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## Welfare reform: Politics, policy and the courts

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**WELFARE REFORM  
POLITICS, POLICY AND THE COURTS**

by

**Paul Marion Loomis**

**Bachelor of Arts  
Chapman University  
1984**

**A thesis submitted in partial fulfillment  
of the requirements for the**

**Master of Arts Degree in Political Science  
Department of Political  
College of Liberal Arts**

**Graduate College  
University of Nevada, Las Vegas  
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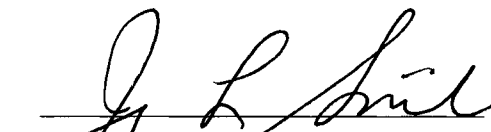
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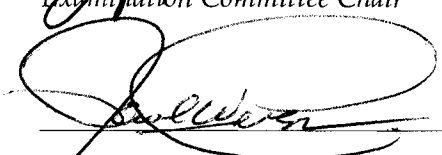
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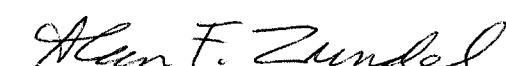
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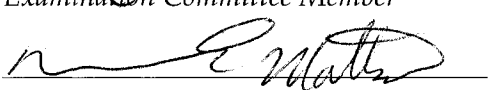
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## ABSTRACT

### **Welfare Reform: Politics, Policy and The Courts**

by

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*Welfare Reform: Politics, Policy and The Courts* is a detailed analysis of welfare reform as directed by Congress in the Personal Responsibility Act of 1996. The thesis entails the following: an analysis of the historical factors that have led to legislative reform of the US welfare policy; an examination of the requirements the Act has placed on the states and the states' efforts to meet those requirements; issues of legitimacy that surround welfare reform, as well as US Supreme Court decisions that have helped shape welfare policy. Finally, an assessment of the direction of future welfare reform.

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## CHAPTER 1

### INTRODUCTION

The major enterprise of this thesis is to perform an evaluation of the United States' domestic policy on welfare as it is embodied in the "Personal Responsibility and Work Opportunity Reconciliation Act" (Welfare Reform Act of 1996).<sup>1</sup> When I started my masters program at the University of Nevada Las Vegas (UNLV) during the 1997 fall semester, welfare reform had recently been passed by Congress and a great debate ensued as to its future success. I was amazed and intrigued by the large amount of political energy the country was devoting to this issue in comparison to the small portion of resources devoted to welfare programs in the national budget. At the time this bill was passed by Congress, only 6% of the budget was appropriated for welfare programs.<sup>2</sup> There were predictions of social catastrophe and predictions of wild success in which welfare, as we know it, would end. As a graduate student I engaged in the debate by embracing the goals of welfare reform and personally espoused the 1996 act as beneficial toward both the country and those involved in its programs. The debate can be divided into two general camps of thought. The first, the advocated approach, is to dedicate tax dollars to social programs that would make a long term, large-scale commitment to anti-

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<sup>1</sup> Public Law 104-193. (1996). The Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

<sup>2</sup> Government Publishing Office (1998). A Citizen's Guide to the Federal Budget: Fiscal Year 1999. Online, [http://www.access.gop.gov/su\\_docs/budget](http://www.access.gop.gov/su_docs/budget).

poverty efforts. The second approach is providing limited assistance to families in need (mostly women and children) with a focus on employment.<sup>3</sup> With the enactment of Welfare Reform in 1996, Congress moved towards the second approach.

Now, seven years after President Clinton signed the Welfare Reform Act of 1996 in the Rose Garden of the White House (22 Aug 1996) President Bush is faced with the question of whether to renew the act or overhaul it completely.<sup>4</sup> At the signing of the bill in 1996, the President gave a speech outlining the goals of the act. He stated that it would:

- move people from welfare to work.
- protect children.
- demand responsibility from recipients.
- preserve the national guarantee of health care for poor children, disabled, elderly, and those on welfare.
- improve child support enforcement measures on deadbeat parents not paying child support.
- provide incentives to reinforce work, family, and independence.

The overall hypothesis of this study is that the Welfare Reform act has achieved the overall objectives stated above, that the reform has successfully met its intended goals, and that the country and its citizens are in a better situation than they were seven years ago.

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<sup>3</sup> Moynihan, D. P. (1969). On Understanding Poverty. The American Academy of Arts and Sciences, P. 1-35.

<sup>4</sup> Clinton, W. J. (1996). Remarks by the President at the signing of the Personal Responsibility and Work Opportunity Reconciliation Act. Office of the Press Secretary.



As with any social policy change, it comes with a human cost. It is also within the scope of this paper to make a value judgment as to whether the change in direction of welfare policy is at too high of a human cost to be legitimate; does it really reflect the goals and values of our nation? In making such a value judgment I will take advantage of having been stationed in Germany for three years by comparing and contrasting the U.S. and German systems.

The final focus is on the future of welfare policy. What influences will the courts play, will world events overshadow domestic policy to the point that it will be neglected in the near term?

Now seven years later, it is time to determine if the proclamation by President Clinton joined by the majority of the Democrat and Republican Leadership to “end welfare as we know it” is successful.

### Methods

Data for this analysis were collected from multiple sources, but in truth the preponderance of input was obtained from web sites tracking opinions concerning welfare policy, Supreme Court cases, congressional action, and the Administration's initiatives. The data were categorized by identifying them as related to welfare policy, i.e. program success, court decisions, or legitimacy.

Sample: The sample sites were selected using social service aid as the criteria. If the site involved a question, comment, or information on state aid, the site was accepted in the study. If it did not, the site was rejected from the study. The sampling strategy is

designed to limit the scope of the study due to the vastness of the subject, the resources available and the fact that web-based information is truly overwhelming.

**Measures:** Each site was reviewed using the criteria established during the discussion on sampling. Each site admitted into the study was first moved under one of the major headings; meeting the stated goals of welfare reform, Legitimacy of welfare reform, and Court challenges to welfare reform. Each was then sorted as to either favoring current welfare reform or opposing it.

**Analysis:** All input is analyzed in light of the stated goals of welfare reform as originally outlined by President Clinton when Welfare Reform was developed:

- move people from welfare to work.
- protect children.
- demand responsibility from recipients.
- preserve the national guarantee of health care for poor children, disabled, elderly, and those on welfare.
- improve child support enforcement measures on deadbeat parents not paying child support.
- provide incentives to reinforce work, family, and independence.

