

Personal Responsibility and Work Opportunity Act

The **Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)** is a United States federal law considered to be a major welfare reform. The bill was a cornerstone of the Republican *Contract with America* and was introduced by Rep. E. Clay Shaw, Jr. (R-FL-22). President Bill Clinton signed PRWORA into law on August 22, 1996, fulfilling his 1992 campaign promise to “end welfare as we have come to know it”.^[1]

PRWORA instituted *Temporary Assistance for Needy Families (TANF)*, which became effective July 1, 1997. TANF replaced the *Aid to Families with Dependent Children (AFDC)* program—which had been in effect since 1935—and supplanted the *Job Opportunities and Basic Skills Training program (JOBS)* of 1988. The law was heralded as a “reassertion of America’s work ethic” by the U.S. Chamber of Commerce, largely in response to the bill’s workfare component. TANF was reauthorized in the *Deficit Reduction Act of 2005*.

1 History

1.1 1930s to 1970s

AFDC caseloads increased dramatically from the 1930s to the 1960s as restrictions on the availability of cash support to poor families (especially single-parent, female-headed households) were reduced.^[2] Under the *Social Security Act of 1935*, federal funds only covered part of relief costs, providing an incentive for localities to make welfare difficult to obtain.^[2] More permissive Northern laws were tested during the *Great Migration* between 1940 and 1970 in which millions of people migrated from the agricultural South to the more industrial North.^[2] Additionally, all able-bodied adults without children and two-parent families were originally disqualified from obtaining AFDC funds. Court rulings during the *Civil Rights Movement* struck down many of these regulations, creating new categories of people eligible for relief.

Community organizations, such as the *National Welfare Rights Organization*, also distributed informational packets informing citizens of their ability to receive government assistance.^[2] Between 1936 and 1969, the number of families receiving support increased from 162,000 to 1,875,000.^[3]

After 1970, however, federal funding for the program lagged behind inflation. Between 1970 and 1994, typical benefits for a family of three fell 47% after adjusting for inflation.^[4]

1.2 Reasons for policy reversal

1.2.1 Attitudes towards women’s roles

The legislation was designed to increase labor market participation among public assistance recipients. This represented a major departure from the protectionist legacy institutionalized in U.S. social welfare policy from the inception of “mother’s pensions” beginning in the early 19th century. As such, the implicit message regarding “women’s roles” was that full-time mothering was a luxury reserved only for married and middle class women.

1.2.2 Characteristics of the recipients

No longer were most recipients widowed, rather they were separated, divorced or never married. A distinction between the “undeserving poor” and the “deserving poor” became apparent. This led to less sympathy for those on welfare who were viewed as the “undeserving poor” and contributed to the policy reversal. For example those who were unemployed, able-bodied men were viewed as the undeserving poor as they were able to work and not rely on welfare.

1.2.3 Concern about dependency

The idea that the welfare-receiving poor had become too dependent upon public assistance also encouraged the act. The idea was that those who were on welfare for many years lost any initiative to find jobs. Those on welfare realized that taking up a job would mean not only losing benefits but also incur child care, transportation and clothing costs. Their new jobs probably would not pay well and may not include health insurance whereas on welfare they would have been covered by Medicaid. Therefore there are many reasons welfare recipients would feel discouraged from working.^[5]

1.3 1980s and 1990s

In the 1980s, AFDC came under increasing bipartisan criticism for the program's alleged ineffectiveness. While acknowledging the need for a social safety net, Democrats often invoked the culture of poverty argument.^[6] Proponents of the bill argued that welfare recipients were "trapped in a cycle of poverty."^[7] Highlighting instances of welfare fraud, conservatives often referred to the system as a "welfare trap" and pledged to "dismantle the welfare state." Ronald Reagan's oft-repeated story of a welfare queen from Chicago's South Side became part of a larger discourse on welfare reform.^[8]

Republican governor Tommy Thompson began instituting welfare reform in Wisconsin during his governorship in the late-1980s and early-1990s. In lobbying the federal government to grant states wider latitude for implementing welfare, Thompson wanted a system where "pregnant teen-aged girls from Milwaukee, no matter what their background is or where they live, can pursue careers and chase their dreams."^[9] His solution was workfare, whereby poor individuals, typically single-mothers with children, had to work to receive assistance. Thompson later served as Health and Human Services Secretary under President George W. Bush.

