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## Obama Undermines Clinton Welfare Reform

Where does the road end with President Obama's operating [above the law](#)? Recently, he even went so far as to attack the signature legislative achievement of another Democrat President, the bipartisan 1996 reform [law](#) that President Clinton said would end "welfare as we know it." On July 12, the Obama Department of Health and Human Services (HHS) issued guidance saying that it will issue waivers for the welfare law's mandatory work requirements -- even though the Department has no authority to do so. This abuse of power shows President Obama's vision of a government-controlled society.

### Reform moved families from welfare to work

In the early 1990s, there was increasing concern that cash welfare was a disincentive to finding work and was creating long-term dependency on welfare. [Research](#) showed that welfare-to-work programs were successful in moving families off welfare and into employment. After vetoing the legislation twice, President Clinton worked with the Republican Congress to replace the Aid to Families with Dependent Children program with Temporary Assistance for Needy Families (TANF).

TANF is funded through block grants to states, Indian tribes, and territories, giving them the flexibility to come up with a state plan to structure their welfare programs as they see fit. This flexibility includes determining how much money to give to each family. The money comes with several conditions, including a requirement that most recipients spend at least 20 to 30 hours a week working or doing job preparation. Adult recipients are limited to 60 months of assistance in a lifetime. States determine their own sanctions for families that do not meet the work requirements.

The 1996 welfare reform was very successful in moving families from permanent dependence on welfare to self-sufficiency. According to the Congressional Research Service, the number of families receiving cash welfare assistance plunged by more than 60 percent, from more than 5.1 million families in March 1994 to 2.0 million in December 2010. Another [study](#) found that by 2003 there were 2.9 million fewer children living in poverty than there had been in 1995.

Currently, the basic TANF block grant provides \$16.5 billion of federal money, and also requires states to contribute their own funds to the program. It is [authorized](#) through September 2012.

## **Without authority, Obama moves workers back to welfare**

The Obama Administration abused its regulatory power by [informing](#) states that they could apply to the Secretary of HHS for a waiver of the work requirements established in the 1996 law. The Administration claims it issued the guidance because a number of states asked for more flexibility in administering the TANF program. Initially, HHS solicited input from the states on how to provide administrative flexibility. However, no formal Notice of Proposed Rule Making was ever released, and the President's fiscal year 2013 budget did not call for comprehensive welfare reform and did not hint at such changes. There is bipartisan agreement in Congress that the welfare reform law needs a comprehensive examination, as it was passed 16 years ago and is more than two years overdue for reauthorization. But President Obama has moved forward with fundamental changes to TANF without consulting Congress.

The Department justified its actions by citing a reference to waiver authority under the welfare state plan, saying that the mandatory work requirements could be waived because they are a part of the plan. But the work requirement is an essential element of the law, and one that the statute specifically says *cannot* be waived. Congress explicitly protected the law against this sort of administrative overstep, but the Obama Administration did it anyway.

Senator Orrin Hatch and Congressman Dave Camp sent a [letter](#) to the HHS Secretary on the day the guidance was issued. Their letter outlined concerns, questioned the Department's authority to issue the guidance, and requested a detailed explanation of the legal reasoning behind the guidance by July 16. Secretary Sebelius finally [responded](#) on July 18 and offered no further substantive explanation for her actions.

Since the response from the Administration does little to ease concerns, Senator Hatch and Congressman Camp sent a letter to the Government Accountability Office (GAO) requesting that they [investigate](#) the situation. Specifically, they asked GAO to look at the effect of the waiver, whether any other HHS Secretary has asserted such authority in the 16 years since TANF began, and if there have been any previous state requests to waive the TANF work requirements, what was HHS' response.

## **It is not just TANF**

By waiving the TANF mandatory work requirements, the President is not only changing the welfare program, but also participation requirements for the Child Care and Development Fund (CCDF).

CCDF is intended to pay for child care for low-income families so that they can have a safe place to leave children while at work or attending school. Because the two programs' requirements are closely connected, waiving the mandatory work requirements for TANF could affect the eligibility requirements for CCDF.

Additionally, the funding sources for CCDF need to be reauthorized. By changing the program's participation requirements unilaterally, the Obama Administration has raised a new set of issues that need to be taken into account and has needlessly complicated reauthorization.

The Administration's latest abuse of power undermines a key component of President Clinton's bipartisan welfare reform -- a statute that has provided 16 years of economic opportunity and dignity to struggling families. In doing so, President Obama has shown complete disregard not only for the law, but for getting Americans back to work.