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April 21, 2022

## States Have Flexibility to Move TANF Work Programs in an Antiracist Direction

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Temporary Assistance for Needy Families (TANF) was billed by its supporters as an effort to improve cash assistance recipients' employment opportunities. Instead, it laid the foundation for states to perpetuate racist ideas that have dominated cash assistance programs since their inception.<sup>1</sup> Parents who receive cash assistance from TANF are required to participate in work programs that keep them in the same low-paying, unstable jobs that often led them to TANF, and if they can't meet TANF's requirements, they face having their cash benefits taken away.<sup>2</sup> But using existing flexibility, states *can and should* move their TANF work programs in an antiracist direction, aimed at respecting parents' choices, recognizing each family's strengths, treating families with dignity and respect, and investing in families to help them realize their full potential.

TANF's work requirements that focus on getting recipients into jobs as quickly as possible fuel occupational segregation that keeps women — especially Black women — stuck in low-paying jobs in sectors such as food service and child care.<sup>3</sup> (Some states support participation in vocational training programs to prepare recipients for quality jobs, but participants in these programs account for less than 5 percent of all participants in TANF work programs.<sup>4</sup>)

Additionally, TANF work programs are built on racist assumptions that Black women are lazy and need to be forced to work, continuing the historical practice of punishing Black women for not

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<sup>1</sup> For more on TANF's racist history, see Ife Floyd *et al.*, "TANF Policies Reflect Racist Legacy of Cash Assistance: Reimagined Program Should Center Black Mothers," CBPP, August 4, 2021, <https://www.cbpp.org/research/family-income-support/tanf-policies-reflect-racist-legacy-of-cash-assistance>.

<sup>2</sup> Ali Safawi and LaDonna Pavetti, "Most Parents Leaving TANF Work, But in Low-Paying, Unstable Jobs, Recent Studies Find," CBPP, November 19, 2020, <https://www.cbpp.org/research/family-income-support/most-parents-leaving-tanf-work-but-in-low-paying-unstable-jobs>.

<sup>3</sup> *Ibid*; Nina Banks, "Black women's labor market history reveals deep-seated race and gender discrimination," February 19, 2019, Economic Policy Institute, <https://www.epi.org/blog/black-womens-labor-market-history-reveals-deep-seated-race-and-gender-discrimination/>.

<sup>4</sup> Table 4B in Office of Family Assistance (OFA), Administration for Children and Families (ACF), Department of Health & Human Services (HHS), "Temporary Assistance for Needy Families (TANF) and Separate State Programs — Maintenance of Effort (SSP-MOE): Work Participation Rates and Engagement in Work Activities," 2020, <https://www.acf.hhs.gov/sites/default/files/documents/ofa/wpr2020table04b.pdf>.

complying with efforts to control their behavior.<sup>5</sup> These assumptions date back to enslavement and have shaped cash assistance programs for over a century. Studies show Black recipients are significantly more likely to have their benefits taken away for not meeting a work requirement than white recipients.<sup>6</sup> These racist policies deny all families, regardless of their race or ethnicity, the assistance they need to afford the basics, the opportunity to acquire the education and training they need to qualify for quality jobs, and the supports that TANF could provide to help them succeed on the path they choose.

States often point to federal law as constraining their ability to operate work programs that would improve recipients' long-term economic prospects.<sup>7</sup> But state — not federal — rules determine work requirements for *individual* TANF recipients, including which recipients to exempt from work requirements.<sup>8</sup> Federal law establishes work participation metrics, known as the work participation rate (WPR), that apply to *states*.<sup>9</sup> Although most states define what is expected of individual recipients to align with what is required for a recipient to “count” toward the WPR, federal law does not require them to do so. This distinction is important as it clarifies why states have considerable flexibility to operate work programs that would better affirm recipients' dignity and help them achieve economic mobility even with the WPR in place. States also have non-punitive options for meeting the WPR such as taking advantage of a caseload reduction credit and providing additional assistance to working families.

This paper — part of a series on TANF and race, which examines how racist and sexist attitudes toward Black women have helped shape the history and design of cash assistance<sup>10</sup> — presents policy recommendations to improve TANF that follow the “Black Women Best” (BWB) framework. This foundational economic framework, created by Janelle Jones, the first Black woman to serve as chief economist at the Department of Labor, argues “if Black women — who, since our nation's founding, have been among the most excluded and exploited by the rules that structure our society — can one day thrive in the economy, then it must finally be working for everyone.”<sup>11</sup>

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<sup>5</sup> Laura Meyer, Ife Floyd, and LaDonna Pavetti, “Ending Behavioral Requirements and Reproductive Control Measures Would Move TANF in an Antiracist Direction,” CBPP, February 23, 2022, <https://www.cbpp.org/research/family-income-support/ending-behavioral-requirements-and-reproductive-control-measures>.

<sup>6</sup> LaDonna Pavetti, “TANF Studies Show Work Requirement Proposals for Other Programs Would Harm Millions, Do Little to Increase Work,” November 13, 2018, <https://www.cbpp.org/research/family-income-support/tanf-studies-show-work-requirement-proposals-for-other-programs>.

<sup>7</sup> American Public Human Services Association, “Core Principles for TANF Modernization,” April 2021, <https://files.constantcontact.com/391325ca001/4251ff7a-5206-4cc3-8e3c-c360b320f9a6.pdf>.

<sup>8</sup> Congressional Research Service (CRS), “Temporary Assistance for Needy Families (TANF): Welfare Waivers,” June 4, 2013, <https://crsreports.congress.gov/product/pdf/R/R42627/16>.

<sup>9</sup> Liz Schott and LaDonna Pavetti, “Changes in TANF Work Requirements Could Make Them More Effective in Promoting Employment,” CBPP, February 26, 2013, <https://www.cbpp.org/research/family-income-support/changes-in-tanf-work-requirements-could-make-them-more-effective-in>.

<sup>10</sup> Floyd *et al.*, *op. cit.*

<sup>11</sup> Kendra Bozarth, Grace Western, and Janelle Jones, “Black Women Best: The Framework We Need for An Equitable Economy,” Roosevelt Institute and Groundwork Collaborative, September 2020, [https://rooseveltinstitute.org/wp-content/uploads/2020/09/RI\\_Black-Women-Best\\_IssueBrief-202009.pdf](https://rooseveltinstitute.org/wp-content/uploads/2020/09/RI_Black-Women-Best_IssueBrief-202009.pdf).