Passage of PRWORA was the culmination of many years of debate in which the merits and flaws of AFDC were argued. Research was used by both sides to make their points, with each side often using the same piece of research to support the opposite view.^[6] The political atmosphere at the time of PRWORA's passage included a Republican-controlled House of Representatives and Senate (defined by their Contract with America) and a Democratic president (defined by Bill Clinton's promise to "end welfare as we know it.")

1.4 2012

In July 2012, the Department of Health and Human Services released a memo notifying states that they are able to apply for a waiver for the work requirements of the TANF program, but only if states were also able to find credible ways to increase employment by 20%.^[10] The waiver would allow states to provide assistance without having to enforce the work component of the program, which currently states that 50 percent of a state's TANF caseload must meet work requirements.^[11] The Obama administration stated that the change was made in order to allow more flexibility in how individual states operate their welfare programs.^[12] According to Peter Edelman, the director of the Georgetown Center on Poverty, Inequality and Public Policy, the waivers would reduce restrictions that increase the difficulty for states in helping TANF applicants find jobs.^[13]

The change has been questioned by Republicans including Dave Camp, chairman of the House Ways and Means

Committee and Orrin Hatch, who requested further details from HHS over concerns that the memo would remove the main focus of PRWORA.^[11] Mitt Romney attacked the measure, saying that Obama was "gutting welfare reform". However, PolitiFact stated that Romney's claim was "not accurate" and "inflames old resentments", giving it a "Pants on Fire" rating.^[14] CNN also reported that assertions that Obama was "taking the work requirement off the table" was false.^[15] In response to Republican criticism, Kathleen Sebelius, the Secretary of Health and Human Services said that states, including some with Republican governors, had previously asked Congress to allow waivers.^[16]

2 Passage in 104th Congress



President Bill Clinton signing welfare reform legislation.

A central pledge of Clinton's campaign was to reform the welfare system, adding changes such as work requirements for recipients. However, by 1994, the Clinton Administration appeared to be more concerned with universal health care, and no details or a plan had emerged on welfare reform. Newt Gingrich accused the President of stalling on welfare and proclaimed that Congress could pass a welfare reform bill in as little as 90 days. Gingrich promised that the Republican Party would continue to apply political pressure to the President to approve welfare legislation.^[17]

In 1996, after constructing two welfare reform bills that were vetoed by President Clinton,^[18] Gingrich and his supporters pushed for the passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), a bill aimed at substantially reconstructing the welfare system. Introduced by Rep. E. Clay Shaw, Jr., the act gave state governments more autonomy over welfare delivery, while also reducing the federal government's responsibilities.

It started the Temporary Assistance to Needy Families program, which placed time limits on welfare assistance and replaced the longstanding Aid to Families with Dependent Children program. Other changes to the welfare system included stricter conditions for food stamps eli-

gibility, reductions in immigrant welfare assistance, and recipient work requirements.^[19]

Gingrich and Clinton negotiated the legislation in private meetings. Previously, Clinton had quietly spoken with Senate Majority Whip Trent Lott for months about the bill, but a compromise on a more acceptable bill for the President could not be reached. Gingrich, on the other hand, gave accurate information about his party's vote counts and persuaded the more conservative members of the Republican Party to vote in favor of PRWORA.^[18]

President Clinton found the legislation more conservative than he would have preferred; however, having vetoed two earlier welfare proposals from the Republican-majority Congress, it was considered a political risk to veto a third bill during a campaign season with welfare reform as a central theme.^[18] As he signed the bill on August 22, 1996, Clinton stated that the act “gives us a chance we haven't had before to break the cycle of dependency that has existed for millions and millions of our fellow citizens, exiling them from the world of work. It gives structure, meaning and dignity to most of our lives.”^[20]

After the passage of the bill, Gingrich continued to press for welfare reform and increasing employment opportunities for welfare recipients. In his 1998 book *Lessons Learned the Hard Way*, Gingrich outlined a multi-step plan to improve economic opportunities for the poor. The plan called for encouraging volunteerism and spiritual renewal, placing more importance on families, creating tax incentives and reducing regulations for businesses in poor neighborhoods, and increasing property ownership for low-income families. Gingrich cited his volunteer work with Habitat for Humanity as an example of where he observed that it was more rewarding for people to be actively involved in improving their lives—by building their own homes—than by receiving welfare payments from the government.^[21]

