

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3663

To amend part A of title IV of the Social Security Act to provide a State option to extend current waivers and create additional waiver authority under the temporary assistance for needy families program.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 2005

Mr. WU introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend part A of title IV of the Social Security Act to provide a State option to extend current waivers and create additional waiver authority under the temporary assistance for needy families program.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. STATE OPTION TO EXTEND CURRENT TANF**  
4                               **WAIVERS AND CREATION OF NEW WAIVER**  
5                               **AUTHORITY.**

6       Section 415 of the Social Security Act (42 U.S.C.  
7       615) is amended by adding at the end the following:

8       “(e) STATE OPTION TO CONTINUE WAIVERS.—

1           “(1) IN GENERAL.—Notwithstanding para-  
2           graphs (1)(A) and (2)(A) of subsection (a), or any  
3           other provision of law, but subject to subsection (g),  
4           with respect to any State that is operating under a  
5           waiver described in paragraph (2) which would oth-  
6           erwise expire on a date that occurs during the period  
7           that begins on January 1, 2002, and ends on Sep-  
8           tember 30, 2010, the State may elect to continue to  
9           operate under that waiver, on the same terms and  
10          conditions as applied to the waiver the day before  
11          the date the waiver would otherwise expire, through  
12          the earlier of such date as the State may select or  
13          September 30, 2010.

14           “(2) WAIVER DESCRIBED.—For purposes of  
15          paragraph (1), a waiver described in this paragraph  
16          is—

17                   “(A) a waiver described in subsection (a);

18                   or

19                   “(B) a waiver that was granted to a State  
20                   under section 1115 or otherwise and that re-  
21                   lates only to the provision of assistance under  
22                   a State program under this part.

23          “(f) WAIVER AUTHORITY FOR ALL STATES.—

24           “(1) IN GENERAL.—Except as provided in para-  
25          graph (3) and subsection (g), the Secretary may

1 waive any statutory or regulatory requirement of  
2 this part at the request of a State or Indian tribe  
3 operating a State or tribal program funded under  
4 this part.

5 “(2) REQUEST FOR WAIVER.—

6 “(A) IN GENERAL.—A State or Indian  
7 tribe that wishes to seek a waiver with respect  
8 to a State or tribal program funded under this  
9 part shall submit a waiver request to the Sec-  
10 retary that—

11 “(i) describes the Federal statutory or  
12 regulatory requirements proposed to be  
13 waived;

14 “(ii) describes how the waiving of  
15 such requirements will improve or enhance  
16 achievement of 1 or more of the purposes  
17 of this part;

18 “(iii) describes the State’s proposal  
19 for an independent evaluation of the pro-  
20 gram under the waiver; and

21 “(iv) in the case of a State, includes  
22 a copy and description of relevant State  
23 statutes and, if applicable, State regula-  
24 tions that would allow the State to imple-

1           ment the waiver if it were approved by the  
2           Secretary.

3           “(B) NOTICE AND COMMENT.—The Sec-  
4           retary shall provide through the Federal Reg-  
5           ister for a 30-day period for notice and com-  
6           ment on the waiver request, and otherwise con-  
7           sult with members of the public, to solicit com-  
8           ment on the waiver request prior to acting on  
9           the request.

10          “(3) RESTRICTIONS.—

11           “(A) IN GENERAL.—The Secretary shall  
12           not waive the following statutory sections or  
13           any regulatory requirements related to such  
14           sections:

15                   “(i) Section 401(a).

16                   “(ii) Paragraphs (1) through (4) of  
17                   section 403(a).

18                   “(iii) Section 407(e)(2).

19                   “(iv) Section 407(f).

20                   “(v) Section 408(d).

21                   “(vi) Section 409(a)(7).

22          “(4) DURATION AND EXTENSION OF WAIVER.—

23           “(A) IN GENERAL.—Except as provided in  
24           subparagraph (B), a waiver approved by the

1 Secretary under this subsection may be for a  
2 period not to exceed 5 years.

3 “(B) EXTENSION.—The Secretary may ex-  
4 tend the period described in subparagraph (A)  
5 if the Secretary determines that the waiver has  
6 been effective in enabling the State or Indian  
7 tribe to carry out the activities for which the  
8 waiver was requested and the waiver has im-  
9 proved or enhanced performance related to 1 or  
10 more of the purposes of this part.

11 “(5) APPROVAL PROCEDURE.—

12 “(A) IN GENERAL.—Not later than 60  
13 days after the date of receiving a request for a  
14 waiver under this subsection, the Secretary  
15 shall provide a response that—

16 “(i) approves the waiver request;

17 “(ii) provides a description of modi-  
18 fications that would be necessary in order  
19 to secure approval for the waiver;

20 “(iii) denies the request and describes  
21 the grounds for the denial; or

22 “(iv) requests clarification of the  
23 waiver request.

24 “(B) APPROVAL DECISIONS.—The Sec-  
25 retary shall not approve any waiver request that

1 does not include all the information required in  
2 subparagraph (2)(A) and shall take into ac-  
3 count how the waiver is likely to further the  
4 purposes of section 401(a) and comments re-  
5 ceived regarding the waiver request.

6 “(C) WAIVER APPROVALS AND DENIALS.—

7 All waiver approvals and denials shall be made  
8 publicly available by the Secretary.

9 “(6) REPORTS ON PROJECTS.—The Secretary  
10 shall provide annually to Congress a report con-  
11 cerning waivers approved under this subsection, in-  
12 cluding—

13 “(A) the projects approved and denied for  
14 each applicant;

15 “(B) the number of waivers granted under  
16 this subsection;

17 “(C) the specific statutory provisions  
18 waived; and

19 “(D) descriptive information about the na-  
20 ture and status of approved waivers, including  
21 findings from interim and final evaluation re-  
22 ports.

23 “(g) COST-NEUTRALITY REQUIREMENT.—

24 “(1) GENERAL RULE.—Notwithstanding any  
25 other provision of law (except as provided in para-

1 graph (2)), the total of the amounts that may be  
2 paid by the Federal Government for a fiscal year  
3 with respect to the programs in a State for which  
4 a waiver has been granted under subsection (e) or  
5 (f) shall not exceed the estimated total amount that  
6 the Federal Government would have paid for the fis-  
7 cal year with respect to the programs if the waiver  
8 had not been granted, as determined by the Director  
9 of the Office of Management and Budget.

10 “(2) SPECIAL RULE.—If an applicant submits  
11 to the Director of the Office of Management and  
12 Budget a request to apply the rules of this para-  
13 graph to the programs in the State with respect to  
14 which a waiver under subsection (e) or (f) has been  
15 provided, during such period of not more than 5  
16 consecutive fiscal years in which the waiver is in ef-  
17 fect, and the Director determines, on the basis of  
18 supporting information provided by the applicant, to  
19 grant the request, then, notwithstanding any other  
20 provision of law, the total of the amounts that may  
21 be paid by the Federal Government for the period  
22 with respect to the programs shall not exceed the es-  
23 timated total amount that the Federal Government

1 would have paid for the period with respect to the  
2 programs if the waiver had not been granted.”.

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