have to provide the first 10%. Once a

State has used up its share of the $140 million, the federal government would then provide 60% of additional money spent by State governments for workfare.

The federal government would provide a 50% match of the administrative costs.

Federal matching for child care expenses will be limited to $160 per child.

Recipient Impact Statement

We believe that $160 a child is very low.

We believe that States should not be allowed to receive any federal funds unless they are accountable and that they use that money to find jobs for poor people, rather than using the money solely for the purposes of creating jobs for welfare/workfare bureaucrats.

Recommendation

States shall receive matching funds only if they find jobs for participants. If they fail to find jobs for participants, then they should receive no money. As this bill would impose severe financial sanctions against poor persons and innocent children, because the parent failed to do what they were supposed to do, State agencies should also be equally punished for failing to do their job.

We realize that the bill does not specify what the States responsibilities are, which can be a problem in holding States accountable. We hope the authors can determine the States responsibilities and impose equal sanctions against them.

SECTION 203-Repeal of the WIN Program

Summary of the Section

Recipient Impact Statement

This section would repeal the WIN program.

We never thought we would be sad to see the WIN program go, but the WIN program is a jewel compared to the mean-spirited JOBS program and all of the other workfare proposals before Congress to date.

Recommendation

Maintain the WIN program.

SECTION 204-Regulations; Performance Standards and Studies

Summary of the Section

This section provides that the Secretary of HHS shall promulgate proposed regulations implementing the JOBS program within six (6) months and have the final regulation within one year.

It also provides for the formulation of performance standards with the input of State officials.

Finally, it provides that HHS should conduct studies to see how the program is working.

Recipient Impact Statement

Again, poor people are not meaningfully involved in the development of performance standards of a program that is allegedly being created to serve the poor and not the State welfare/workfare officials.

The studies will not research what happens to the sanctioned children or the number of people who found jobs directly as a result of the JOBS program. The bill does not address the hard truth—this is a punitive program, not designed to help poor people.

Recommendation

If the purpose of this program is to help people, then studies should clearly show how many people found jobs and which program components were the most and least effective in the welfare system. The studies should show how much money was spent on the program. Moreover, the studies should involve the poor and their representatives in the planning and design of the program performance standards.

SECTION 205-Effective Date

Summary of the Section

This section provides that, generally the provisions of Title II shall be effective October, 1989, but the JOBS program can go into effect earlier.

Recipient Impact Statement

While workfare goes into effect right away, States can delay the implementation of the other positive features of this bill.

Recommendation

The complete package should go into effect simultaneously.

TITLE III

TRANSITIONAL ASSISTANCE

SECTION 301 and 302-Extended Eligibility for Child Care and Medical Assistance

Summary of the Provision

This section provides that a family can receive nine (9) months of child care and medical assistance, if they were on cash aid within three (3) of the proceeding six (6) months.

The child care services will be available to the extent that the State welfare agency determines it to be reasonably necessary for the recipients continuing employment.

It also requires that the family contribute to the cost of transitional child care on a sliding scale system.

Recipient Impact Statement

What happens after nine months? Once child care and medical assistance stops, the recipient would, most probably, be forced to quit the job. Employers would complain to their Congresspersons and Senators that although they gave a welfare recipient a job, the recipient didn't really want the job.

Moreover, most recipients would not receive any transitional child care services. In order to receive child care, a recipient must meet the vague test of "needing child care that the State welfare agency determines to be reasonably necessary for his or her employment."

With the sliding scale system, States can charge exactly what a private day care charges.

Recommendation

It is not fair to give people hope only to give them another disappointment.

Transitional child care should be provided as long as the person States that he or she needs it or subsidized child care becomes available, whichever is earlier. Such statement of need should be accepted as true, unless the State welfare agency has clear and convincing evidence that the recipient does not need the child care services.

A sliding scale fee arrangement should be developed by the federal government and should not exceed 5% of the client's net earnings.

TITLE IV

FAMILY LIVING ARRANGEMENT

SECTION 401- Households Headed by Minor Parents.

Summary of the Section

This section provides that any minor parent (under the age of 18) who has never married and who is eligible for cash aid may receive such cash aid only when living with a parent, legal guardian or other adult relative.