3 Provisions



Overall decline in welfare monthly benefits (in 2006 dollars)^[22]

PRWORA proposed TANF as AFDC's replacement. The Congressional findings in PRWORA highlighted dependency, out-of-wedlock birth, and intergenerational poverty as the main contributors to a faulty system.^[23]

In instituting a **block grant** program, PRWORA granted states the ability to design their own systems, as long as states met a set of basic federal requirements. The bill's primary requirements and effects included the following:

- Ending welfare as an entitlement program;
- Requiring recipients to begin working after two years of receiving benefits;
- Placing a lifetime limit of five years on benefits paid by federal funds;
- Aiming to encourage two-parent families and discouraging out-of-wedlock births;
- Enhancing enforcement of child support; and
- Requiring state professional and occupational licenses to be withheld from undocumented immigrants.^[24]

In granting states wider latitude for designing their own programs, some states have decided to place additional requirements on recipients. Although the law placed a time limit for benefits supported by federal funds of no more than two consecutive years and no more than a collective total of five years over a lifetime, some states have enacted briefer limits. All states, however, allowed exceptions to avoid punishing children because their parents have gone over their respective time limits. Federal requirements have ensured some measure of uniformity across states, but the **block grant** approach has led individual states to distribute federal money in different ways. Certain states more actively encourage education; others use the money to help fund private enterprises helping job seekers.

The legislation also greatly limited funds available for unmarried parents under 18 and restricted any funding to all immigrants.^[3] Some state programs emphasized a shift towards work with names such as "Wisconsin Works" and "WorkFirst." Between 1997 and 2000, enormous numbers of the poor have left or been terminated from the program, with a national drop of 53% in total recipients.^[25]

According to the House Ways and Means Committee, “The major goal of Public Law 104–193 is to reduce the length of welfare spells by attacking dependency while simultaneously preserving the function of welfare as a safety net for families experiencing temporary financial problems.” A major prong in this effort was to improve child support collection rates in an effort to move single parent families off of the welfare rolls, and keep them off. According to the Conference Report. “It is the sense of the Senate that — (a) States should diligently continue their efforts to enforce child support payments by the non-custodial parent to the custodial parent, regardless of the employment status or location of the non-custodial parent”.

The reformed child support program attacks this problem by pursuing five major goals: automating many child support enforcement procedures; establishing uniform tracking procedures; strengthening interstate child support enforcement; requiring States to adopt stronger measures to establish paternity; and creating new and stronger enforcement tools to increase actual child support collections. The law envisions a child support system in which all States have similar child support laws, all States share information through the Federal child support office, mass processing of information is routine, and interstate cases are handled expeditiously. Section III (Child Support), Subtitle G (Enforcement of Child Support) contains 14 enforcement measures to improve the collection of child support, including potential denial or revocation of passports. One provision required the State Department to refuse or revoke passports for anyone who owed more than \$5,000 in child support. Those provisions were upheld in *Weinstein v. Albright* (2001), *Eunique v. Powell* (2002), *In re James K. Walker* (2002), *Dept of Revenue v. Nesbitt* (2008), *Risenhoover v. Washington* (2008), *Boracchini v. Jones* (2009), and *Dewald v. United States* (E.D. MI 2009).

4 Criticism

Frances Fox Piven said that the problem with AFDC was not a problem with the welfare system, but with low-wage work:

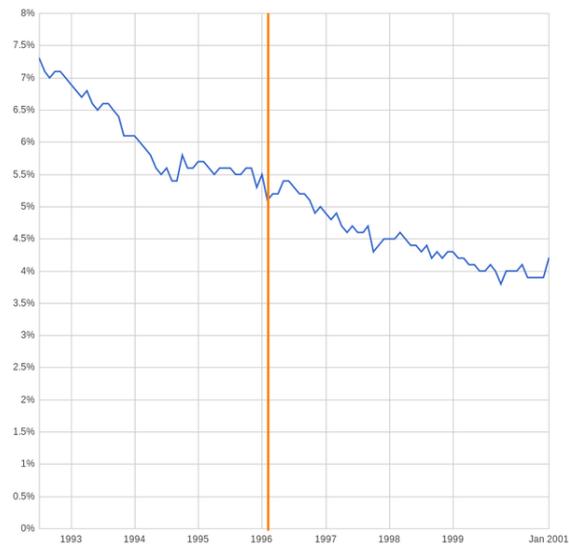
Logically, but not in the heated and vitriolic politics created by the attack on welfare, a concern with the relationship of welfare to dependency should have directed attention to the deteriorating conditions of the low-wage labor market. After all, if there were jobs that paid living wages, and if health care and child care were available, a great many women on AFDC would leap at the chance of a better income and a little social respect.^[26]