## CHAPTER 2

### HISTORY OF WELFARE POLICY IN THE UNITED STATES

The federal government of the United States of America has made major shifts in welfare policy in the past, but they have been few. The government has shown a reluctance to administer social programs at the federal level. Much has been written documenting the controversy, rhetoric, and discontent with welfare policy due to this reluctance. The history of poverty in America has its traditions embedded in the early colonies, as well as the pioneer setting of the early west. Colonial America was populated in part under the authorized English practice of shipping overseas thousands of rogues, convicts, political prisoners, beggars, vagrants, orphans and unemployed. This, coupled with the difficult conditions of shipboard life trying to make the passage across the Atlantic, and the hardships and deprivation that existed in the early colonies, caused many to live in poverty or close to poverty so that when misfortune struck, they were forced to poverty. The pioneer setting of the early colonies, and later, the westward movement of the nation demanded mutual assistance and neighborly kindness to insure survival. Welfare assistance was relegated to the local communities, where neighbors and families provided assistance to those in need. Given the extreme conditions and general poverty that existed when cooperation did not exist, the entire community was affected and on occasion mass casualties resulted. I believe it is this very pioneer experience that allows our national attitude to not only accept but expect part of our

population to live in poverty. Local responsibility for dealing with poverty became the tradition because no other help existed; community solidarity was depended upon.<sup>5</sup>

Along with this tradition of welfare being left to private charity and local government, a strong work ethic began to develop in which people believed hard work led to advancement; that it is possible through work and employment to banish all poverty. This strong work ethic manifested itself in the hostile view of those in poverty. The common attitude toward those who received relief was that they were not working hard enough. Often the poor were stereotyped as undeserving, lazy, shiftless, and dangerous. Relief, it was believed, should only be given grudgingly.<sup>6</sup>

Following the federalist model, welfare policy prior to the 1930's was one of decentralism, leaving the responsibility to the state and local governments. In fact, the vast population had little experience with the federal government and a lack of confidence in its ability to administer programs. Many of the state and local governments pursued a policy that government should only supplement private charity.

This work ethic is firmly entrenched in our society. It's a dominant theme historically. President Herbert Hoover referred to work and the expanding economy as the way "poverty will be banished".<sup>7</sup> Later Harry Hopkins, Chief of the Relief Administration during the New Deal, expressed concerns about the work ethic when referring to what he called the dole: "It is probably going to undermine the independence of thousands of families".<sup>8</sup> More recently, Senator Roth, of Delaware, when speaking on

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<sup>5</sup> Trattner, W.I. (1994). From Poor Law to Welfare State. The Free Press, New York, P. 16-28.

<sup>6</sup> Patterson, J.T. (1982). The Welfare State in America 1930-1980. British Association for American Studies, P. 8-11.

<sup>7</sup> Ibid. P. 7.

<sup>8</sup> Ibid. P. 15.

welfare reform referred to this work ethic as, “The key to their success will not be found in Washington, but in the timeless values of family and work”.<sup>9</sup> President Clinton also added his voice to those focused on the theme of the work ethic when he stated, “From now on, our Nation’s answer to this great social challenge will no longer be a never-ending cycle of welfare, it will be the dignity, the power and the ethic of work”.<sup>10</sup>

During the “Progressive Era”, new attitudes toward society declared that the source of human troubles is in the environment; that poverty is a result of economic condition caused by low wages, underemployment, technological change, depressed trades, and the business cycle. The progressives’ focus was one of prevention so as to extend opportunity to all members of the community. This has always been a minority view, even when adopted by liberals at a later time.

It was also during this time frame that poverty was complicated by a growing number of the elderly. In 1900, the average life expectancy in the United States was 47 years, but by 1930, it had dramatically increased to 60 years.<sup>11</sup> The main site of poverty began to change from the farm to the city. On the farm, poverty was perhaps easier to bear because the poor were able to supplement their diets with farm products. Being mostly untraveled, lacking electricity and television, the sense of relative deprivation was less acute on the farm.

With the stock market crash of 1929, signaling the beginning of the “Great Depression”, the optimism of the “Progressive Era” and the country’s complacency about welfare were shattered. The depression hit harder and lasted longer in the United States

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<sup>9</sup> Roth, Senator, Delaware (1996). Speech addressing the Chair, House Proceedings Record.

<sup>10</sup> Clinton, W. J. (1996). Remarks by the President at the signing of the Personal Responsibility and Work Opportunity Reconciliation Act. Office of the Press Secretary.

<sup>11</sup> Chambers, C. A. (1963). Seedtime of Reform. University of Minnesota Press, Minneapolis, P. 151-182.

than in any other western nation. By 1932, the majority of the public expected the federal government to depart from traditional welfare policy of decentralized control. President Roosevelt identified just how severe the crisis was for the country by stating that 50% of the country “were ill-housed, ill-clad, ill-nourished.” Up to 25% of the labor force was unemployed.<sup>12</sup> To exacerbate the crisis, thousands of farmers were forced off the land by the scourge of the “Dust Bowl.” From 1933-1938 the federal government responded by enacting the largest welfare reform in the history of the nation. For the first time control of the welfare system was partially centralized under federal regulation. A patchwork of programs were enacted. The Civilian Conservation Corps, the Federal Emergency Relief Administration, Civil Works Administration, National Youth Administration, and Works Progress Administration, all bear direct relation to this time period.

The cornerstone of the United States welfare system for the next sixty years was laid during this period when Title IV of the Social Security Act of 1935 was signed. That act established the cash payments program known as Aid to Families with Dependent Children (AFDC). During this sixty-year period, the AFDC program would provide aid to mothers deprived of support from the fathers of their children. Because this program was based on deprivation created by the absence of the father, it received much criticism for driving families apart. This criticizing became more severe in the 60’s and 70’s when the AFDC rolls dramatically increased. What added to the controversy was the fact that instead of white widowed mothers, increasing numbers consisted of single black women with illegitimate children.<sup>13</sup> Racism became a part of the problem. In 1961 AFDC was

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<sup>12</sup> Patterson, J.T. (1982). The Welfare State in America 1930-1980. British Association for American Studies, P. 15.

<sup>13</sup> Moynihan, D. P. (1969). On Understanding Poverty. The American Academy of Arts and Sciences, P. 1-35.

extended to needy, two-parent families in which the head of the household was unemployed. This was an optional program extended to the all states, but most states refused the option. Eligibility now became based on unemployment rather than the absence of a parent from the home. Eligibility was again redefined in 1988, based on income levels not unemployment.<sup>14</sup>

Heated discussion and dissatisfaction continued to surround the AFDC program until 1996 when welfare reform was once again proposed.

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<sup>14</sup> Trattner, W. I. (1994). From Poor Law to Welfare State. The Free Press, New York, P. 381.