Using the BWB framework as a guide, states can move their TANF work programs in an antiracist direction based on the principles of: (1) making individual choice the hallmark of TANF work programs; (2) centering work programs on programs that promote opportunity and upward mobility; (3) recognizing the trauma that accompanies racism and living in poverty and affirming people's dignity; (4) providing resources and support to maximize success; and (5) ensuring equitable access to high-quality programs and services within the community. These principles are consistent with the framework recently presented by the American Public Human Services Association, a nonprofit, bipartisan membership organization that represents top-level human service leadership across the country.<sup>12</sup>

Using existing flexibility, we propose that states can reimagine TANF work programs through a BWB framework by:

- Decoupling the design and implementation of work programs from requirements to meet the WPR.
- Eliminating policies that take away all of a family's cash assistance for not meeting a work requirement and minimizing the use of all penalties.
- Maximizing the use of work exemptions to broaden choices and better meet participants' needs.
- Recognizing the diversity of needs and support the full range of activities that can prepare recipients for employment.
- Minimizing verification requirements for work activities and hours.

While states can minimize the negative impact of mandatory work requirements, we need federal action to ensure that all families can receive the cash assistance they need to make ends meet and are afforded the same opportunities as everyone else to improve their education and skills. Even if states take advantage of available flexibility, they still must operate within a system of federal rules and regulations that is built on and incentivizes racist ideas. Federal policymakers can support moving TANF work programs in an antiracist direction by making participating in work programs voluntary; prohibiting states from taking benefits away from recipients who are unable to meet a work requirement; eliminating the work participation rate; and rewarding states that offer programs that promote upward mobility.

## **TANF Work Requirements Grew out of a Long History of Racist Policy**

TANF's work requirements developed from a long history of social policy that began soon after the Civil War to recreate the economic exploitation of Black people endured during enslavement.<sup>13</sup> These policies, and the racist ideas used to justify them, developed in the Jim Crow South but they were not exclusive to that region. When federally funded cash assistance to families with children was established in 1935, it was built on a foundation of policy and ideas that has segregated Black

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<sup>12</sup> American Public Human Services Association, "Core Principles for TANF Modernization: A Legislative Framework for TANF Reform," March 2022, <https://files.constantcontact.com/391325ca001/905334d8-53b0-4cae-89a3-7892d31c11b4.pdf>.

<sup>13</sup> Floyd *et al.*, *op. cit.*; Elisa Minoff, "The Racist Roots of Work Requirements," Center for the Study of Social Policy, February 2020, <https://cssp.org/wp-content/uploads/2020/02/Racist-Roots-of-Work-Requirements-CSSP-1.pdf>.

women into low-wage, unstable, and often coercive occupations, devalued their role as mothers, and punished them for circumstances often beyond their control.

To secure support from the then-powerful Southern congressional bloc, two core New Deal programs designed to provide cash assistance to people in need, unemployment insurance and Old Age Insurance (now known as Social Security), explicitly excluded agricultural workers and domestic work, the two industries in which 90 percent of Black women worked.<sup>14</sup> While the Aid to Dependent Children (ADC) program (later renamed Aid to Families with Dependent Children, AFDC), TANF's predecessor, did not have the same occupational exclusions, state and local governments were given significant control over the program's administration. Southern states and localities used this control to deny Black families' access to ADC.<sup>15</sup> ADC officials also coerced Black parents to work with "farm policies" that lowered or cut off benefits during the harvest or planting seasons, even if no paying jobs were available. For example, Louisiana's 1943 policy denied assistance during the cotton-picking season to both newly applying families and those already receiving assistance. Nearly all of those denied because of the policy were Black.<sup>16</sup> In 1952, Georgia barred families with earnings from receiving ADC benefits to supplement those earnings; this and other new rules severely constrained growth in the number of Black families receiving ADC.<sup>17</sup>

The share of Black mothers receiving ADC began to grow in the 1940s and 1950s, as did the share of single mothers who were not widows.<sup>18</sup> As the caseload changed, so did the program's focus.<sup>19</sup> In 1956, Congress added promoting "self-sufficiency" — i.e., work — to ADC's mandate.<sup>20</sup> In the 1960s, liberal Democrats in the Kennedy and Johnson administrations tried to find a balance between requiring work and protecting single mothers' right to care for their children.<sup>21</sup> But Southern Democrats, emboldened by the growing negative media attention on AFDC,<sup>22</sup> favored a

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<sup>14</sup> Ellen Mutari, Marilyn Power, and Deborah M. Figart, "Neither Mothers Nor Breadwinners: African-American Women's Exclusion From US Minimum Wage Policies, 1912-1938," *Feminist Economics*, Vol. 8, No. 2, 2002, p. 39, <https://doi.org/10.1080/13545700210160988>; Jill Quadagno, *The Color of Welfare: How Racism Undermined the War on Poverty*, Oxford University Press, 1994, pp. 17-32.

<sup>15</sup> Winifred Bell, *Aid to Dependent Children*, Columbia University Press, 1965, p. 34.

<sup>16</sup> Bell, *op. cit.*, p. 46; Minoff, *op. cit.*

<sup>17</sup> Bell, *op. cit.*, pp. 81-83.

<sup>18</sup> Susan W. Blank and Barbara B. Blum, "A Brief History of Work Expectations for Welfare Mothers," *The Future of Children*, Vol. 7, No. 1, Spring 1997, <https://www.jstor.org/stable/1602575>.

<sup>19</sup> *Ibid.*

<sup>20</sup> Gene Falk, "The Temporary Assistance for Needy Families (TANF) Block Grant: A Legislative History," CRS, updated July 21, 2020, <https://fas.org/sgp/crs/misc/R44668.pdf>.

<sup>21</sup> President Kennedy made two attempts at compromise: 1) creating the AFDC-Unemployed Parent (AFDC-UP) program, which allowed married couples with unemployed fathers to qualify for aid so long as the father entered work training; and 2) expanding psychosocial counseling and social services aimed at rehabilitating mothers. Neither initiative persuaded Southern Democrats that stricter work requirements weren't needed, in part because they failed to lower the caseload. States had the option to implement these new policies, but no Southern states did so by the end of the decade. Years later, the federal government mandated that states create AFDC-UP programs. Eva Bertram, "Democratic Divisions in the 1960s and the Road to Welfare Reform," *Political Science Quarterly*, Vol. 126, No. 4, Winter 2011-12.