This provision does not apply to those minors who do not have any living parent or legal guardian, or the parent/legal guardian will not allow such minor parent to live in their home, or the minor child has lived away from at least one year prior to having the child.

If such minor parent has not finished high school, States may require such minor parents to go to high school as a condition of eligibility, unless the minor does not have child care.

Recipient Impact Statement

This is another attempt by Congress to impose their moral value judgments upon the poor people of this Country.

However, poor people are used to being pushed around and this could have much been much worse.

Recommendation

None

Section 402-Two Parent Family-*SUPPORT*

Summary of the Section

This section provides that all two parent families shall receive cash aid. Under current law, not all States provide aid to two-parent families.

Recipient Impact Statement

This is a provision that has already been in conference on two or three occasions before and it was defeated by the Senate, because Senator Long hated poor two-parent families.

Now with Senator Russel Long gone and the Democrats in control of the Senate, there is no reason to enact a mean-spirited workfare program in return for aid to two-parent families.

Recommendation

None.

TITLE V
BENEFIT IMPROVEMENT

SECTION 501- Periodic Re-evaluation of Need and Payment Standards

Summary of the Section

This section provides that States shall review their benefit levels at least once every five years and send a report to HHS.

Recipient Impact Statement

Currently HHS publishes a report each year setting forth the amount that each State pays.

What is really needed humane benefit levels of cash aid payments for families with children in America. The current level of cash aid payments are disgraceful for a civilized nation.

The following states pay the following amounts for an adult and three children:

Arkansas	$224
Louisiana	$234.
Missisippi	$144
Puerto Rico	$104
Tennessee	$186
Texas	$221*

Recommendation

The cost of living is about the same throughout this country. There is no reason to have a national program providing assistance to families and having payment so ridicously low.

This bill should be amended to mandate that families be provided with at least 75% of the poverty level in benfit payments if they are required to work for their benefits. Cas aid payments at this rate is an insult, even though it is better than nothing. True reform would address this problem with action, not symbolic reports that do nothing.

TITLE VI

DEMONSTRATION PROJECTS

SECTION 601 et.seq.

Summary of the Section

This title authorizes several State demonstration projects to operate various types of programs.

Recipient Impact Statement

We oppose all demonstration programs in which the poor and their representatives do not have meaningful participation in the planning and designing stages. Most of these programs are attempts to satisfy the intellectual needs of some academics in America by using poor people as guinea pigs.

Recommendation

Only demonstration programs developed jointly with the poor and their representatives should be implemented.

TITLE VII

WAIVER AUTHORITY

SECTION 801

Summary of the Section

This section authorizes HHS to grant 10 demonstration programs wherein States are free to do whatever they want.

Recipients Impact Statement

We oppose all demonstration programs when the poor do not have meaningful participation in the planning and designing the program. These programs will authorize the States to operate programs that will disregard all current statutory and regulatory protections now available to recipients. They can easily turn these programs into facsimiles of the current general assistance(GA)/general relief (GR) programs operated by States and localities.

Although the statute provides that current recipients will not experience reductions in aid payments, the waiver authority makes available a thousand and one opportunities to impose eligibility requirements that will reduce the overall caseload and deny aid to the truly needy while still maintaining the current level of benefits for those who survive. These tactics have been utilized in general assistance programs throughout the Country. In California, courts have ordered increased benefit levels; yet the total amount of funds spent on general assistance did not rise. Perversely, the GA/GR budgets in those counties decreased as the counties adopted innovative means to deny aid to the truly needy; adding thousands of single individuals and childless couples to the ever growing homeless population of America.

Recommendation

We have no objections to HHS issuing waivers to States to operate programs that will increase the rights of the poor, not reduce the rights of the poor. If these programs are truly designed to benefit the poor, then they should be designed by law to increase their current rights and benefits.

AN ANALYSIS FROM THE PERSPECTIVE
OF THE POOR

ABOUT THIS PUBLICATION

& CCWRO

CCWRO is a non-profit organization representing welfare recipient organizations throughout the State of California.

CCWRO publishes a monhtly publication called the California Workfare Reporter". CCWRO has also published case analysis of families who were victimized by the workfare and welfare program operators.