## CHAPTER 3

### THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY

#### RECONCILIATION ACT OF 1996

The fact that the AFDC program was considered inadequate is well documented by the numerous attempts to change the program. The AFDC had a dismal history of failed reform initiatives. Some of the more recent attempts were by President Nixon when he proposed the "Family Assistance Plan". Later President Carter tried to revamp the system with his proposed "Program for Better Jobs and Income", and President Reagan proposed a program swap with the states by taking over Medicaid and leaving AFDC to state control. Even President Clinton was unsuccessful on his first two tries at welfare reform in 1993 and 1994. As late as January 1996 President Clinton vetoed welfare reform legislation passed by the Republican dominated Congress.<sup>15</sup>

In 1996 when welfare reform was once again proposed the conditions had changed. This time in an unusually strong bipartisan effort, on the third try congress passed welfare reform legislation and President Clinton signed the act into law on 22 August 1996. Welfare reform did not pass without opposition. Senator Moynihan of New York voiced a great concern that the new law would put children at greater risk by stating, "this legislation does not reform Aid to Families with Dependent Children: it simply abolishes

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<sup>15</sup> Weaver, R. K. (2000). Ending Welfare as We Know It. Brookings Institution Press, Washington, D.C., P. 1-23.



it.”<sup>16</sup> Eleven of the Nation’s leading researchers in welfare issues made a statement urging congress not to pass the welfare reform bill. They feared that the legislation would substantially increase poverty and destitution. Another concern was that the welfare to work transition might require large-scale public job programs, which would require a great deal of money. Some feared that a financial burden would be passed on to the state and local governments and that many states would not be able to meet it. Many news articles called for a presidential veto of the Welfare Reform Act citing the above reasons.<sup>17</sup>

The new law, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, established the Temporary Assistance for the Needy Families (TANF) program. TANF replaced AFDC, which had served as the nation’s welfare program for 60 years. TANF also replaces the other related programs, such as Job Opportunities and Basic Skills Training (JOBS), and the Emergency Assistance (EA) program. TANF is a block grant program to the states. The focus of the program is to move recipients into the work force and turn welfare into a program of temporary assistance.<sup>18</sup>

Under the new law, recipients must work after two years on assistance, with few exceptions. Fifty percent of all families in each state must be engaged in work activities or have left the rolls in the fiscal year (FY) 2002. Single parents must participate in work activities for at least 20 hours per week the first year, then increasing to 30 hours per week by FY 2000. Two-parent families must work 35 hours per week.

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<sup>16</sup> Moynihan, Senator, New York (1996). Speech addressing the Chair. Senate proceedings record.

<sup>17</sup> “Welfare Bill-It Deserves a Forthright Veto,” Star Tribune, 31 July 1996; “Reform on the Cheap,” Philadelphia Enquirer, 22 July 1996; “A Children’s Veto” Washington Post, 25 July 1996.

<sup>18</sup> Administration for Children and Families (1997). Executive Summary of the TANF Program.

The new welfare law provides \$14 billion in childcare funding to help more mothers move into jobs. The new law also guarantees that women on welfare continue to receive health coverage for their families, including at least one year of transitional Medicaid when they leave welfare to work.

To count toward state work requirements, recipients will be required to participate in unsubsidized or subsidized employment, on-the-job training, work experience, community service, twelve months of vocational training, or provide child care services to individuals who are participating in community service. Up to six weeks of job search (no more than four consecutive weeks) would count toward the work requirement. However, the state can count no more than 30 percent toward the work requirement based on participation in vocational training. Single parents with a child under six who cannot find childcare cannot be penalized for failure to meet the work requirements. States can exempt from the work requirement single parents with children under age one and disregard these individuals in the calculations of participation rates for up to twelve months.

Families who have received assistance for five cumulative years will be ineligible for cash aid under the new law. States will be permitted to exempt up to 20 percent of their caseload from the time limit, and states will have the option to provide non-cash assistance and vouchers to families that reach the time limit, using Social Services Block Grant or state funds.

Under the new plan states are required to make an initial assessment of each recipient's skills. States can also develop personal responsibility plans for recipients,

identifying the education, training and job placement services needed to move them into the work force.

The new welfare law requires states to maintain their own spending on welfare, at least 80 percent of FY 1994 levels. States must also maintain spending at 100 percent FY 1994 levels to access a \$2 billion contingency fund designed to assist states affected by high population growth or economic downturn. In addition, states must maintain 100 percent of FY 1994 or FY 1995 spending on child care (whichever is greater) to access additional child care funds beyond their initial allotment.<sup>19</sup>

The law also allows states to create jobs by taking money now used for welfare checks and using it to create community service jobs or to provide income subsidies or hiring incentives for potential employers.

Between FY's 1999-2003 \$1 billion was made available for performance bonuses to reward states for moving welfare recipients into jobs. The Secretary of the Department of Health and Human Services, in consultation with the National Governors' Association and the American Public Welfare Association, developed criteria for measuring state performance.

States that received approval for welfare reform waivers before 1 July 1997 had the option to operate their cash assistance program under some or all of these waivers. For states that elected this option, some provisions of the law which were inconsistent with the waivers would not take effect until the expiration of the applicable waivers in the

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<sup>19</sup> Department of Health and Human Services (1997). Fact sheet on Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Online, <http://www.hhs.gov/news/press/970812.html>

geographical areas covered by the waivers. A comparison of the old AFDC program with the new TANF program is at Table 1.<sup>20</sup>

In the past eligibility has been based on deprivation caused by the absence of a parent or unemployment. Now eligibility is based on income. With the emphasis on work at the welfare office counselors now do not just determine eligibility, but become case managers.<sup>21</sup> Welfare reform was designed to provide more flexibility and control to the states; they are now allowed more leeway to pattern local programs to meet the needs of their area with the promise of limited regulation and supervision from the federal government. When a family comes in requesting a one time need the option exists to meet that need with a one time grant without opening a case file and putting the family on what has traditionally been known as welfare.

#### Summary of Differences Between AFDC and TANF

With the enactment of TANF the welfare program as we knew it was, in-fact, fundamentally changed, the AFDC program was replaced. The five key shifts in U.S. welfare policy that insured that change are:

- States are given great flexibility and responsibility.
- Entitlement benefits are eliminated under the TANF program.
- The open-ended funding mechanism to states is replaced by federal block grants.

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<sup>20</sup> Nevada State Welfare Division (1997). Summary of Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

<sup>21</sup> Interview with Ms. Carol Capra, EC Supervisor, Nevada State Welfare Division Office, Las Vegas.

