

116TH CONGRESS
2D SESSION

S. 3672

To provide States and Indian Tribes with flexibility in administering the temporary assistance for needy families program due to the public health emergency with respect to the Coronavirus Disease (COVID–19), to make emergency grants to States and Indian Tribes to provide financial support for low-income individuals affected by that public health emergency, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 11, 2020

Mr. WYDEN (for himself, Mr. BROWN, Mr. SCHATZ, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide States and Indian Tribes with flexibility in administering the temporary assistance for needy families program due to the public health emergency with respect to the Coronavirus Disease (COVID–19), to make emergency grants to States and Indian Tribes to provide financial support for low-income individuals affected by that public health emergency, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Pandemic TANF As-
3 sistance Act”.

4 **SEC. 2. EMERGENCY FLEXIBILITY FOR STATE AND TRIBAL**
5 **TANF PROGRAMS.**

6 (a) SUSPENSION OF REQUIREMENTS AND PENALTIES
7 RELATING TO THE TIME LIMIT FOR ASSISTANCE, WORK,
8 AND CERTAIN OTHER REQUIREMENTS.—

9 (1) IN GENERAL.—During the applicable pe-
10 riod—

11 (A) sections 407(a), 407(e)(1), and
12 408(a)(7)(A) of the Social Security Act (42
13 U.S.C. 607(a), 607(e)(1), 608(a)(7)(A)) shall
14 have no force or effect;

15 (B) no penalty shall be imposed against an
16 individual or the individual’s family with respect
17 to section 407(e)(1) or 408(b)(3) of such Act
18 (42 U.S.C. 607(e)(1), 608(b)(3));

19 (C) a State shall not deny, reduce, or ter-
20 minate assistance to a family because an indi-
21 vidual does not comply with such section
22 407(e)(1) or does not otherwise engage in work
23 required by the State;

24 (D) a State shall not deny, reduce, or ter-
25 minate assistance to an individual or the indi-
26 vidual’s family with respect to a failure to co-

1 operate with completing the assessment re-
2 quired under section 408(b)(1) of such Act (42
3 U.S.C. 608(b)(1));

4 (E) a State may defer a required assess-
5 ment of the employability of an individual
6 under section 408(b) of such Act (42 U.S.C.
7 608(b)) to 90 days following the end of the ap-
8 plicable period;

9 (F) no condition on assistance for an indi-
10 vidual or the individual's family shall be im-
11 posed in connection with enforcing penalties de-
12 scribed in section 409(a)(5) of such Act (42
13 U.S.C. 609(a)(5));

14 (G) no penalty shall be imposed against an
15 individual or the individual's family with respect
16 to section 408(a)(2) of such Act (42 U.S.C.
17 608(a)(2)); and

18 (H) paragraphs (3), (5), (9), (14), and
19 (15) of section 409(a) of such Act (42 U.S.C.
20 609(a)) shall not apply with respect to any vio-
21 lation of a requirement described in such a
22 paragraph that occurs during or with respect to
23 the applicable period.

24 (2) TRIBAL PROGRAMS.—During the applicable
25 period—

(A) the minimum work participation requirements and time limits established under section 412(c) of the Social Security Act (42 U.S.C. 612(c)) shall have no force or effect;

(B) no penalty shall be imposed against an individual or the individual's family with respect to a violation of such requirements or limits;

(C) no condition on assistance for an individual or the individual's family shall be imposed in connection with enforcing penalties described in section 409(a)(5) of such Act (42 U.S.C. 609(a)(5)); and

(D) the penalties established under such section 412(c) shall not apply with respect to conduct engaged in during or with respect to the applicable period.

(b) APPLICATION TO PROGRAM ENFORCEMENT PROVISIONS.—

(1) WAIVER OF CERTAIN PENALTIES.—The Secretary shall not impose a penalty against a State or Indian tribe under paragraph (3), (5), (9), (14), or (15) of section 409(a) of such Act (42 U.S.C. 609(a)) with respect to any violation of a requirement described in such a paragraph that occurs during or with respect to the applicable period.

1 (2) CORRECTIVE COMPLIANCE PLANS.—If a
2 State or Indian tribe has a corrective compliance
3 plan in effect during or with respect to the applica-
4 ble period that involves a violation for which a pen-
5 alty specified in paragraph (1) would be imposed,
6 the Secretary shall—

7 (A) disregard the months occurring during
8 the applicable period (and any portion of such
9 months) for purposes of determining whether
10 the State or Indian tribe has not, in a timely
11 manner, corrected or discontinued, as appro-
12 priate, the violation pursuant to the corrective
13 compliance plan accepted by the Secretary; and

14 (B) consult with the State or Indian tribe
15 on modifications to the corrective compliance
16 plan for how the State will correct or dis-
17 continue, as appropriate, the violation and how
18 the State will ensure compliance with the re-
19 quirements of part A of title IV of the Social
20 Security Act (42 U.S.C. 601 et seq.) after the
21 applicable period ends.