<sup>22</sup> Premilla Nadasen, Jennifer Mittelstadt, and Marisa Chappell, *Welfare in the United States: A History with Documents, 1935-1996*, Routledge, 2009, pp. 46-47.

broader work focus for AFDC recipients. In 1967, Democratic Representative Wilbur Mills of Arkansas pushed through Congress his Work Incentive Program (WIN), which required states to establish work programs for AFDC recipients and allowed recipients to earn income without losing their benefits on a dollar-for-dollar basis. WIN was originally mandatory for fathers receiving AFDC (of whom there were very few) and states could choose to make the program voluntary or optional for mothers.<sup>23</sup> This marked the emergence of federally mandated work programs that were not focused on helping ADC recipients find quality work that could support a dignified life for their family or on allowing mothers to choose to focus on doing the work of raising their children. Instead, these policies assumed that recipients needed to be compelled to work and their implementation furthered occupational segregation, devalued motherhood, and punished Black women for the faults of structural racism.<sup>24</sup>

In 1971, Senator Herman Talmadge of Georgia successfully sponsored an amendment to expand mandatory WIN participation to mothers. *All* AFDC recipients with no children under 6 were required to register for work programs or face benefit reductions or termination from the program.<sup>25</sup> Both Mills and Talmadge were known segregationists.<sup>26</sup>

The National Welfare Rights Organization — a movement of mostly Black and other mothers of color who received AFDC benefits — opposed WIN because they believed it would further coerce them to work in extremely low-wage jobs for exploitative white employers. They also wanted to be able to choose whether to participate in the labor market or to do the work of raising a family.<sup>27</sup> The organization’s concerns about WIN proved well-founded. The program upheld occupational segregation by making work, often in the form of domestic jobs serving white people, necessary for Black families to be able to meet their basic needs.<sup>28</sup> A 1977 study found that WIN did not improve AFDC families’ circumstances and attributed its failure to labor market barriers, not lack of work ethic.<sup>29</sup>

The social and economic tumult of the 1960s and 1970s precipitated a racist backlash, and Black women receiving AFDC were a primary target. During his unsuccessful run for the presidency in 1976, Ronald Reagan introduced the racist — and highly inaccurate — trope of the “welfare

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<sup>23</sup> Gene Falk, “Temporary Assistance for Needy Families (TANF): Welfare-to-Work Revisited,” CRS, October 2, 2012, <https://crsreports.congress.gov/product/pdf/R/R42767/8>.

<sup>24</sup> Minoff, *op. cit.*

<sup>25</sup> Minoff, *op. cit.*; Office for Human Services Policy, Office of Assistance Secretary for Planning and Evaluation (ASPE), U.S. Department of Health and Human Services (HHS), “A Brief History of the AFDC Program,” <https://aspe.hhs.gov/system/files/pdf/167036/1history.pdf>

<sup>26</sup> Bertram, *op. cit.*; “Herman Talmadge (1913-2002),” New Georgia Encyclopedia, August 14, 2020, <https://www.georgiaencyclopedia.org/articles/government-politics/herman-talmadge-1913-2002>.

<sup>27</sup> Minoff, *op. cit.*

<sup>28</sup> *Ibid.*

<sup>29</sup> Leonard Goodwin, “What Has Been Learned from the Work Incentive Program and Related Experiences: A Review on Research with Policy Implications. Final Report,” National Technical Information Service, 1977, <https://files.eric.ed.gov/fulltext/ED136011.pdf>.

queen.”<sup>30</sup> After Reagan’s victory in 1980, the Omnibus Reconciliation Bill (OBRA) of 1981 allowed states to create WIN demonstration programs, which focused primarily on getting participants into jobs quickly through low-cost job search.<sup>31</sup> This “work first” approach, which continues in most states’ TANF programs today, furthers occupational segregation by keeping recipients in the low-wage, unstable jobs to which Black women have always been relegated. OBRA also made severe funding cuts to AFDC, including curtailing the earned income disregard meant to incentivize work. Many working AFDC mothers were cut off due to this change.<sup>32</sup>

Racist ideas about low-income Black people figured prominently in proposals to extend work requirements and impose harsher penalties. Claiming that a “culture of poverty” existed in cities, whose supply of jobs deindustrialization had decimated, conservative intellectuals like Lawrence Mead and Charles Murray argued for policies to coerce low-income Black people to work, regardless of the quality or compensation of the work available to them.<sup>33</sup> The work of Mead, Murray, and others greatly influenced social policy in the 1980s and 1990s and was a driving force behind the decline and eventual termination of AFDC.

While politicians, academics, and the media were debating the perceived behavioral causes of the “welfare crisis,” the economy was changing in ways that made it harder for Black families to maintain economic stability. During the 1980s, people of color with low incomes were likelier to face increased income volatility and to be between jobs.<sup>34</sup> Black women were overrepresented in lower-paying service jobs<sup>35</sup> and were frequently among the last to recover from recessions, including those of the early 1980s and early 1990s.<sup>36</sup> Also, new crime laws and mass incarceration targeted Black people, further destabilizing Black families and communities throughout the 1980s and 1990s.<sup>37</sup> These forces combined with long-standing and persistent inequities, such as in housing and

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<sup>30</sup> “‘Welfare Queen’ Becomes Issue in Reagan Campaign,” *New York Times*, Reprinted from *Washington Star*, February 14, 1976, [https://timesmachine.nytimes.com/timesmachine/1976/02/15/113445299.pdf?pdf\\_redirect=true&ip=0](https://timesmachine.nytimes.com/timesmachine/1976/02/15/113445299.pdf?pdf_redirect=true&ip=0).

<sup>31</sup> General Accounting Office, “Work and Welfare: Current AFDC Work Programs and Implications for Federal Policy,” January 29, 1987.

<sup>32</sup> Falk, 2020, *op. cit.*

<sup>33</sup> Paul Gorski, “The Myth of the Culture of Poverty,” from *On Poverty and Learning*, <https://www.researchgate.net/publication/228620924>; Nadasen *et. al.*, pp. 70-71.

<sup>34</sup> Bradley L. Hardy, “Income Instability and the Response of the Safety Net,” *Contemporary Economic Policy*, Vol. 35, No. 2, 2017; David A. Jaeger and Ann Huff Stevens, “Is Job Stability in the United States Falling? Reconciling Trends in the Current Population Survey and Panel Study of Income Dynamics,” National Bureau of Economic Research Working Paper 6650, 1998, [https://www.nber.org/system/files/working\\_papers/w6650/w6650.pdf](https://www.nber.org/system/files/working_papers/w6650/w6650.pdf).

<sup>35</sup> Banks, *op. cit.*; Martina Hund-Mejean and Marcela Escobari, “Our employment system has failed low-wage workers. How can we rebuild?” Brookings, April 28, 2020, <https://www.brookings.edu/blog/up-front/2020/04/28/our-employment-system-is-failing-low-wage-workers-how-do-we-make-it-more-resilient/>.

<sup>36</sup> Janelle Jones, “Black Women Best,” Data for Progress, July 15, 2020, <https://www.dataforprogress.org/blog/2020/7/15/black-women-best>.