- States are required to place a percentage of their active caseload in work activities.
- States are given a five-year time limit for spending federal dollars on individual families.<sup>22</sup>

TABLE 1 COMPARISON OF AFDC AND THE NEW TANF PROGRAM	
<u>AFDC</u>	<u>TANF</u>
-Eligibility Interview No discussion about work until the case is approved and referred to the Employment and Training Unit. (approximately 45 days)	-Eligibility Interview Work is discussed during interview. During the interview the follow subjects are discussed: <ul style="list-style-type: none"> <li>• Welfare is temporary.</li> <li>• Why people are better off working.</li> <li>• Mini job readiness assessment.</li> <li>• How employment affects benefits.</li> </ul>
-None	-Mandatory Job Search
-None	-Immediate Job Referrals
-None	-Social Worker Interns <ul style="list-style-type: none"> <li>• Referrals for crisis intervention</li> <li>• Networking</li> <li>• Counseling</li> </ul>
-Budgeting <ul style="list-style-type: none"> <li>• \$90 Standard deduction.</li> <li>• \$30 + 1/3 disregard for 4 months and \$30 disregard for additional 8 months.</li> </ul>	-Budgeting <ul style="list-style-type: none"> <li>• Disregard total gross earnings for 3 months then disregard 50% of gross earnings for 9 months.</li> </ul>
-Child care deduction of \$175 maximum for children age 2 and older and \$200 maximum for children under age 2.	-Deductions of all actual child care cost.
-Resources <ul style="list-style-type: none"> <li>• Limit is \$1000.</li> <li>• Disregard \$1500 equity value of one vehicle.</li> </ul>	-Resources <ul style="list-style-type: none"> <li>• Limit is \$2000.</li> <li>• Disregard total value of one vehicle.</li> </ul>
-Unemployed parent <ul style="list-style-type: none"> <li>• Cannot be employed more than 100 hours per month.</li> </ul>	-Unemployed parent <ul style="list-style-type: none"> <li>• Eliminates 100 hour rule.</li> </ul>

<sup>22</sup> Blank, R. M. & Haskins, R. (2001). The New World of Welfare. Brookings Institution Press, Washington, D.C., P. 7.

## CHAPTER 4

### CURRENT ACTIONS TO REAUTHORIZE OR MODIFY WELFARE REFORM

When the welfare reform law of 1996 was enacted the authorization (the money budgeted and allocated to support the law) was for five years.<sup>23</sup> The funding provisions of the law that require reauthorization are in Table 2.

TABLE 2 MAJOR PROVISIONS IN THE 1996 LAW THAT REQUIRE REAUTHORIZATION	
•	Basic TANF block grants: \$16.5 billion annually, 1996-2002
•	Illegitimacy bonus grant to reward states for reductions in out of wedlock birth rates: \$100 million annually, 1999-2002
•	Performance bonuses for states in attaining TANF goals: Up to \$1 billion annually, 1999-2003
•	Grants for Indian tribes and Alaskan native organizations that operate their own TANF programs: \$7.6 million annually, 1997-2002
•	Matching grants to Territories (Puerto Rico....) for TANF, foster care and adoption: \$116 million annually, 1997-2002
•	Child care and development block grants: \$ 2.7 billion annually, 1997-2002

Now that time limits have lapsed Congress is required to either reauthorize the law, modify the law, establish a new law, or take no action and allow the law to lapse. Last year, Congress began the process of reauthorizing the 1996 welfare reform law. In May 2002 the House passed a bill that included President Bush's proposed plan with minor

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<sup>23</sup> Public Law 104-193. (1996). The Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

change.<sup>24</sup> The Senate however had many reservations about the President's proposals and did not act on the bill causing it to die at the end of the session thus leaving the issue of reauthorizing welfare reform to the current Congress. Congress has allowed for welfare reform legislation to stay in place by providing a limited continuing resolution, funding the law at present levels until a final bill can be passed. So, in addition to the war with Iraq, the war on terrorism, and the establishment of homeland defense, welfare reform reauthorization is one of the issues Congress is wrestling with this year.

### Bush Administration's Proposed Reauthorization

The Bush Administration's detailed plan for reauthorization essentially calls for status quo with emphasis on encouraging marriage, teen abstinence, promoting work, and more flexibility for state and local programs.<sup>25</sup> The Administration sees all of these as building on the original 1996 law. Key to the Administration's 2003 Welfare Reform Bill is that the budget will stay the same (\$17 billion) in 2003, as it was in 1996. President Bush pointed out his logic for not increasing the budget even for inflation by stating, "the caseloads have dropped by half so you've got the same amount of money with half the clientele."<sup>26</sup> A summary of the Administration's Welfare Reform Bill "Working Toward Independence" follows:

The Administration's stated goals of the bill are not significantly different than those outlined by former President Clinton in 1996.

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<sup>24</sup> House of Representatives (2002). House proceedings record.

<sup>25</sup> Working Towards Independence. The White House. Online <http://www.whitehouse.gov/news/releases/2002/02/print/welfare-reform-announcement>. 2002.

<sup>26</sup> Bush G. W. (2002). Remarks by the President at the West Ashley High School, urging the Senate to pass the Welfare Reform Bill. Office of the Press Secretary.

- Help more welfare recipients achieve independence through work.
- Increase the welfare-to-work resources available for families
- Protect children and strengthen families.
- Empower states to seek new and innovative solutions to help welfare recipients achieve independence.

The Administration proposes obtaining these goals by:

1. Maintaining current levels of the TANF Block Grant at \$16.6 billion annually for fiscal years 2003-2007. These funds would be distributed among the states and territories as in the current law.
2. Continuing to require the States to contribution through the Maintenance of Effort (MOE) program. Under current law, states are required to contribute at least 80 percent of the amount they spent on the programs that TANF replaced. This amount drops to 75 percent if states meet mandated work participation rates.
3. Reinstating supplemental grants to states that have low levels of funding per poor person, or high rates of growth (Nevada would fall in this category). The block grant allocation among states was based on historical spending patterns. The proposal would reinstate supplemental grants at \$319 million annually, these grants were discontinued in FY 2001.
4. Easing limitations on serving the unemployed by clarifying "assistance" definitions. The distinction between "assistance" and "non-assistance" has been a source of confusion for the states. Childcare and other work support services will not be defined as assistance.



5. **Reauthorize a contingency fund.** Two billion dollars would be made available to help states that experience high or growing levels of unemployment or increasing food stamp caseloads.

6. **Allow states to designate a "Rainy Day Fund."** States would be allowed to designate some or all of their current or previous year TANF funds in a "rainy day fund."

7. **Increasing the flexibility of the use of carried-over funds.** The proposal would allow carried-over funds from previous years to be spent on any benefit, service, or activity otherwise allowed under TANF. Current law allows these funds to only be used for cash assistance.

8. **Restoring full transfer authority to the Social Services Block Grant.** The 4.25 percent limit on TANF funds that may be transferred to the Social Services Block Grant would, over time, be restored to 10 percent, as originally provided for in the 1996 legislation.

9. **Maintaining the current level of funding of childcare.** Entitlement childcare funding would be continued at \$2.7 billion and Head Start funding would remain at \$6.7 billion.

10. **Requiring welfare agencies to engage all families in work plans.** States would be required to engage all families in work and other constructive activities leading to self-sufficiency. (1) Within 60 days of opening an ongoing TANF case, each family would have to have an individualized plan for pursuing their maximum degree of self-sufficiency. (2) All families would have to participate in constructive activities in accordance with their plan, or in the process of being assessed or assigned to an activity. (3) Each family's participation in assigned activities would be monitored.