22 (c) PENALTY FOR NONCOMPLIANCE.—

23 (1) IN GENERAL.—Subject to the succeeding
24 provisions of this subsection, if the Secretary finds
25 that during or with respect to the period that begins

1 on the date of enactment of this section and ends on
 2 November 30, 2020, a State or an Indian tribe has
 3 imposed a penalty waived under subsection (a), in-
 4 cluding denying, reducing, terminating, or condi-
 5 tioning assistance under a program funded under
 6 part A of title IV of the Social Security Act or any
 7 program funded with qualified State expenditures
 8 (as defined in section 409(a)(7)(B)(i) of such Act
 9 (42 U.S.C. 609(a)(7)(B)(i))), the Secretary shall re-
 10 duce the grant payable to the State under section
 11 403(a)(1) of such Act (42 U.S.C. 603(a)(1)) or the
 12 grant payable to the tribe under section 412(a)(1) of
 13 such Act (42 U.S.C. 612(a)(1)) for fiscal year 2021
 14 by an amount equal to 5 percent of the State or
 15 tribal family assistance grant (as applicable).

16 (2) PENALTY BASED ON SEVERITY OF FAIL-
 17 URE.—The Secretary shall impose reductions under
 18 paragraph (1) with respect to fiscal year 2021 based
 19 on the degree of noncompliance.

20 (3) APPLICATION OF AGGREGATE PENALTY
 21 LIMIT.—For purposes of section 409(d) of the Social
 22 Security Act (42 U.S.C. 609(d)), paragraph (1) of
 23 this subsection shall be considered to be included in
 24 section 409(a) of such Act.

25 (d) DEFINITIONS.—In this section:

1 (1) APPLICABLE PERIOD.—The term “applica-
 2 ble period” means the period that begins on October
 3 1, 2019, and ends on November 30, 2020.

4 (2) OTHER TERMS.—Each other term has the
 5 meaning given the term for purposes of part A of
 6 title IV of the Social Security Act (42 U.S.C. 601
 7 et seq.).

8 **SEC. 3. CORONAVIRUS EMERGENCY ASSISTANCE GRANTS**
 9 **FOR LOW-INCOME FAMILIES.**

10 Title VI of the Social Security Act (42 U.S.C. 801
 11 et seq.), as added by section 5001(a) of division A of the
 12 Coronavirus Aid, Relief, and Economic Security Act (Pub-
 13 lic Law 116–136), is amended by adding at the end the
 14 following:

15 **“SEC. 602. CORONAVIRUS EMERGENCY ASSISTANCE**
 16 **GRANTS FOR LOW-INCOME FAMILIES.**

17 “(a) IN GENERAL.—Subject to the succeeding provi-
 18 sions of this section, each emergency grant State shall be
 19 entitled to receive from the Secretary a grant pursuant
 20 to this section for the period beginning on April 1, 2020,
 21 and ending on September 30, 2021, in the amount deter-
 22 mined for the State under subsection (b).

23 “(b) AMOUNT OF GRANTS.—

24 “(1) IN GENERAL.—Subject to paragraphs (2),
 25 (3), and (4), the amount of the grant for an emer-

1 gency grant State for the period described in sub-
 2 section (a) shall be the amount equal to the product
 3 of—

4 “(A) the amount appropriated in para-
 5 graph (1) of subsection (h) that remains after
 6 the application of paragraph (2) of that sub-
 7 section; and

8 “(B) the quotient of—

9 “(i) the number of individuals in fam-
 10 ilies with income below the poverty line in
 11 the State in the most recent year for which
 12 data are available from the Bureau of the
 13 Census; and

14 “(ii) the number of individuals in
 15 families with income below the poverty line
 16 in all States (other than States specified in
 17 subsection (h)(2)(A)) in such year.

18 “(2) OTHER STATES.—The amount of the
 19 grant for an emergency grant State specified in sub-
 20 section (h)(2)(A) shall be based on such poverty
 21 data as the Secretary determines appropriate.

22 “(3) REDISTRIBUTION OF UNUSED FUNDS.—
 23 The Secretary shall redistribute, under a procedure
 24 and methodology the Secretary determines appro-
 25 priate, funds available for payments to emergency

1 grant States under this section for which, as of July
 2 30, 2021, States have not applied to be paid to other
 3 emergency grant States that apply for payment from
 4 such funds.