<sup>37</sup> Michael Dotsey, Shigeru Fujita, and Leena Rudanko, “Where Is Everybody? The Shrinking Labor Force Participation Rate,” Federal Reserve Bank of Philadelphia Research Department, 2017, [https://www.philadelphiafed.org/-/media/frbp/assets/economy/articles/economic-insights/2017/q4/eiq4\\_where-is-everybody.pdf](https://www.philadelphiafed.org/-/media/frbp/assets/economy/articles/economic-insights/2017/q4/eiq4_where-is-everybody.pdf); Bruce Western and Becky Pettit, “Collateral Costs: Incarceration’s Effect on Economic Mobility,” Pew Charitable Trusts, 2010, [https://www.pewtrusts.org/~/media/legacy/uploadedfiles/pcs\\_assets/2010/collateralcosts1.pdf](https://www.pewtrusts.org/~/media/legacy/uploadedfiles/pcs_assets/2010/collateralcosts1.pdf).

education, reinforced structural racism. The turn of AFDC toward more punitive work-related policies and the eventual creation of TANF disregarded these realities.

In 1988, Congress passed the Family Support Act (FSA), which replaced WIN with the Job Opportunity and Basic Skills (JOBS) training program. The intent of JOBS was to shift the focus of AFDC work programs toward education and training by requiring states to provide such services. The FSA also provided critical supports, namely transitional child care and Medicaid coverage, to families leaving AFDC for work to help smooth their transition from assistance.<sup>38</sup>

While the FSA made some positive changes, JOBS doubled down on punishing recipients by requiring non-exempt parents without children younger than 3 (a stricter requirement than WIN) to engage in work, education, or training under threat of sanction.<sup>39</sup> By expanding a work requirement to more parents, JOBS further devalued motherhood as a viable and valuable occupation that women could hold in lieu of working outside the home, a bias that was also prevalent in the public discourse surrounding AFDC at the time.<sup>40</sup> Shortly after the FSA was enacted, states entered the early 1990s recession and were unable or unwilling to allocate the required amount of state matching funds in order to draw down federal JOBS funds, and the program was never fully implemented as Congress intended.

In the early 1990s, the AFDC caseload grew after a decade of relative stagnation.<sup>41</sup> The George H.W. Bush Administration began encouraging states to submit waivers that would give states the freedom to change their programs, including establishing stricter work requirements than national policy.<sup>42</sup> President Bill Clinton took office in 1992, having made the promise of “ending welfare [AFDC] as we know it” a central part of his presidential campaign.<sup>43</sup> His administration continued encouraging states to submit waivers, approving those submitted by some 43 states and D.C.<sup>44</sup> States made changes to eligibility rules that made participation in JOBS mandatory for more recipients and implemented the first “full-family” sanctions that took all cash assistance away from families when a parent was unable to demonstrate compliance with a work requirement. Some states also used waivers to provide a more generous earned income disregard.<sup>45</sup>

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<sup>38</sup> Falk, 2020, *op. cit.*

<sup>39</sup> ASPE, *op. cit.*

<sup>40</sup> Lucy A. Williams, “Race, Rat Bites, and Unfit Mothers: How Media Discourse Informs Welfare Legislation Debate,” *Fordham Urban Law Journal*, Vol. 22, No. 4, 2011, <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1440&context=ulj>.

<sup>41</sup> Falk, 2020, *op. cit.*

<sup>42</sup> Michael Wiseman, “Welfare reform in the states: The Bush legacy,” Institute for Research on Poverty, University of Wisconsin, <https://irp.wisc.edu/publications/focus/pdfs/foc151b.pdf>.

<sup>43</sup> See 1992 campaign ad by then-candidate Bill Clinton on “The Clinton Plan: Welfare to Work,” [https://www.washingtonpost.com/video/politics/bill-clinton-in-1992-ad-a-plan-to-end-welfare-as-we-know-it/2016/08/30/9e6350f8-6ee0-11e6-993f-73c693a89820\\_video.html](https://www.washingtonpost.com/video/politics/bill-clinton-in-1992-ad-a-plan-to-end-welfare-as-we-know-it/2016/08/30/9e6350f8-6ee0-11e6-993f-73c693a89820_video.html).

<sup>44</sup> Carol Harvey, Michael J. Camasso, and Radha Jagannathan, “Evaluating Welfare Reform Waivers Under Section 1115,” *Journal of Economic Perspectives*, Vol. 14, No. 4, Fall 2000, pp. 165-188, <https://pubs.acaweb.org/doi/pdf/10.1257/jep.14.4.165>.

<sup>45</sup> *Ibid.*

In 1994, Republicans would also use the campaign pledge of “welfare reform,” and the racist ideas about Black poverty that came with it, to win back control of Congress.<sup>46</sup> Racialized rhetoric about AFDC recipients continued to be used by both parties. When President Clinton signed the 1996 bill that created TANF, flanked by several Black women, he did not acknowledge the structural issues that had limited Black women’s employment opportunities but instead reinforced the racist ideas that led to the bill: the law “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.”<sup>47</sup>

The 1996 law laid the foundation for the focus on work that drives the design and structure of TANF work programs today; changes when TANF was reauthorized in 2006 made the work participation rate that states were required to meet harsher. States responded to the original 1996 legislation and to subsequent changes by implementing policies that focus on controlling recipients’ behavior. These policies include requiring work as a condition of eligibility, using harsh punishment to enforce work requirements, and reinforcing occupational segregation by prioritizing immediate job placement over participation in education or training programs. In fact, 32 states and the District of Columbia limit the number of hours of education participants can count toward work requirements, often to just ten hours per week.<sup>48</sup>

Since states adopted these harsher policies, many have seen significant declines in the number of families in poverty that TANF reaches. The TANF-to-poverty ratio, defined as how many out of every 100 families in poverty received TANF, dropped by 10 or more points in 25 states between 2006 and 2020; in 14 of those states, it dropped by 20 points or more. (See Figure 1.) Other factors contributing to these stark declines include adoption of more restrictive policies as part of a broader attack on economic security programs and policy changes to restrict access and reduce costs during the Great Recession of 2007-2009.<sup>49</sup>

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<sup>46</sup> Minoff, *op. cit.*; Edward J. Rymysz, “The Contract With America: The Crystallization of the GOP’s Racial Agenda,” *New York City Law Review*, Vol. 1, 1996, <https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1004&context=clr>.

<sup>47</sup> Andrew Glass, “Clinton signs ‘Welfare to Work’ bill, Aug. 22, 1996,” *Politico*, August 22, 2018, <https://www.politico.com/story/2018/08/22/clinton-signs-welfare-to-work-bill-aug-22-1996-790321>.