11. Increasing the minimum participation rate requirements. This proposes that in FY 2003, 50 percent of TANF families with one or more adults must be participating in a combination of work and other approved activities. The percentage will increase annually by 5 percentage points until it reaches 70 percent in 2007.

12. Requiring families to participate in 40 hours a week in constructive activities in order to count toward the required participation rate.

13. Increasing work requirements. This proposal requires that families counted toward participation must also average at least 24 hours per week in work activities including: unsubsidized employment, subsidized private sector employment, subsidized public sector employment, on-the-job-training, supervised work experience, or supervised community service.

14. Giving work credit to families engaged in short-term substance abuse treatment, rehabilitation, and work-related training. This proposal allows states to count certain activities as meeting the work requirement for limited periods of time, no more than three consecutive months within any 24-month period.

15. Improving the calculation of participation, states would be able to obtain pro-rata credit for families engaged in appropriate activities less than full time as long as they meet their 24-hour direct work requirement.

16. Eliminating separate two-parent family participation rates, ending the separate participation rate for two-parent families; the same participation rate would apply to both single and two-parent families.

17. Conforming requirements for teenage parents. Teen parents who maintain satisfactory school attendance will satisfy both the 24 hours of direct work and the 40 hours of full participation requirements.

18. Retaining the five-year time limits and continuing to allow a 20 percent exemption. These provisions restrict families to 60 cumulative months of federally funded assistance (or less at state option). States may exempt up to 20 percent of their caseload from the time limit without penalty. Nevada limits families to 24 months of assistance followed by a 12-month mandatory break before they can begin assistance again.

19. Encouraging healthy marriages as a TANF Goal. This proposal would clarify the meaning of the TANF goal to encourage the formation and maintenance of two-parent families. The revised goal would read "to encourage the formation and maintenance of healthy two parent married families and responsible fatherhood."

20. Requiring states to describe their efforts to promote marriage as part of the state plan. States would be required to provide: (1) explicit descriptions of their family formation and healthy marriage efforts, (2) numerical performance goals, and (3) annual reporting of state achievement.

21. Providing assistance to community based abstinence education. This would increase the 2003 budget for funding the Human Resources and Services Administration's Community-Based abstinence education grants from \$40 million to \$73 million in 2003, a 83 percent increase.

22. Providing federal matching funds for child support pass-through payments to families that receive TANF. The Administration proposes federal matching for states

that provide up to the greatest \$100 per month or \$50 over the current state pass through to families that receive TANF.

23. Encouraging states to give families that once received welfare all of the child support collected on their behalf.

24. Lowering the threshold for passport denial. The Administration proposes lowering the threshold for passport denial to \$2,500 in past-due support, effective FY 2004. This policy will optimize the use of the provision that granted the authority to deny a passport to anyone owing over \$5,000 of past-due child support.

25. Withholding limited social security benefits for past-due child support. Benefits must exceed \$760 a month in order to be subject to withholding.

26. Simplifying the Food Stamp program. This proposal would standardize the medical and dependent care deductions, eliminate exceptions to the standard utility allowance, and simplify vehicle rules.

27. Restoring nutrition benefits for legal immigrants. The Administration supports allowing legal immigrants to receive food stamps after five years.<sup>27</sup>

#### Congressional Response to the President's Proposed Bill

Even though Congress has not passed a 2003 reauthorization bill for welfare reform they still support the concept by passing continuing resolutions to perpetuate the programs of welfare reform. This allows the government to spend funds at last year's (FY02) level. This is only an emergency course of action taken by Congress, allowing the programs to remain in place until a final bill can be passed.

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<sup>27</sup> The White House. Working Towards Independence. Online  
<http://www.whitehouse.gov/new/release/20002/02/welfare-reform-announcement.2002>.

The main focus of the current congressional session has, for the most part, been on the economy and defense issues requiring welfare reform to take a back seat.<sup>28</sup> The President's proposed bill was well received in the House and HR4 passed with minimal change. However, many Senators have taken issue with the President's bill and are still in debate on its outcome.<sup>29</sup>

Leaders in the Senate are concerned with specific issues in the President's proposed Bill, and are attempting to address these issues. Some of the more contentious issues are as follows:

The President's proposal calls for the reauthorization to remain at 1996 funding levels. Many in the Senate believe an increase in the funding levels should be included. The increase should, at a minimum account for annual inflation and be adjusted accordingly. This is particularly key in light of the weak economy and the increase in unemployment. The fact that a majority of the states are reporting an increase of welfare caseloads is an indicator that, though historically low, an increase in welfare funding is required.<sup>30</sup> Some Senators are requesting a funding index that responds to changes in the business cycle, unemployment, or recession and that emergency contingency fund provisions be strengthened in the bill.

A large number of Senators consider the current five-year exemption in the Bill to be arbitrary.<sup>31</sup> They feel the programs need to address adults with multiple barriers to

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<sup>28</sup> Constitution-first. Online, <http://constitution-first.org>

<sup>29</sup> U.S. House of Representatives, HR4. House has voted to reaffirm and improve welfare reform. <http://freedom.house.gov/news/statements/welfarepass.asp>

<sup>30</sup> Dionne, E. J. "Reform revisited," Las Vegas Sun, 6 January 2003, P. 11A.

<sup>31</sup> Democratic Police Committee. Online, <http://www.senate.gov>

employment, therefore more money should be spent on research and demonstration programs in order to discover the best methods of helping these families.

The Food Stamp program is an area of contention. Senate proposals include recommendations of expanding the program as a safety net for the now increased numbers of working poor. In particular they would simplify the eligibility rules, change the quality control system, and increase the program.<sup>32</sup>

Many liberals in the Senate are not supportive of the illegitimacy and marriage provisions in the President's bill. They point out that states have done little in promoting this issue, but have taken credit for the current decline in out-of wedlock birth rates. Because it is not clear what programs are effective, senators are skeptical and see the issue as a purely political partisan controversy. They further exclaim that the states lack a consensus on how government should be fighting illegitimacy or promoting marriage.<sup>33</sup>

The bottom line is that the Senate is far from approving welfare reform reauthorization. First because of the competing issues, and second, when they do focus on welfare reform it appears to be difficult to gain a consensus on the hours per week of required accountable activities (30 vs 40), the minimum participation rate requirements (50 vs 70), the lack of an overall fund increase and the levels of childcare funding.