5 “(4) INCLUSION OF FAMILIES OF 1.—For pur-
 6 poses of paragraphs (1), (2), and (3), in determining
 7 the number of individuals in families with income
 8 below the poverty line in a State, the Secretary shall
 9 take household composition into account and shall
 10 treat a single individual as a family of 1, without re-
 11 gard to whether the household of the individual is
 12 composed of more than 1 family.

13 “(c) USE OF FUNDS.—

14 “(1) IN GENERAL.—An emergency grant State
 15 receiving a grant under this section shall only use
 16 the grant funds for the following:

17 “(A) To provide short-term cash, non-cash,
 18 or in-kind emergency disaster relief (as appro-
 19 priate) to—

20 “(i) help eligible families address and
 21 avoid emergencies with respect to basic
 22 needs;

23 “(ii) prevent or remedy household
 24 emergencies of eligible families, such as

1 evictions, foreclosures, forfeitures, and ter-
2 minations of utility services; and

3 “(iii) help eligible families address and
4 avoid emergencies so that children may be
5 cared for in their own homes or in the
6 homes of relatives.

7 “(B) To ensure the safety and well-being
8 of all individuals during the period of a Federal
9 or State emergency declaration concerning
10 Coronavirus Disease 2019 (COVID-19), by pro-
11 viding subsidized jobs for individuals who are
12 members of eligible families that can be per-
13 formed remotely or are deemed essential (with
14 individuals provided proper personal protective
15 equipment and complying with Federal and
16 State social distancing guidelines).

17 “(C) To provide subsidized employment for
18 individuals who are members of eligible families
19 after the period of a Federal or State emer-
20 gency declaration concerning Coronavirus Dis-
21 ease 2019 (COVID-19) ends (when safe to do
22 so, taking into account the need to prevent the
23 spread or reoccurrence of coronavirus).

1 “(2) NONDISPLACEMENT.—An emergency grant
2 State receiving a grant under this section shall not
3 use the grant funds to—

4 “(A) displace or replace an employee, posi-
5 tion, or volunteer, or to partially displace or re-
6 place an employee, position or volunteer, such
7 as through a reduction in hours, wages, or em-
8 ployment benefits;

9 “(B) displace or replace an employee par-
10 ticipating in a strike, collective bargaining or
11 union activities, or union organizing; or

12 “(C) displace or replace an employee who
13 was furloughed or unable to work due to the
14 public health emergency with respect to the
15 Coronavirus Disease 2019 (COVID-19) (includ-
16 ing due to illness, measures taken to avoid in-
17 fection, or needing to provide care for another
18 individual).

19 “(3) NONDISCRIMINATION.—An emergency
20 grant State receiving a grant under this section shall
21 not employ any policies or practices that have the ef-
22 fect of making any eligible family less likely to re-
23 ceive assistance by reason of race, sex, religious
24 creed, national origin, or political affiliation.

1 “(4) PROTECTING OTHER BENEFITS.—For pur-
2 poses of any Federal, State, or local law, including
3 those for purposes of public assistance programs and
4 taxation, any benefit provided under paragraph
5 (1)(A) for an eligible family shall be treated as
6 short-term, non-cash, in-kind emergency disaster re-
7 lief without regard to the form in which the benefit
8 is provided and shall be disregarded from income.

9 “(d) STATE LETTER OF INTENT.—

10 “(1) IN GENERAL.—In order to receive a pay-
11 ment for a fiscal year quarter from the grant deter-
12 mined for an emergency grant State under this sec-
13 tion, a State shall submit a letter of intent to the
14 Secretary, not later than 30 days before the first
15 day of each such quarter (or, in the case of a quar-
16 ter that has started or will start within 30 days of
17 the date of enactment of this section, a State shall
18 submit a letter of intent to the Secretary not later
19 than 15 days after such date of enactment in order
20 to receive an emergency grant for that quarter)
21 that—

22 “(A) specifies the amount of funds re-
23 quested by the State for a quarter;

1 “(B) describes how the State will use the
2 funds to assist eligible families during the quar-
3 ter; and

4 “(C) describes how funds provided will not
5 supplant any existing expenditures or programs
6 funded or administered by the State.

7 “(2) PUBLIC AVAILABILITY.—The State shall
8 make the letter of intent submitted by the State
9 under this subsection available to the public.

10 “(3) NO DELAY OF PAYMENTS; HOLD HARM-
11 LESS.—

12 “(A) IN GENERAL.—The Secretary shall
13 make payments by the applicable deadline
14 under subsection (f)(2) to each State that sub-
15 mits a letter of intent for a quarter by the ap-
16 plicable deadline under paragraph (1), without
17 regard to whether the Secretary has issued the
18 guidance required under subsection (f)(1).