<sup>48</sup> Table III.B.2 in “Welfare Rules Databook: State TANF Policies as of July 2019,” Urban Institute, OPRE Report 2020-141, [https://wrd.urban.org/wrd/Data/databooks/2019%20Welfare%20Rules%20Databook%20\(final%2010%2019%202020\).pdf](https://wrd.urban.org/wrd/Data/databooks/2019%20Welfare%20Rules%20Databook%20(final%2010%2019%202020).pdf).

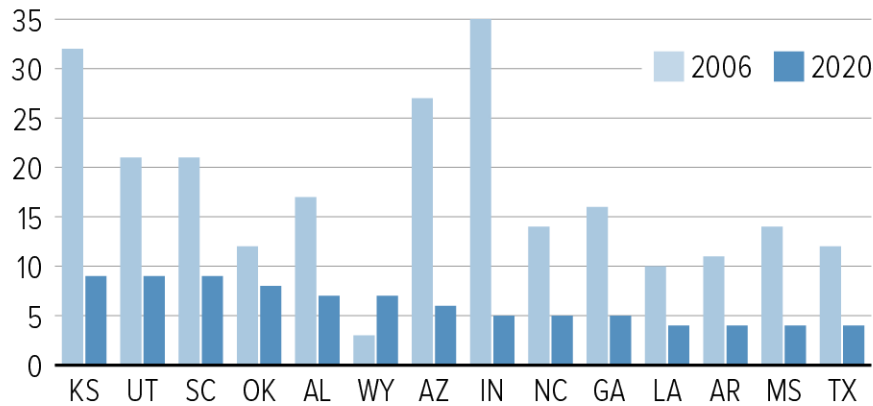
<sup>49</sup> Aditi Shrivastava and Gina Azito Thompson, “TANF Cash Assistance Should Reach Millions More Families to Lessen Hardship,” CBPP, updated February 18, 2022, <https://www.cbpp.org/research/family-income-support/tanf-cash-assistance-should-reach-millions-more-families-to-lessen>.



FIGURE 1

## TANF Serves Hardly Any Families Living in Poverty in Some States

Fourteen states had TANF-to-poverty ratios of 10 or less in 2020



Note: TANF = Temporary Assistance for Needy Families. TANF-to-poverty ratio measures the number of families receiving TANF benefits for every 100 families with children in poverty. Figures reflect two-year averages of families in poverty for 2005-06 and 2019-20.

Source: CBPP analysis of poverty data from the Current Population Survey and TANF caseload data from Department of Health and Human Services and (since September 2006) caseload data collected by CBPP from state agencies

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While the creation of TANF represented a significant shift in U.S. cash assistance policy, lawmakers did not address the problems that plagued previous attempts to connect more recipients to work. WIN and JOBS never received the funding they needed to be fully implemented.<sup>50</sup> While the logic under TANF was that, as more families moved from cash assistance to work, states could redirect funding toward work-related programs and child care, such investments never occurred at an adequate level. States raised their spending on work-related programs and child care somewhat in TANF’s early years, but this spending has remained flat or fallen even in nominal dollars for more than a decade.<sup>51</sup>

Today, TANF work programs serve few participants and continue the focus on “work first” that aims to place recipients in jobs as quickly as possible. This furthers the occupational segregation of recipients, a majority of whom are Black or Latina, into low-quality jobs<sup>52</sup> and continues to punish them through harsh sanctions.<sup>53</sup>

<sup>50</sup> Blank and Blum, *op. cit.*

<sup>51</sup> Diana Azevedo-McCaffrey and Ali Safawi, “To Promote Equity, States Should Invest More TANF Dollars in Basic Assistance,” CBPP, updated January 12, 2022, <https://www.cbpp.org/research/family-income-support/to-promote-equity-states-should-invest-more-tanf-dollars-in-basic>.

<sup>52</sup> Safawi and Pavetti, *op. cit.*

<sup>53</sup> Pavetti, *op. cit.*

## TANF Work Programs Contribute to Racial Inequities

TANF's focus on mandatory work requirements with an emphasis on immediate job placement reinforces the racist stereotype that parents receiving assistance, who are disproportionately people of color, do not work and do not wish to work and will only do so if coerced.<sup>54</sup> This stereotype persists even though data show that Black women have consistently maintained the highest levels of labor market participation regardless of age, marital status, and presence of children in the home when compared to other women in the United States.<sup>55</sup>

TANF work programs largely ignore the fact that many TANF recipients working or seeking work face structural barriers and discrimination that makes finding stable, high-paying employment — or any employment at all — challenging. The widespread racial discrimination<sup>56</sup> that many recipients face forces them into low-paying and unstable jobs,<sup>57</sup> and there is evidence that racial discrimination may lead employers to be less likely to hire Black TANF recipients than their white counterparts.<sup>58</sup> Programs often also ignore the fact that most recipients have worked and will work again, and without new opportunities will return to the same unstable, low-paid jobs that led them to need TANF.

These racial inequities are compounded by persistent barriers to women's employment. Women of color are typically paid less than white women and men,<sup>59</sup> women with the same education level and years of experience as men are more likely to work in lower-paying fields,<sup>60</sup> and Black women

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<sup>54</sup> Floyd *et al.*, *op. cit.*

<sup>55</sup> Banks, *op. cit.*

<sup>56</sup> Lincoln Quillian *et al.*, "Meta-analysis of field experiments shows no change in racial discrimination in hiring over time," *Proceedings of the National Academy of Sciences of the United States of America*, October 10, 2017, Vol. 114, No. 41, <https://www.pnas.org/content/114/41/10870/tab-article-info>.

<sup>57</sup> Danyelle Solomon, Connor Maxwell, and Abril Castro, "Systematic Inequality and Economic Opportunity," Center for American Progress, August 7, 2019, <https://www.americanprogress.org/issues/race/reports/2019/08/07/472910/systematic-inequality-economic-opportunity/>.

<sup>58</sup> Marla McDaniel *et al.*, "Identifying Racial and Ethnic Disparities in Human Services: A Conceptual Framework and Literature Review," Urban Institute for Office of Planning, Research, and Evaluation, Administration for Children and Families, Department of Health and Human Services, November 2017, [https://www.urban.org/sites/default/files/publication/94986/identifying-racial-and-ethnic-disparities-in-human-services\\_1.pdf](https://www.urban.org/sites/default/files/publication/94986/identifying-racial-and-ethnic-disparities-in-human-services_1.pdf).

<sup>59</sup> National Partnership for Women & Families, "Quantifying America's Gender Wage Gap by Race/Ethnicity," September 2020, <https://www.nationalpartnership.org/our-work/resources/economic-justice/fair-pay/quantifying-americas-gender-wage-gap.pdf>.