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<sup>32</sup> U.S. Senate Legislation & Records. Online, <http://www.senate.gov/legislative>

<sup>33</sup> Democratic Policy Committee. Online, <http://www.senate.gov>

## CHAPTER 5

### HAS WELFARE REFORM BEEN SUCCESSFUL?

Now, seven years after President Clinton's proclamation that welfare reform would end welfare as we know it, all stake holders agree on one thing, welfare policy has drastically changed in the United States and in no way resembles the old program. However, they do not all agree that this change is for the better.<sup>34</sup>

In this chapter, each of the goals that were stated by President Clinton will be examined in order to determine whether or not the policy has successfully achieved the intended desire.

#### Goal # 1: Move People From Welfare to Work

If one calls up the White House home page and click on Welfare Reform (which is buried well into the page, indicating a lower priority), the Bush Administration declares the last seven years of welfare policy a huge success.<sup>35</sup> No one disputes that welfare caseloads have been reduced by half, that after welfare reform in 1996 there were 4.7 million fewer Americans dependent on welfare programs.<sup>36</sup> The percentage of the population that is dependent on welfare has fallen from 5.2% to 3.3% during the last five

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<sup>34</sup> Schorr, A. L. (2001). Welfare Reform. Praeger Publishers, Westport, CT, P. 2.

<sup>35</sup> Working Towards Independence. The White House. Online  
<http://www.whitehouse.gov/news/releases/2002/02/print/welfare-reform-announcement>. 2002.

<sup>36</sup> Fournier, R. "Bush promotes welfare proposals," Las Vegas Review Journal, 4 June 2002, P. 9A.

years.<sup>37</sup> Also as the rate of welfare dependency declined, the overall poverty rate in America fell. In the years following enactment of welfare reform, 5.4 million fewer Americans are considered below the poverty line. Within these years, the poverty rate for the United States population has fallen from 13.7% to 11.3%, the lowest rate since 1979.<sup>38</sup>

Though few dispute the statistics listed above many question if families were just moved from welfare to working poor.<sup>39</sup> In evaluating the success of the program, many feel one key question has been left out. Namely, at what human cost has this success come? Many organizations point out that although entry-level jobs are available these jobs will not sustain an individual let alone a family.<sup>40</sup> What they fail to consider, however, is that in the transition to employment, welfare benefits are used as a bridge to get past entry level pay.<sup>41</sup> The practice of using government programs to provide a temporary bridge of support has proven successful not just in welfare reform but in conjunction with other programs. An example of this is the military pay schedule. One of the largest criticisms of military pay is that it is inadequate for lower ranking enlisted personnel with families, making them eligible for food stamps. When one considers that the pay schedule was designed with the single 18-21 year old soldier in mind, not families, it becomes more understandable why a young married soldier would be receiving food stamps for the two or three years it would take to advance in rank, which is directly related to pay status.

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<sup>37</sup> U.S. Department of Health & Human Services. <http://www.hhs.gov>

<sup>38</sup> Haskins, R.; Sawhill, I.; Weaver, K. Welfare Reform Reauthorization: An Overview. The Brookings Institution, Washington, DC.

<sup>39</sup> Dionne, E. J. "Promising welfare reform efforts subverted," Las Vegas Sun, 21 May 2002, P. 9A.

<sup>40</sup> Welfare Reform Status Report. <http://soar.hss.state.ak.us/status-report>

<sup>41</sup> Interview with Ms. Karen Day, Case Worker, Nevada State Welfare Division Office, Las Vegas.



If one evaluates the program on caseload numbers alone, which is how the current administration does and I believe the Clinton administration did, welfare reform has in fact moved half of the pre-welfare reform recipients to work. Even in this time of economic downturn the two states with the largest populations, California and New York, are still experiencing reductions in their caseloads. This can be considered a success, but there is still great room for improvement in measuring the effects of welfare reform programs.<sup>42</sup>

### Goal # 2: Protect Children

Within the welfare reform law of 1996 there was a commitment of \$2.7 billion designated for childcare. With half of the welfare caseload leaving, it would seem that the requirement for childcare would drastically increase. This is not so. Studies indicate that as many as 80% of families leaving welfare do not receive childcare assistance.<sup>43</sup> Because of the low percentage of demand by post welfare users most observers (including the GAO and Children's Defense Fund) conclude that childcare support programs under welfare reform are adequate, but more research needs to be conducted. This is not to discount the difficulty in finding care for infants, children with special needs, and care during nonstandard work hours. How is it possible that only 20% leaving welfare need childcare benefits? Some who have left welfare are not working and do not

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<sup>42</sup> Moffitt, R.A. & VerPloeg, M. (2001). Evaluating Welfare Reform in an Era of Transition. National Academy Press, Washington, DC.

<sup>43</sup> Schumacher, R. & Greengerg, M. (1999). Child Care after Leaving Welfare. Washington: Center for Law and Social Policy.

need childcare. Others rely on family or household members to provide childcare. Many of those leaving welfare are already in care programs such as Head Start.<sup>44</sup>

### **Goal # 3: Demand Responsibility From Recipients**

Welfare to work, the five year time limit of benefits, reducing illegitimacy, and child support enforcement are the cornerstones of the program in demanding responsibility from recipients of welfare. There has been little talk about removing any of these from the program during the reauthorization debate. The fact that the debate has been civil when compared to pass discussion on this issue is proof that overall, the effort to demand responsibility as part of the policy is accepted as legitimate.

### **Goal # 4: Preserve The National Guarantee of Health Care For Poor Children, Disabled, Elderly, and Those On Welfare**

Medicaid has been problematic. Despite the fact that children (and mothers up to a year) that are in families leaving welfare continue to remain eligible for Medicaid, but they are not using this benefit. Many disappear from the Medicaid rolls completely.<sup>45</sup> This is a shortcoming in the application of the welfare reform program. There is a growing concern about the levels of health insurance coverage among children in families formerly enrolled in welfare assistance. Administrators of the Medicaid program at both the state and federal levels have recognized this problem and have taken action to insure that families are aware of their Medicaid eligibility after leaving welfare. The result has

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<sup>44</sup> Moffitt, R. & Ver Ploeg, M. (2001). Evaluating Welfare Reform in an Era of Transition. National Academy Press, Washington, DC. P. 136.

<sup>45</sup> Urban Institute. Online, <http://www.urban.org>

been an increase of enrollment in many states. In Nevada, the State Welfare Division has established a gap program to insure those leaving the welfare caseload are aware of their eligibility of Food Stamps and Medicaid benefits.<sup>46</sup> This goal of welfare reform has not been met and so must be considered a shortcoming if not a failure.<sup>47</sup>

#### Goal # 5: Improve Child Support Enforcement Measures on Deadbeat Parents Not Paying Child Support

Of all of the objectives to welfare reform, this goal was the least controversial and clearest. In general, the goal of providing access to new sources of information about non-custodial parents to assist in child support activities and to improve enforcement of support in interstate cases has continually improved over the seven years of welfare reform. There has been a steady increase in paternity establishment, collections, and an overall improvement in state child support programs. The real issue is the disagreement between the states and advocacy groups as to where the money collected through these efforts should go. Should it go to the state as a payback or paid to the family on whose behalf it was collected? Under current welfare reform law, the state and federal governments can keep all payments from a spouse while they remain on welfare and most states do. A side note on this issue is that states have experienced a large drop in the collection of these funds as the welfare caseload has decreased. In recent debates, this is one of the reasons that senators have given for increasing the welfare reform budget. In any case the reauthorization of welfare reform will most likely contain some provision

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<sup>46</sup> Interview with Mr. Gary Stagliano, Nevada State Welfare Division Administrator, Carson City.

