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Missing the Point Entirely: A Misleading Argument for Including TANF Reauthorization in Reconciliation

By Shawn Fremstad, Rachel Gragg, and Margy Waller

In a recent letter to the editor of the *Orlando Sentinel*, Rep. John Boehner (R-OH) took issue with a *Sentinel* editorial urging members of Congress not to include extensive changes to the 1996 welfare reform law as part of the massive budget reconciliation measure currently pending in Congress. Disputing the conclusion of the *Sentinel* that “welfare changes deserved to be considered and debated separately by both chambers, not buried in a broader budget measure”,¹ Boehner noted that the reconciliation process was used in 1996 to pass the original welfare reform law.

Boehner failed to mention, however, that there are a number of important differences between the process that ended in the passage of the 1996 welfare reform law and the current process:

- Most importantly, *the full Senate had debated, amended, and voted on welfare reform legislation before it was enacted using the budget reconciliation process in 1996.*

By contrast, the full Senate has yet to debate, amend or vote on legislation that would reauthorize welfare reform. Reauthorization legislation was briefly brought to the Senate floor in 2004, but Senate leadership quickly pulled it when it became clear that an amendment to increase the minimum wage would be offered to the bill.

According to R. Kent Weaver, a scholar at the Brookings Institution who has written one of the leading histories about the passage of the 1996 welfare reform law,

Governors strongly believe that TANF reauthorization should not be included in any final conference report of the budget reconciliation bill. Governors maintain that welfare reform should be driven by good public policy and not by the federal budget process.

—Letter from National Governors Association, December 5, 2005

¹ “Wrong Approach: The House is Being Sneaky and Cheap on Welfare-Reform Changes,” *Orlando Sentinel*, December 1, 2005.

Then— <i>Original Welfare Reform Legislation</i>	Now— <i>TANF Reauthorization and Other Changes to Welfare Reform</i>
<i>The full Senate had debated, amended, and voted on welfare reform legislation before it was enacted using the reconciliation process in 1996.</i>	<i>The Senate has yet to debate, amend, or vote on TANF reauthorization legislation.</i>
<i>Stand-alone versions of the legislation passed the Senate by a vote of 87-12 in 1995 and 74-25 in 1996.</i>	<i>No Senate votes.</i>
<i>Reconciliation limited to welfare reform and closely related provisions.</i>	<i>TANF reauthorization is one section of a much larger piece of budget-cutting legislation.</i>
<i>Major budgetary change—moving from entitlement funding to block grant—was central to the legislation.</i>	<i>No major budgetary change. Some modest funding changes.</i>

welfare reform was the subject of a “week-long debate” in the Senate. Instead of avoiding tough issues, Weaver notes that, “Dole’s strategy was simply to allow the unsettled arguments to be settled in floor votes on amendments to his welfare bill, while getting his colleagues to agree not to block final passage of the bill.”²

- In 2005, the National Governors Association and the other major bipartisan organizations representing state and local officials *uniformly oppose* the use of budget reconciliation to make changes to welfare reform. In a letter sent to Congressional leaders yesterday, NGA explained: “Governors strongly believe that TANF reauthorization should not be included in any final conference report of the budget reconciliation bill. Governors maintain that welfare reform should be driven by good public policy and not by the federal budget process.”

Such opposition from states to including welfare reform in reconciliation did not exist in 1996. This is likely because the 1996 legislation was developed with considerable bipartisan input from NGA and other state leaders. The changes to welfare reform proposed by the Bush Administration and included in the House-passed reconciliation bill do not reflect state input or bipartisan agreement.

- The 1996 welfare reform law made a fundamental structural change to the Social Security Act that had major long-term budget implications: it replaced AFDC, an

² R. Kent Weaver, *Ending Welfare as We Know It* (Brookings, 2000), p. 311.

open-ended entitlement program, with a block grant program. Such a change is undeniably budgetary in nature. The current reauthorization proposal included in the House-passed reauthorization bill does not serve the same fundamental purpose and most of the policy changes to welfare reform would have no budgetary impact whatsoever.

- The 1996 changes were relatively bipartisan in nature. Weaver notes that Senator Robert Dole (R-KS) was able to “build a huge bipartisan coalition” in support of welfare reform legislation that passed the Senate by a vote of 87-12 in 1995. In 1996, the Senate debated and passed by a 74-25 vote the legislation that eventually turned into the 1996 welfare law; this 1996 Senate-passed welfare reform bill was similar in most respects to the 1995 Senate-passed welfare-reform bill.

By contrast, opposition to including changes to welfare reform in reconciliation this year comes from both Democrats and Republicans. For example, a recent press account reports that Senator Olympia Snowe (R-ME) is “drafting a letter urging Senate leaders to drop welfare reform from the budget legislation so that it can be considered separately.”³

- The 1996 reconciliation process was limited almost exclusively to welfare reform and closely related measures, such as improvements to the child support enforcement program. This is not the case in 2005—as the Washington Post has noted, the welfare reform changes in the House reconciliation bill take up 71 pages in an 830-page bill.

In the final analysis, it would “miss the point entirely” (to use Rep. Boehner’s words) to conclude that it is *democratic or responsible legislating* to include such changes in the current budget reconciliation legislation that is pending in Congress.

This measure needs far more public debate and scrutiny. Perhaps advocates of the tougher standards can make a convincing case, but pushing the changes through on the sly is no way to shape public policy that would have such a detrimental impact on so many lives.

—Editorial, The Tennessean, December 3, 2005

In an editorial published earlier this week, the editors of *The Tennessean* concluded: “This measure needs far more public debate and scrutiny. Perhaps advocates of the tougher standards can make a convincing case, but pushing the changes through on the sly is no way to shape public policy that would have such a detrimental impact on so many lives.”⁴ We agree.

³ “Tougher plan for welfare is slammed,” *Portland Press Herald*, December 5, 2005, <http://pressherald.maintoday.com/news/state/051205welfare.shtml>.

⁴ “Proposed welfare cuts demand a full debate,” *The Tennessean*, December 3, 2005.