<sup>60</sup> Washington Center for Equitable Growth, "Fact sheet: Occupational segregation in the United States," October 3, 2017, <https://equitablegrowth.org/fact-sheet-occupational-segregation-in-the-united-states/>; Will McGrew, "How workplace segregation fosters wage discrimination for African American women," Washington Center for Equitable Growth, August 28, 2018, <https://equitablegrowth.org/how-workplace-segregation-fosters-wage-discrimination-for-african-american-women/>; Kate Bahn and Will McGrew, "The intersectional wage gaps faced by Latina women in the United States," Washington Center for Equitable Growth, November 1, 2018, <https://equitablegrowth.org/the-intersectional-wage-gaps-faced-by-latina-women-in-the-united-states/>.

face the highest rates of workplace harassment.<sup>61</sup> Black and Latina women are concentrated in the low-paying, inflexible service occupations that were devastated by the COVID-19 pandemic<sup>62</sup> and they are less likely than white women to have access to employer-sponsored health insurance and paid leave.<sup>63</sup> Over a third (36 percent) of Black women workers lack paid sick leave.<sup>64</sup> Black workers are also less likely to receive unemployment insurance, despite being more likely to be jobless.<sup>65</sup>

Because TANF work programs ignore these realities, they have done very little to improve participants' employment and earnings — and in fact have increased deep poverty, especially for Black and Latinx families.<sup>66</sup> A recent review of studies examining the work experiences of recipients leaving TANF in nine states between 2007 and 2019 found that recipients who leave TANF for work end up in jobs characterized by periods of joblessness and below-poverty incomes. Many recipients with the most limited job prospects never find employment.<sup>67</sup> Studies that looked at the sectors in which parent leavers were employed found that most who found work took jobs in low-paying sectors such as food service and child care.<sup>68</sup>

Recent studies also find that most leavers who had earnings in their first year after leaving TANF earned wages too low to lift their family above the poverty line. Most parents worked before and after leaving TANF, but in unstable jobs where they often did not earn enough to escape deep poverty (defined as less than half of the poverty line). In Kansas, 7 in 10 parents worked in the year after they left TANF, but only half of those workers earned wages that kept them above deep

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<sup>61</sup> Amanda Rossie, Jasmine Tucker, and Kayla Patrick, “Out of the Shadows: An Analysis of Sexual Harassment Charges Filed by Working Women,” National Women’s Law Center, August 2, 2018, <https://nwlc.org/resources/out-of-the-shadows-an-analysis-of-sexual-harassment-charges-filed-by-working-women/>; National Partnership for Women & Families, “By the Numbers: Women Continue to Face Pregnancy Discrimination in the Workplace: An Analysis of U.S. Equal Employment Opportunity Commission Charges (Fiscal Years 2011 – 2015),” October 2016, <https://www.nationalpartnership.org/our-work/resources/economic-justice/pregnancy-discrimination/by-the-numbers-women-continue-to-face-pregnancy-discrimination-in-the-workplace.pdf>.

<sup>62</sup> Jocelyn Frye, “On the Frontlines at Work and at Home: The Disproportionate Economic Effects of the Coronavirus Pandemic on Women of Color,” Center for American Progress, (CAP) April 23, 2020, <https://www.americanprogress.org/issues/women/reports/2020/04/23/483846/frontlines-work-home/>.

<sup>63</sup> Kaiser Family Foundation, “Women’s Health Insurance Coverage,” January 12, 2021, <https://www.kff.org/womens-health-policy/fact-sheet/womens-health-insurance-coverage/>; Pronita Gupta *et al.*, “Paid Family and Medical Leave is Critical for Low-wage Workers and Their Families,” Center for Law and Social Policy (CLASP), December 19, 2018, <https://www.clasp.org/publications/fact-sheet/paid-family-and-medical-leave-critical-low-wage-workers-and-their-families>.

<sup>64</sup> Banks, *op. cit.*

<sup>65</sup> Ava Kofman and Hannah Fresgues, “Black Workers Are More Likely to Be Unemployed but Less Likely to Get Unemployment Benefits,” Pro Publica, August 24, 2020, <https://www.propublica.org/article/black-workers-are-more-likely-to-be-unemployed-but-less-likely-to-get-unemployment-benefits>.

<sup>66</sup> Danilo Trisi and Matt Saenz, “Deep Poverty Among Children Rose in TANF’s First Decade, Then Fell as Other Programs Strengthened,” CBPP, February 27, 2020, <https://www.cbpp.org/research/poverty-and-inequality/deep-poverty-among-children-rose-in-tanfs-first-decade-then-fell-as>.

<sup>67</sup> Safawi and Pavetti, *op. cit.*

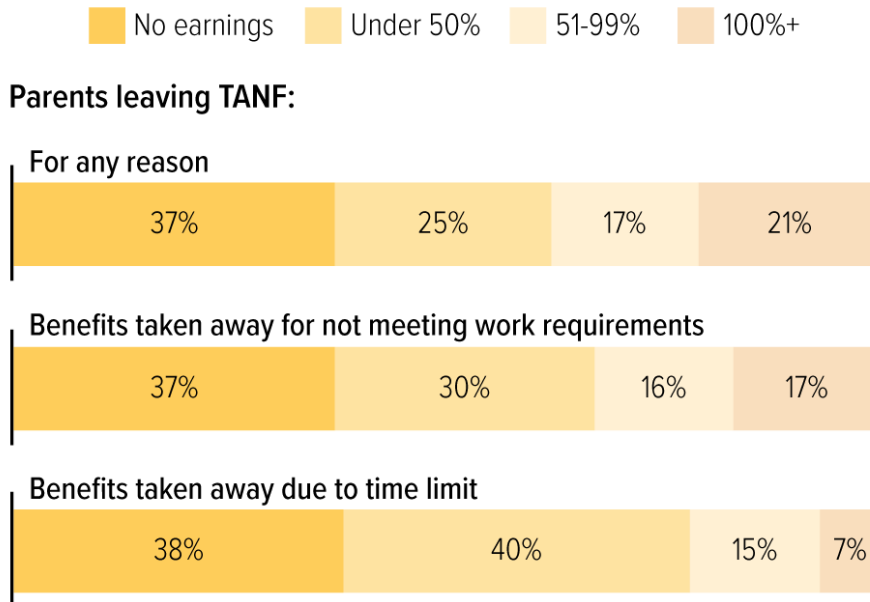
<sup>68</sup> See e.g. Rebecca McColl and Letita Logan Passarella, “Life After Welfare: 2019 Annual Update,” Ruth H. Young Center for Families and Children, University of Maryland School of Social Work, 2019, <https://www.ssw.umaryland.edu/media/ssw/fwrtg/welfare-research/life-after-welfare/life2019.pdf>.

poverty.<sup>69</sup> Additionally, most Kansas leavers had no or very low earnings four years later. Parents whose TANF benefits were taken away because of work requirements or time limits fared even worse. (See Figure 2.)