<sup>47</sup> Kaiser Commission on the Future of Medicaid and the Uninsured. (2000). Medicaid and Children: Overcoming Barriers to Enrollment. Washington.

giving incentives to states to provide more of the child support payments they receive to families on welfare and increase the percentage paid to those who leave welfare.

#### **Goal # 6: Provide Incentives to Reinforce Work, Family, and Independence**

It would be difficult to dispute that states have implemented strong job-placement programs for welfare clients, and that they have met the federal requirement for participation in work programs. This coupled with the numbers of those who have left welfare compels one to believe that this goal has been met. But the fact that the Senate has not to date passed a reauthorization bill denotes there are many that believe welfare reform can still be vastly improved.

#### **Conclusion**

In answering the question established at the beginning of this thesis "now seven years later has welfare reform been successful?" Yes it has. When measured against established goals, welfare reform has, in most part, successfully met those goals. In an effort to quantify this fact I conducted a survey of web sites to determine whether there is a consensus on the success of welfare reform. Of the 500 sites surveyed, 107 sites were accepted for evaluation (sites are listed at the end of the bibliography). The sample criteria outlined at the beginning of this study is as follows: if the site involved a question, comment, or information on state aid, the site was accepted in the study. If it did not, the site was rejected. Each site was sorted as to the stated goals of welfare reform and whether welfare reform had achieved its goals or not.

Of the 107 sites 43 (40%) assessed welfare reform as meeting its intended goals and 64 (60%) sites assessed welfare reform as needing improvement. None of the sites referred to welfare reform as a complete failure or suggested we return to the old policy. This is in line with the current debate in Congress (the Senate) on reauthorization and shows that consensus is not unattainable. The interviews that I conducted with personnel from the Nevada State Welfare Division affirmed that for the most part they consider welfare reform a success. When asked if they would prefer to return to the AFDC each replied no. Each stated that the overall objectives of welfare reform are sound. Their concerns were almost identical with those expressed in the current senate debate, which were outlined above.

My assessment is that among the stakeholders there is an overall consensus that welfare reform has been at least minimally successful. However, there are still very diverse views on where it should go from here.

## CHAPTER 6

### LEGITIMACY OF WELFARE REFORM

Throughout my study of the history of welfare policy and current trends in the United States I have discovered that the basic rhetoric language and attitude have remained consistent. A good example that demonstrates this point are the speeches delivered by Presidents of our country. Whether you review speeches by President Hoover, Roosevelt, Reagan, Clinton, or Bush when they refer to welfare their language and themes are similar. The basic message is that the dole will undermine and corrupt, the key to successful welfare policy is work, and that heavy welfare spending is fiscally dangerous. This rhetoric coupled with the basic negative attitude of the general population of this country toward welfare policy leads me to believe that the overall perception of our poor has not changed from its historic perception. As I pointed out in Chapter 2, the history of poverty in America has its traditions steeped in the early colonies and the pioneer setting of the early west. These longstanding traditions I believe are manifested in this country's belief that hard work leads to advancement, and that poverty can be banished through a strong work ethic. It is in the roots of our pioneer experience that allows us as a nation to not only accept but also expect that part of our population will live in poverty. The United States is the wealthiest, strongest, and most secure nation on earth. Yet we continue to allow poverty to reside within our borders.

What is the logic that perpetuates the dedication of such meager portions of the budget (6%) to social welfare benefits?<sup>48</sup> I believe it is a common attitude we share from our forefathers, steeped in our work ethic, that says we will limit our assistance to the poor because they have brought it upon themselves by not working hard enough. If someone is truly poor they must be lazy. Either way the debate has centered on two central issues: work and what level of government is best suited to control and administer the nation's welfare program.

A more basic approach to determining welfare policy legitimacy is to ask the following question: Should government be involved in welfare at all or should assistance be left to family, churches, or private organizations? Certainly there are those that espouse that there is no need for a state welfare program and that such issues should be left to survival of the fittest. I will not quote sources of this kind of thought because it was expressed to me in private conversation without thought of being quoted. Even though it was truly a minority of people that expressed this type of thought I was surprised at the number of well educated, successful professionals who when engaged in private conversation would talk as if it were acceptable for the country to discount the poor and write them off as a lost cause.

I have never considered myself a liberal, but the idea that the nation should turn its back on the needy is somewhat revolting. Most literature by conservatives supports a legitimate need for a comprehensive poverty program. Even Friedman and Friedman (1979) state "Few can fail to be moved by the contrast between the luxury enjoyed by

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<sup>48</sup> Office of Management and Budget. Citizen's Guide to the President's 2003 Budget. Online, <http://www.whitehouse.gov/omb/budget/2003/guide.html>.

some and the grinding poverty suffered by others.”<sup>49</sup> It is generally accepted by the population of the country that there is a compelling argument that the nation has a moral imperative to do something to correct the situation of the poor. The country needs to come to a consensus and understanding that as long as there are people there will be those in need. Even during the best of economic times (such as we have been experiencing even though there has been a downturn since September 11) there will always be a requirement for social programs.

The debate should be changed to one of standards. It should center on establishing a minimum standard of living conditions that all who live in the United States should enjoy, not just a measuring index that reports the number of citizens that exist from day to day in substandard conditions or below the poverty line. Developing a minimum living standard calls for a cooperation of liberals, moderates, and conservatives to include those at the extremes of the political spectrum for all can offer viable programmatic solutions. The bottom line is that it would take a national commitment to dedicate resources and consistency to make such a measurable improvement in the conditions of the poor.

There are alternatives, living in Germany gave me an opportunity to compare our program to a system that provides a very close woven social program with a safety net that very few drop through. The basic difference between the two systems is a perception by Americans that Germans give up too much personal freedom and control of resources. The Germans' perception on the other hand is that Americans do not really care for the members of their own society.

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<sup>49</sup> Burton, C. Emory, (1992). The Poverty Debate. Greenwood Press, Westport, Connecticut.



To understand the underlying differences I will first outline a key German social program. The German philosophy toward work differs from that in the United States in that they focus more on the people's right to work than on the obligation to work. This is a subtle difference but it is very much reflected in the German education system. At an early age children are evaluated for academic promise and guided to a program considered best suited to the students potential.