The recipient impact statements of H.R. 1720 is a product of intense discussions with welfare advocates who, combined, represent centuries of experience in workfare programs.

Legal analysis was done by Grace Galligher, Attorney at Law.

The primary author of the report was Kevin Aslanian, who has been actively involved in welfare rights advocacy for over 15 years. He is also a former recipient of welfare benefit.

CCWRO wishes to express its appreciation to all persons who participated in this project and to those who will read this analysis.

Coalition of California Welfare Rights Organizations,
1900 "K" Street, Suite 203, Sacramento, CA 95814- 916-442-2901

COMPARATIVE ANALYSIS OF THE WORKFARE PROVISIONS OF THE WELFARE REFORM BILLS BEFORE CONGRESS IN 1987-PAGE 1 OF 6

ISSUES	CURRENT LAW	WAYS & MEANS COMMITTEE*	ED. & LABOR COMMITTEE**	S. 1511 MOYNIHAN***	REPUBLICAN BILL ****
PROGRAM OPERATION	The State employment service agency, which the Reagan administration has been trying to close for several years, operates the jobs and training program for welfare and non-welfare recipients.	This program will be operated by the welfare department. Welfare recipients would not receive job and training services from the same agency that serves non-welfare recipients. Moreover, this aids the Administration's justification to shut down the employment agency for the unemployed of America.	The Department of Labor will operate this program. The governor of the State will designate either the State welfare or employment agency to operate the program, depending upon which agency can do the best job for welfare recipients.	Same as Ways and Means.	Same as Ways and Means.
RECIPIENT INVOLVEMENT	There is no community involvement of the poor in the formulation of work programs for the poor.	There is no requirement that welfare recipients or their representatives be involved in the formulation of programs which serve them.	The Secretary is required to involve the organizations representing the eligible participants in an advisory committee to develop performance standards for the States.	Same as Ways and Means.	Same as Ways and Means.
REQUIRED PARTICIPATION IN THE PROGRAM	Any person without a child under the age of 6 years is required to participate in the program, unless he or she is exempt for some other reason.	States may require any person with a child over the age of 3 years to participate full time. A person with a child under the age of 3 years may be required to participate 20 hours a week in a work program.	All persons with children over the age of 6 years must participate. Women with children over the age of 3 must participate part-time.	All relative caretakers with children over the age of three will be required to participate in all instances. Women with children between the ages of 1 and 3 can be required to participate at the State's option.	All persons are required to participate, except for a six month period following the date that the woman gives birth to a child and three months prior to the due date for giving birth to a child.
		* HR 1720	** An Amendment to HR 1720	*** The Senate Welfare Reform Bill	**** HR 3200

SEPTEMBER, 1987

By National Welfare Rights Union
1900 "K" Street • Suite 203 • Sacramento • CA 95814 • 916-442-2901

COMPARATIVE ANALYSIS OF THE WORKFARE PROVISIONS OF THE WELFARE REFORM BILLS BEFORE CONGRESS IN 1987–PAGE 2 OF 6

ISSUES	CURRENT LAW	WAYS & MEANS COMMITTEE	ED. & LABOR COMMITTEE	S. 1511 MOYNIHAN	REPUBLICAN BILL
EXEMPTIONS	Under current law any person who is ill, incapacitated, of advanced age, who is so physically remote from the employment service agency that effective participation is precluded or whose presence in the home is required because of illness or incapacity of another member of the household is exempt from the program.	Same as current law.	Same as current law.	Same as current law.	Same as current law.
PRIORITY	There are no mandatory priorities as to which group of recipients would be required to participate first.	The bill contains suggested priorities, but these priorities are not mandatory.	The State agency is required to identify the priorities in their plan, but the bill fails to establish mandatory priorities.	No provision.	No provision.
NET LOSS OF INCOME	Cash assistance recipients will not be required to accept jobs that pay less than than the cash aid amount received by the family.	No participant can be required to take a job that would result in a net loss of income– including the value of all welfare benefits such as food stamps and Medicaid.	Participants cannot be forced to take a job that will pay less than federal minimum wage. If the job pays less than cash aid, then the State agency shall establish a program to issue supplemental payments for a 12 month period to assure that the family does not experience a net loss of income.	No participant can be required to take a job if taking the job would result in a net loss of income– including the value of all welfare benefits such as food stamps and Medicaid, unless the State gives a supplementary cash payment to make up the difference.	The job must pay at least minimum wage.
CLIENT INPUT	No recipient participation in the current process.	Same as current law.	The State plan for employment and training shall be published and be available for public comments for a 30 day period. In addition recipient organizations shall be involved in the planning and designing of the program.	Same as current law.	Same as current law.