FIGURE 2

## In Kansas, Most Parents Below Half of Poverty Line Four Years After Leaving TANF

Annual earnings as share of federal poverty line



Note: TANF = Temporary Assistance for Needy Families. Data are for those who left TANF in 2012. Earnings adjusted to 2016 dollars. The federal poverty line in 2016 was \$20,160 for a family of three.

Source: Mitchell, Pavetti, and Huang, “Life After TANF In Kansas: For Most, Unsteady Work and Earnings Below Half the Poverty Line,” CBPP, 2018

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But these outcomes are not a given. As described below, states can use existing flexibility to help recipients obtain the skills they need to qualify for quality jobs or to identify quality jobs that build on their existing experience and skills.<sup>70</sup>

<sup>69</sup> Tazra Mitchell, LaDonna Pavetti, and Yixuan Huang, “Life After TANF in Kansas: For Most, Unsteady Work and Earnings Below Half the Poverty Line,” CBPP, updated February 20, 2018, <https://www.cbpp.org/research/family-income-support/life-after-tanf-in-kansas-for-most-unsteady-work-and-earnings-below>.

<sup>70</sup> Rework America Alliance, “Unlocking experience-based job progressions for millions of workers,” June 2021, <https://www.markle.org/sites/default/files/Unlocking-Job-Progressions-Full-Report.pdf>.

## States Disproportionately Impose Penalties on Black Recipients

The structural barriers to employment that recipients face, along with additional personal and family challenges, make complying with state TANF rules difficult.<sup>71</sup> Research consistently shows that Black families are more likely than white families to have their benefits taken away for not being able to demonstrate compliance with a work requirement (i.e., to be sanctioned).<sup>72</sup> In addition, some studies show disproportionate sanctioning of Latinx and American Indian families, compared to white families.<sup>73</sup>

Researchers using fictitious case examples to examine racial bias found that, all else being equal, caseworkers were much more likely to take benefits away from Black mothers with previous sanctions than white mothers with previous sanctions.<sup>74</sup> Nearly half of states impose full-family sanctions as the initial punishment for non-compliance with work requirements (see Figure 3), and states with higher concentrations of Black residents have a higher likelihood of doing so.<sup>75</sup>

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<sup>71</sup> Dan Bloom, Pamela J. Loprest, and Sheila R. Zedlewski, “TANF Recipients with Barriers to Employment,” Urban Institute, August 2011, <https://www.urban.org/sites/default/files/publication/25396/412567-TANF-Recipients-with-Barriers-to-Employment.PDF>.

<sup>72</sup> Marla McDaniel *et al.*, *op. cit.*; LaDonna Pavetti, Michelle K. Derr, and Heather Hesketh, “Review of Sanction Policies and Research Studies,” Mathematica Policy Research, March 10, 2003, <https://www.mathematica.org/our-publications-and-findings/publications/review-of-sanction-policies-and-research-studies-final-literature-review>.

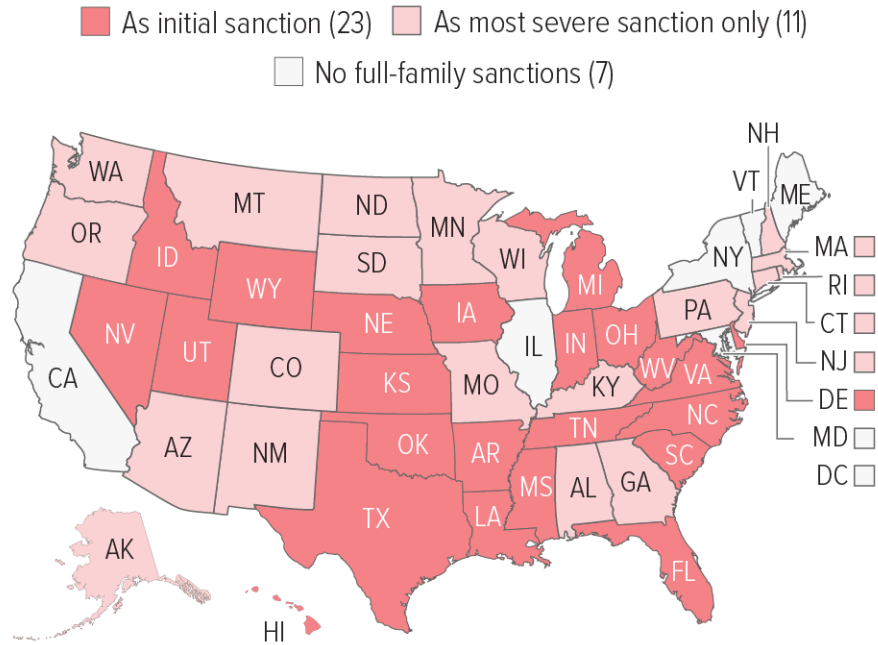
<sup>73</sup> Marla McDaniel *et al.*, *op. cit.*; Lynda McDonnell, “Seven Years of Welfare Reform — Weighing the Results: A Summary of Research Findings on the Minnesota Family Investment Program,” Center for Urban and Regional Affairs and the Center for Advanced Studies in Child Welfare, University of Minnesota, December 2004, <https://files.eric.ed.gov/fulltext/ED485767.pdf>.

<sup>74</sup> Sanford F. Schram *et al.*, “Deciding to Discipline: Race, Choice, and Punishment on the Frontlines of Welfare Reform,” *American Sociological Review*, January 2009, <https://www.jstor.org/stable/27736070>.

<sup>75</sup> Joe Soss *et al.*, “Setting the Terms of Relief: Explaining State Policy Choices in the Devolution Revolution,” *American Journal of Political Science*, Vol. 45, No. 2, Apr. 2001, <http://urban.hunter.cuny.edu/~schram/ssvosettingthetermsofrelief.pdf>; Heather Hahn *et al.*, “Why Does Cash Welfare Depend on Where You Live? How and Why State TANF Programs Vary,” Urban Institute, June 5, 2017, <https://www.urban.org/research/publication/why-does-cash-welfare-depend-where-you-live>.