All children are eligible to attend Grundschule (elementary school). Grundschule consists of kindergarten (German word adopted by United States educators) and grades 1<sup>st</sup> through 4<sup>th</sup>. German kindergarten is like a combination of United States pre-school and our kindergarten. German children from age 3 to 6 attend kindergarten. After kindergarten academics start in earnest with all children attending 1<sup>st</sup> grade (Ersteklasse, first class) through 4<sup>th</sup> grade (Vierteklasse, fourth class). Halfway through the 4<sup>th</sup> grade students are tested (arbeit) in subjects such as language, math, history, and physical education. The results are used in a parent teacher conference (elternsprechahg) where it is determined which of three possible educational directions the student should pursue. In some German States the teachers recommend and the parents decide. In other states the parents must follow the teacher's recommendation but parents may challenge the recommendation and demand a re-test, however, it is seldom that the outcome is changed. The point is that at a young age (10 years old) German children are segregated to either Hauptschule (Main school), Realschule (Real School), or Gymnasium (College preparatory school).

The mission of the Hauptschule, grades 5 to 9, is to prepare students with a good general education in preparation of entering an apprenticeship when the student is 16

years old. In general terms these students are bound for a blue-collar trade; cook, mechanic, carpenter, etc. It is the Germans' way of insuring that everyone has a marketable skill by the time they complete the education system. At 16 years old these students begin to receive a regular paycheck and at 19 when they would normally finish an apprenticeship they are well prepared for full employment in a trade. When I first arrived in Germany I was surprised to see so many young Germans driving new BMWs which I knew I could not afford. But once I understood the system and that these young single people had maintained a job since they were 16 years old it was easy to see how this could be. But not all students go directly into an apprenticeship. If a student maintains high grades in the Hauptschule the student is offered the opportunity to go on to the 10 grade at a Realschule.

The Realschule's mission is to prepare its students for white-collar jobs; sales, banking, management, etc. In Realschule a student goes from 5<sup>th</sup> to 10th grade when they are administered another set of examinations (Prufung) where they can qualify to continue in technical schools (colleges) or go into an apprenticeship program. About 80% of German children go through Hauptschule or Realschule programs, the remaining 20% go through the Gymnasium program.

The mission of the Gymnasium is to prepare its students for the university. This college preparatory school educates its students in advanced language, math, and science skills during grades 5 through 10. In the 10<sup>th</sup> grade, again based on test results, the students either stay at the Gymnasium for grades 11 through 13 which are equivalent to Junior College in the United States, or they go on to a technical school. Those who pass the final examinations (Abitur) at the Gymnasium after the 13<sup>th</sup> grade then go on to the

University and to professional careers in academics, law, medicine, etc. Except for small registration fees, school is provided by the state, so students do not go into debt to pay for education.

Through this very controlled system the Germans generate a skilled population where seldom does an individual slip through the system into perpetual poverty. This is not to say that the Germans do not have their share of social problems with drugs, mental health and so on. They also maintain a large alien population, mostly Turkish and East European, that we would consider their working poor. But when considering alternative systems and attitudes toward work it is interesting that Germans would not consider the majority of our poor as lazy or shiftless, just uneducated.

I believe we can learn a valuable lesson from our friends the Germans. We take great pride in our common work ethic emphasizing it in our welfare policy. Would we not make better use of our resources by providing a more structured and quality education for our young instead of waiting until some percentage fail requiring assistance and retraining through welfare.

If we were as a nation to make such a dramatic shift it would take the strong leadership of both the President and Congress. But instead the leadership has moved the responsibility of current welfare reform to the states and local communities. President Bush is calling for a more active role in social welfare issues by what is referred to as Faith Based Organizations. His success has been limited even though some of these Faith Based Organizations have received federal funding. The overall debate on which level welfare policy should be administered, local or federal appears to be over. The block grants allocated to the states clearly indicate a welfare policy that grants both

authority and responsibility to the states. Relegating welfare policy to the local level, as opposed to a national effort, may be seen by future generations as a blemish on the American model, "If ever there were a country where there should be no poor, it should be the United States of America." <sup>50</sup>

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<sup>50</sup> Burton, C. Emory, (1992). The Poverty Debate. Greenwood Press, Westport, Connecticut.

## CHAPTER 7

### THE FUTURE OF WELFARE POLICY IN THE UNITED STATES

Few policy programs have stirred up such commotion and passion as welfare reform. In this study I have laid out a clear case that welfare reform has been successful in achieving its original goals, and a majority have accepted it as the welfare policy of the future. The "Personal Responsibility and Work Opportunity Reconciliation Act" (Welfare Reform Act of 1996) is here to stay.

I originally believed that because the law abolished welfare entitlements, challenges in court and the courts' influence on welfare reform would be noticeable and significant. In the past the Supreme Court has influenced the development of many policy programs without hearing a case (see Table 3).<sup>51</sup> Since the enactment of welfare reform, only one significant case, *Saenz verses Roe*, has been elevated to the Supreme Court. The case challenged a state's application of the law, but not the law itself. In *Saenz verses Roe* a California State law was found unconstitutional to the degree that new residents to the state were treated less favorably by receiving welfare benefits at levels determined by the laws of their former state of residency. To date, the court has had little effect on welfare reform and in doing so has defacto supported the current approach to welfare policy. It appears the courts have no intention to influence welfare reform policy by increasing

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<sup>51</sup> Murphy, Fleming, Barber. American Constitutional Interpretation. The Foundation Press, Inc., Westbury, New York. 1965.

benefits or improving access.

Having established that the courts are not interfering with welfare reform, we find further limitations as well. With the war on terrorism, the war with Iraq, and the state of the economy taking priority, the issue of welfare reform reauthorization is lower on the Administration's and Congress' agenda. This leads me to believe that there is no momentum for change to welfare reform. Excluding the possibilities of a catastrophe, protracted depression, or massive change of public opinion, when Congress gets around to the reauthorization bill, it will pass legislation bearing close resemblance to the 1996 law, and the new program of TANF will remain in place for the unforeseen future.

TABLE 3 SUPREME COURT INFLUENCE ON WELFARE POLICY	
Case	Constitutional issue
1. Schweiker v. Hansen	Misconduct by a Government Employee
2. Goldberg v. Kelly	Due Process
3. Wyman v. James	Right of People to be Secure in Their Home
4. Wyman v. Rothstein	Equal Protection
5. Candridge v. Williams	Equal Protection
6. DeShoney v. Winnebago County	Due Process
7. Shapiro v. Thompson	Equal Protection
8. Wheeler v. Montgomery	Due Process
9. Philpott v. Essex County	Supremacy
10. Maher v. Doe	Right to Privacy
11. Daniel v. Goliday	Due Process
12. Carter v. Stanton	Equal Protection
13. Saenz v. ROE	Freedom of Movement/Equal Protection

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