19 “(B) HOLD HARMLESS.—A State that uses
20 funds paid to the State for any quarter occur-
21 ring prior to the issuance of the guidance re-
22 quired under subsection (f)(1) consistent with
23 the letter of intent submitted by the State for
24 the quarter and the State’s good faith interpre-
25 tation of the requirements of this section, shall

1 not be penalized under subsection (f)(3) or in
2 any other manner if, after such guidance is
3 issued, the Secretary determines the State did
4 not use the funds consistent with such guid-
5 ance.

6 “(e) REPORTS.—

7 “(1) STATE REPORTS.— Not later than Janu-
8 ary 1, 2022, each emergency grant State shall sub-
9 mit a report to the Secretary on how the State used
10 the grant funds received by the State in such form
11 and manner, and containing such information, as
12 the Secretary shall require.

13 “(2) REPORT TO CONGRESS.—Not later than
14 September 30, 2022, the Secretary shall submit a
15 report to Congress on the grants made under this
16 section based on the reports submitted under para-
17 graph (1).

18 “(f) MISCELLANEOUS.—

19 “(1) EXPEDITED IMPLEMENTATION.—The Sec-
20 retary shall implement this section as quickly as rea-
21 sonably possible, pursuant to the issuance of appro-
22 priate guidance to States.

23 “(2) TIMELY DISTRIBUTION OF GRANTS.—

24 “(A) INITIAL PAYMENTS.—Not later than
25 30 days after the date of enactment of this sec-

tion, the Secretary shall pay each State that is an emergency grant State as of such date, the grant payable to such State for the 3rd quarter of fiscal year 2020.

“(B) SUBSEQUENT PAYMENTS.—The Secretary shall continue to make payments not later than the first day of each quarter to emergency grant States under this section for the 4th quarter of fiscal year 2020 and each quarter of fiscal year 2021.

“(3) MISUSE OF FUNDS.—

“(A) IN GENERAL.—If the Secretary determines that an emergency grant State has used grant funds received by the State in violation of the requirements of this section, the State shall remit to the Secretary an amount equal to the amount so used.

“(B) APPLICATION OF APPEAL PROCEDURES.—Section 410 shall apply to a determination by the Secretary under subparagraph (A) in the same manner as such section applies to an imposition of a penalty under section 409.

“(g) DEFINITIONS.—In this section:

“(1) ELIGIBLE FAMILIES.—The term ‘eligible family’ means a family (including a family of one)—

1 “(A) whose monthly income, as of the date
2 on which the family applies for emergency dis-
3 aster relief or subsidized employment, does not
4 exceed 200 percent of the poverty line applica-
5 ble to a family of the size involved (as deter-
6 mined under section 673(2) of the Community
7 Services Block Grant Act (42 U.S.C. 9902(2)));
8 and

9 “(B) that has been adversely affected by
10 the public health emergency with respect to the
11 Coronavirus Disease 2019 (COVID-19) (includ-
12 ing due to illness, economic disruption, meas-
13 ures taken to avoid infection, or needing to pro-
14 vide care for another individual).

15 “(2) EMERGENCY GRANT STATE.—The term
16 ‘emergency grant State’ means a State that submits
17 a letter of intent containing the information speci-
18 fied in subsection (d)(1) to the Secretary with re-
19 spect to a fiscal year quarter by the submission
20 deadline for such quarter.

21 “(3) STATE.—The term ‘State’ has the mean-
22 ing given that term in section 419(5) and includes
23 the Commonwealth of the Northern Mariana Islands
24 and Indian tribes as defined in section 419(4).

25 “(h) APPROPRIATION.—

1 “(1) IN GENERAL.—Out of any money in the
2 Treasury of the United States not otherwise appro-
3 priated, there are appropriated for the period begin-
4 ning on April 1, 2020, and ending on September 30,
5 2021, \$10,000,000,000 for grants under this sec-
6 tion.

7 “(2) RESERVATION OF FUNDS.—

8 “(A) CERTAIN TERRITORIES.—The Sec-
9 retary shall reserve 3.5 percent of the amount
10 appropriated under paragraph (1) for grants to
11 Guam, American Samoa, the United States Vir-
12 gin Islands, the Commonwealth of the Northern
13 Mariana Islands, and Indian tribes (as defined
14 in section 419(4)).

15 “(B) TECHNICAL ASSISTANCE.—The Sec-
16 retary shall reserve \$500,000 of the amount ap-
17 propriated under paragraph (1) to provide tech-
18 nical assistance to States and Indian tribes with
19 respect to the emergency grants made under
20 this section.”.

○