September, 1987

By National Welfare Rights Union

1900 "K" Street •Suite 203 •Sacramento •CA 95814 •916-442-2101

COMPARATIVE ANALYSIS OF THE WORKFARE PROVISIONS OF THE WELFARE REFORM BILLS BEFORE CONGRESS IN 1987-PAGE 3 OF 6

ISSUES	CURRENT LAW	WAYS & MEANS COMMITTEE	ED. & LABOR COMMITTEE	S. 1511 MOYNIHAN	REPUBLICAN BILL
ASSESSMENT & CONTRACT	All registrants are assessed by the WIN worker. After assessment, the registrant signs a statement indicating that he or she understands his or her rights.	The State agency would be required to look at the educational needs, skills and employability of each client and develop an employability plan. This plan does not have to reflect the preference of the participant. After assessment the participant has to enter into an agreement with the state welfare agency. This agreement would set forth the responsibilities of the participant. It would also set forth the consequences that the participant would suffer for failing to meet the provisions of the adhesive contract.	The State agency will assess the participant. The participant would have the right to select one of the various options available. Participants must enter into an agency-client agreement. The participant has 10 days to change the his or her mind, after she signs the agency-client agreement.	States may assess participants at the point of application. States may also enter into a contract with participants. But States do not have to do an assessment or enter into a contract if they do not want to do so.	Participants would be assigned by the state welfare agency to select one or more of the components available under the range of services.
RANGE OF SERVICES	States provide various range of services to participants.	The State welfare agency has to provide remedial education, job search, job readiness activities, counseling, information and referral, job placement services and two other services from the following list of services: workfare, on-the-job training, skills training, work supplementation and other services.	The State agency has to make a full range of services available, which including work experience, job search services, remedial education, institutional job skills training, on-the-job training and the right to complete any training or educational program which can reasonably be expected to lead to employment.	The State agency can operate a program that will be exclusively workfare and job search.	The State agency can operate a program that will be exclusively workfare and job search.

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By National Welfare Rights Union
1900 "K" Street • Suite 203 • Sacramento • CA 95814 • 916-442-2901

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ISSUES	CURRENT LAW	WAYS & MEANS COMMITTEE	ED. & LABOR COMMITTEE	S. 1511 MOYNIHAN	REPUBLICAN BILL
WORKFARE	Participation in the workfare program is limited to persons who would obtain employment promptly as a result of participation in the workfare program.	Participation in a workfare program is limited to a six month period. In computing the number of hours for which the welfare recipient would have to provide uncompensated labor to local, state and federal governments, their APDC benefits would be divided by the minimum wage, less any child support received by the family.	No provisions, except that States cannot use IV-C funds to operate a workfare program. The bill prohibits any funds to be used for workfare programs, but it establishes "work experience programs" designed to provide work experience to participants for a three month period.	Same as current law.	Would allow States to operate non-stop workfare programs to work for their cash aid and food stamp benefits divided the federal minimum wage to determine the number of hours the family has to work for free in a given month.
JOB SEARCH	Job search is limited to a 13-week period for any given calendar year.	At the State agency's option, participants can be required to do job search while participating in any of the various components, i.e. workfare, education, training, etc. The statute does not prohibit the state agency from requiring applicants to make 25 job contacts a week, in places where there are very few jobs available.	Limits job search to an eight week period for applicants and recipients.	Limits job search to eight weeks in any consecutive 12 month period.	Same as current law.
REPETITION OF COMPONENT	Repetition of workfare, or training programs without pay, such as picking grapes for farmers under the disguise of alleged training over and over, year after year.	Same as current law.	The bill does not allow States to require participants to repeat a	Same as current law.	Same as current law.