Three assistant secretaries at the Department of Health and Human Services, Mary Jo Bane, Peter B. Edelman, and Wendell E. Primus, resigned to protest the law.^[27] According to Edelman, the 1996 welfare reform law destroyed the safety net. It increased poverty, lowered income for single mothers, put people from welfare into homeless shelters, and left states free to eliminate welfare entirely. It moved mothers and children from welfare to work, but many of them are not making enough to survive. Many of them were pushed off welfare rolls because they didn't show up for an appointment, because they could not get to an appointment for lack of child care, said Edelman, or because they were not notified of the appointment.^{[28][29]}

Feminist critics, such as Barbara Ehrenreich, said that

PRWORA was motivated by racism and misogyny, using stereotypes of lazy, overweight, slovenly, sexually indulgent and “endlessly fecund” African-American welfare recipients. PRWORA assumed that out-of-wedlock births were “illegitimate” and that only a male could confer respectability on a child, said Ehrenreich. PRWORA dismissed the value of the unpaid work of raising a family, and insisted that mothers get paid work, “no matter how dangerous, abusive, or poorly paid”.^{[30][31]}

5 Consequences



Unemployment rate during the Clinton administration. The orange line indicates when PRWORA was signed.

Welfare and poverty rates both declined during the late 1990s, leading many commentators to declare that the legislation was a success. An editorial in *The New Republic* opined, “A broad consensus now holds that welfare reform was certainly not a disaster—and that it may, in fact, have worked much as its designers had hoped.”^[32]

Critics of the law argue that poverty in America increased from 1979 onward after Reagan’s presidential campaign criticized deficit spending^[33] and that the temporary large reduction in the number of people collecting welfare was largely a result of steady and strong economic growth in the years following enactment of the law.^[34] Political scientist Joe Soss questions the definition of success, asking whether “success”, as measured by caseload reduction, was merely a political construction for policy makers to easily claim credit in front of their constituencies. In analyzing the effects of welfare reform, he notes that caseload reduction is not very demanding, especially compared to improving material conditions in poor communities:

The TANF program does not offer benefits sufficient to lift recipients out of poverty,

and despite a strong economy, the majority of families who have moved off the TANF rolls have remained in poverty. Considerations of another traditional economic goal, reduction of inequality, only makes matters worse. Welfare reform has coincided with massive growth in income and wealth disparities; it has done little to slow the expansion of inequality and may have actually accelerated the trend. Has welfare reform created job opportunities for the poor? Has it promoted wages that allow low-wage workers to escape poverty? In both of these areas, the economic story remains the same: we have little evidence that reform has produced achievements that warrant the label of success.^[25]

Jason DeParle of the *New York Times*, after interviews with single mothers, said that they have been left without means to survive, and have turned to desperate and sometimes illegal ways to survive, including shoplifting, selling blood, scavenging trash bins, moving in with friends, and returning to violent partners.^[35]

Diana Spatz, executive director of *Lifetime*, a statewide organization of low-income parents in California, advocates for the repeal of PRWORA because it prevents women from doing what she did prior to its passage, earn her bachelor's degree while supported by welfare.^[36]

6 See also

- The 2008–present Great Recession in the United States
- Social programs in the United States
- Child support
- Illegal Immigration Reform and Immigrant Responsibility Act of 1996
- Welfare's effect on poverty

International:

- Self-Sufficiency Project

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8 Further reading

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9 External links

- Text of PRWORA (PDF from GPO)
- PRWORA Fact Sheet at HHS
- TANF Fact Sheet at HHS
- Welfare Reform: Searching for a Pattern of Efficiency (analysis of relationship between each state's block grant expenditures and their unemployment rates)
- Marlo Donald: The bizarre tale of a "fugitive felon." Repost of New Haven Advocate April 26, 2007 article
- MSNBC article

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