Statement of Senator Orrin G. Hatch
Ranking Member
Senate Finance Committee
Before the
Subcommittee on Human Resources of the Committee on Ways and Means
Hearing on Waiving Welfare Rules
February 28, 2013

Mr. Chairman and Ranking Member Doggett and Members of the Subcommittee on Human Resources – thank you for convening this hearing and for asking me to address all of you this morning on the Obama Administration's proposal to waive federal welfare work requirements.

First of all, I want to congratulate you, Chairman Reichert, on your new role as subcommittee Chairman.

I have been very pleased to work closely with Chairman Camp on this important issue and I look forward to continuing that partnership with you. Your long and impressive history in law enforcement has brought you in direct contact with some of the vulnerable populations that programs under your subcommittee's jurisdiction are designed to help. Your experience with these families will serve you well in your capacity as the new Chairman.

While I commend the subcommittee for holding this hearing I regret that it is necessary to have such a hearing in the first place.

Authority for the Temporary Assistance for Needy Families or TANF and related programs expired at the end of Fiscal Year 2010.

In the years leading up to and following the expiration of the TANF, the Obama Administration never proposed a five-year reauthorization of these programs.

In the four years since President Obama has been in office, not once did a member of his administration offer to meet with me to discuss a TANF reauthorization.

Indeed, for years, the Obama Administration showed no interest in making improvements to these programs.

That being the case, I was stunned on July 12, 2012 when, with no advanced warning, the administration released so-called *guidance* to states informing them that the administration had granted itself the authority to essentially gut welfare reform by undermining important federal welfare work requirements.

Mr. Chairman, over the past 20 years, I have helped draft every major piece of Senate legislation relating to welfare.

I was a member of Senate Finance Committee during the 1996 debate and helped manage the Senate floor during Senate consideration of welfare reform.

In 2002, I worked with Senators Breaux, Snowe, Rockefeller and Jeffords to put forth a series of recommendations known as the "Tripartisan Agreement." The "Tripartisan Agreement" formed the basis of the TANF reauthorization legislation considered by the Senate Finance Committee.

I also worked closely with then-Chairman Grassley to develop the bipartisan PRIDE bill.

So, not only do I have a long history of developing welfare policies on a bipartisan basis, I have also been intimately involved in all the major deliberations on welfare policy.

That being the case, I can say with confidence that at no time in the nearly 20 years of discussions did Members of Congress ever contemplate granting the Executive Branch the authority to waive federal welfare work requirements.

Now, the Obama Administration has stated that they need to be able to waive the work requirements in order to "*explore new ways to strengthen work requirements.*"

The Obama Administration has not elaborated what is contemplated by the word *strengthen*.

However, we do know that these unknown *new ways to strengthen work requirements* do not mean limiting what counts as work to actual work or job searches.

These *new ways to strengthen work requirements* do not mean actually requiring more people to work.

That is because, under current law, there are no restrictions on a state's ability to increase or strengthen the work requirements.

A state does NOT NEED A WAIVER to limit the number of activities that it considers work.

A state does NOT NEED A WAIVER to increase the required hours of work for welfare recipients.

A state does NOT NEED A WAIVER to increase the number of able-bodied adults who are working in exchange for their welfare check.

So, if *strengthening the work requirements* does not mean limiting what counts as work, and it does not mean increasing the number of people engaged in work for longer hours, then what does it mean?

For guidance in answering that question we should consider what types of policy changes a state would need a waiver for, if the Administration had the authority to provide such waivers in the first place.

A state WOULD need a waiver to increase the number of activities that count as work, like, for example, adding education and substance abuse treatment to the list. Mr. Chairman, as you know, there are already 12 different definitions of *work* described in TANF law and some states have demonstrated considerable creativity under the flexibility that currently exists to count things like bed rest and personal journaling as work.

In addition, a state WOULD need a waiver to count towards the participation rate a person performing less than the required number hours of work per week.

And, a state WOULD need a waiver to meet a performance measure other than the current requirement that the state engage at least 50 percent of able-bodied adults on welfare in work and related activities.

In short, the approach envisioned by the Obama Administration would mean less real work for fewer hours and for a smaller share of adults on welfare.

This approach is contrary to a work-first approach that has been an integral feature of welfare reform.

Over the years, research has consistently demonstrated that a work-first approach combining an intense effort to engage the client in work-related activities to foster an attachment to work, with a blended menu of work supports, education, and training has the greatest degree of success in getting clients off of welfare.

The reason that I am so vehemently opposed to the Administration's scheme to undermine the welfare work requirements is that I believe it will hinder, not help, adults from exiting the welfare rolls.

Put simply, allowing activities that are not work to count as work will not get people into work.

Mr. Chairman, last year, I sent President Obama a letter asking him to withdraw his welfare wavier rule and submit a TANF reauthorization to Congress. I pledged to the President that I would work in good faith with him to craft bipartisan welfare legislation that can help fragile families progress towards greater self-sufficiency.

To date, I have not received a response to my letter. And, the President has not withdrawn his welfare waiver rule, nor has he submitted a TANF reauthorization to Congress.

Therefore, Congress must act.

Congress must stop this executive overreach and prevent this Administration from undermining key provisions of welfare reform.

I am hopeful that this hearing today will be the first step in a process that leads the House of Representatives to pass legislation to invalidate the Administration's welfare wavier rule. And, I hope that the Senate will act in a similar fashion.

I will do whatever I can to make sure that occurs.

Thank you.