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BY NATIONAL WELFARE RIGHTS UNION
1900 "K" STREET • SUITE 203 • SACRAMENTO • CA 95814 • 916-442-2901

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ISSUES	CURRENT LAW	WAYS & MEAN COMMITTEE	ED. & LABOR COMMITTEE	S. 1511 MOYNIHAN	REPUBLICAN BILL
CHILD CARE AND OTHER SUPPORTIVE SERVICES	Provides supportive services of child care and transportation that are reasonably necessary as determined by the State agency. Generally payments for such services are reimbursed.	Essentially the same as current law.	Essentially the same as current law.	Essentially the same as current law.	Essentially the same as current law.
SELF INITIATED PROGRAM	A participant can only complete the education or training he or she has started, provided it is approved by the State welfare agency, and approves the training or educational program is less than 1 year.	Participants in a self-initiated school or training program that would lead to employment, will be allowed to complete these courses.	Any person attending an accredited postsecondary institution and making satisfactory progress in a vocational or undergraduate education or training program consistent with the individuals employment goals, shall be deemed to be participating satisfactorily in the employment program.	Persons in self-initiated vocational training, school, or postsecondary institution will not have the right to continue their self-initiated education.	Persons in self-initiated vocational training, school, or postsecondary institution will not have the right to continue their self-initiated education.
FEDERAL FINANCIAL PARTICIPATION	The federal government provides 50% federal financial participation for the operation of workfare and job search programs.	States will receive 75% federal financial participation for workfare and job search related administrative activities.	The bill authorizes $650,000 for fiscal year 1988.	$140 million authorized at 90% federal reimbursement and 60% federal reimbursement, open-ended, for expenditures above $140 million.	Authorizes $300 million in FY 1988 and such sums as necessary thereafter to pay for the employment and training program and transition benefits.

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COMPARATIVE ANALYSIS OF THE WORKFARE PROVISIONS OF THE WELFARE REFORM BILLS BEFORE CONGRESS IN 1987-PAGE 5 OF 6

ISSUES	CURRENT LAW	WAYS & MEANS COMMITTEE	ED. & LABOR COMMITTEE	S. 1511 MOYNIHAN	REPUBLICAN BILL
EDUCATION	States can allow registrants to enroll in an educational course for up to a two year period.	The State agency does not have to provide remedial education to a person who the State agency determines does not need remedial education in order to find a job.	Education is one of the options that participants can select.	Education is one of the options that states may offer to clients, but clients are not entitled to educational services.	Same as current law.
SANCTIONS	In the case of a single parent, the parent cannot be included in the family budget unit for three months for the first offense, and six months for the second and subsequent offenses. For two-parent families, the entire family is denied AFDC benefits for a three month period for the first offense and six-months for the second and subsequent offenses. The State agency is required to provide child care and other services, if it is determined by the State agency that participants need such services. There is no guarantee that participants will have child care if he or she finds employment.	For the first time non cooperation by the parent of a single parent family, the parent would be excluded from the payments until he or she agrees to cooperate again. The parent would be sanctioned for a minimum of three months (or for many many months at the option of the State) for the second or subsequent time. For two-parent families the same time periods apply, except that the entire family would be ineligible.	Prior to imposing the barbaric sanctions of existing law contained in Section 402(a) (19) (F), the State agency would give the participant a second chance to correct whatever they did wrong to avoid any sanctions through conciliation.	• In single parent families, the individual's needs shall not be taken into account in calculating the cash aid benefits and the remainder of the grant shall, where feasible, be paid to a substitute payee. • In the first instance of non-cooperation, the penalty shall be imposed until such time as the individual cooperates. • In the second instance, the penalty shall be imposed until the individual cooperates or for three months, whichever is longer. • In subsequent instances, the penalty shall be imposed until the individual cooperates or for six months, whichever is longer. • In two-parent families, where the principal earner fails to cooperate, the entire family will become ineligible for such aid. • In the first instance of non-cooperation, the penalty shall be imposed until such time as the principal earner cooperates. • In the second instance, the penalty shall be imposed until the principal earner cooperates or for three months, whichever is longer. • In subsequent instances, the penalty shall be imposed until the principal earner cooperates or for six months, whichever is longer.	Same as current law.

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