FIGURE 3

## Most States Take Away Whole Family's TANF Benefits for Non-Compliance With Work Requirements



Note: TANF = Temporary Assistance for Needy Families.  
Source: CBPP state legislation tracking; Urban Institute Welfare Rules Database

## Outdated, Racist Work Policies Influence the Design of TANF Work Programs

Under the TANF law, states must:

- **Meet the work participation rate (WPR).** A state's work participation rate measures the share of work-eligible recipients that participate in work activities as defined in federal law. Each year, states are required to meet a WPR for all families and a separate rate for two-parent families. Both are adjusted for the reduction in their caseload, after accounting for any eligibility changes. A state that fails to meet the rate can be subject to a fiscal penalty, up to 21 percent of its block grant. Federal law is prescriptive about the hours and activities in which recipients must be engaged to be counted in the WPR calculation as well as procedures states must follow to document their participation. Many states have an adjusted WPR of zero; therefore, the threat of a fiscal penalty is largely nonexistent.
- **Engage parents in work (as defined by the state).** States are expected to engage recipients in work within 24 months of their participation in TANF, but it is up to the state to decide what constitutes being engaged in work. A state's definition of what it means to be engaged in work does not have to follow the federal rules for activities and hours that determine whether a family is counted as engaged in work for purposes of the WPR calculation. For example, a state could define participating in mental health treatment or other work readiness activities as engaged in work. It also does not have to include a specific number of hours or include all families that are included in the WPR calculation. There is no penalty to the state if it does not meet this requirement.
- **Reduce benefits for families with a member who refuses to comply with work requirements.** States are required to impose a financial penalty (i.e., a sanction) when a family member "refuses" to comply with work requirements as defined by the state without "good cause." States determine the penalty amount and duration, including whether benefits are taken away from the family member who has not met the requirement, or the entire family, including the children in the family. They also determine when to impose the penalty and define what constitutes "good cause." A state that does not implement this requirement can face a penalty of between 1 and 5 percent of its block grant.
- **Conduct an employability assessment.** States are expected to assess a recipient's skills, work experience and employability within 90 days of participating in TANF. Some states use these assessments to develop an individualized service plan for recipients, but they are not required to do so. There is no penalty to the state if they do not meet this requirement.

## Using State Flexibility to Move TANF Work Programs in an Antiracist Direction

Conditioning benefits on participation in mandatory work programs is one of TANF's most racially driven policies, one that started with enslavement and continued with coerced labor practices that continued long beyond emancipation. TANF work programs do not have to continue this legacy. Work programs that promote racial equity would recognize each family's strengths and focus

on investing in families to help them realize their full potential and acknowledge the systemic barriers faced by Black and other people of color. Effective programs would also recognize each family's strengths, treat them with dignity and respect, and focus on investing in families to help them realize their full potential.

Two years into the COVID-19 pandemic and its unprecedented labor market disruptions, Black and Latina women's employment rates have recovered more slowly and continue to lag behind white women and men.<sup>76</sup> Therefore, Black and Latina women, who make up the majority of adult TANF recipients, likely will need more support from work programs to recover from the pandemic.

### **Principles to Guide an Antiracist Approach to TANF Work Programs**

States can begin with the following principles to build an antiracist approach to work programs:

- **Make individual choice the hallmark of TANF work programs.** Moving TANF work programs in an antiracist direction means replacing restrictive and prescriptive requirements based on long-held stereotypes with options that respond to parents' aspirations and circumstances — and that put decision-making, including whether to participate, in parents' hands. Such a change requires shifting the role of program staff from verifying hours and activities to helping parents identify personal and family goals through coaching and navigate systems to achieve their desired outcomes. A key part of making individual choice a hallmark of TANF work programs is respecting parents' choices as to how they want to engage in work, training, or education programs and believing that they know what is best for their families. This includes respecting parents' decisions to focus on securing greater stability for themselves and their families — such as through receiving mental health treatment or finding stable housing — instead of immediately engaging in work or education.
- **Center work programs on promoting opportunity and supporting economic mobility.** To move TANF work programs in an antiracist direction, states will need to shift away from “work first” and instead focus on advocating for and supporting employment, training, and education opportunities that will lead to higher-paying, quality jobs. Many parents turn to TANF for assistance because they work in unstable jobs that provide low wages, variable hours, and limited opportunities for advancement. States should help recipients who want to increase their education and skills to identify programs that will help them to achieve their goals and to navigate the application process and secure funds to cover the costs of participating. For those who want to find a new job, TANF programs should focus on identifying experience-based job progressions that will act as a gateway to economic advancement and better career opportunities.<sup>77</sup>
- **Provide resources and support to maximize success.** While no single approach is a good fit for all recipients, evidence shows that individuals with limited skills and education

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<sup>76</sup> Valerie Wilson, “Black women face a persistent pay gap, including in essential occupations during the pandemic,” Economic Policy Institute, August 2, 2021, <https://www.epi.org/blog/black-women-face-a-persistent-pay-gap-including-in-essential-occupations-during-the-pandemic/>; authors' analysis of U.S. Bureau of Labor Statistics Household Data Tables A2 and A3.

<sup>77</sup> Rework America Alliance, *op. cit.*



generally benefit from strategies that combine education, training, and support services.<sup>78</sup> TANF agencies should provide comprehensive supports to improve recipients' chances of success on whatever path they choose. In some cases, providing support will mean helping participants resolve crises *before* they look for work or participate in an education or training program, while in others it will mean providing participants with extra cash assistance to resolve a crisis. Child care and transportation assistance also are critical to success. Such support must be made available for all participants, as research suggests that women of color have less access to TANF supportive services than white women.<sup>79</sup>

- **Recognize the trauma that accompanies racism and affirm people's dignity.** Because TANF is built on a racist history that has defined people who need assistance to meet their basic needs as undeserving, recipients often report experiencing stigma and shame when participating in the program.<sup>80</sup> Moving TANF work programs in an antiracist direction requires not only focusing on what services and programs are provided, but also on *how* they are provided. Racism and discrimination produce multiple levels of stress and trauma in families' lives. Situations that often trigger the need for TANF assistance — loss of a job, domestic violence, homelessness, caregiving responsibilities — add to the trauma that parents experience. Approaching work programs through a trauma-informed lens means delivering services compassionately in an environment that feels safe to participants and that avoids re-traumatizing parents, especially by asking invasive questions about their past before establishing a relationship built on trust.
- **Ensure equitable access to high-quality programs and services within the community.** Too often, TANF recipients find themselves unable to participate in education and training and other programs in their community because they are not aligned with what counts toward the WPR. Those restrictions should be eliminated so that TANF recipients have access to the same opportunities to improve their well-being, including increasing their employment and earnings, as any other individual in the community in which they live. When programs in the community are lacking, states should use their TANF funds to increase the options available to TANF recipients.

### States Have Flexibility to Incorporate Antiracism Principles in TANF Work Programs

Even with the existing rigid requirements for the activities and hours that participants must meet to be counted in a state's WPR (see box, "Outdated, Racist Work Policies Influence the Design of TANF Work Programs"), states have the flexibility to move their TANF work programs in an antiracist direction.<sup>81</sup> Although most states define what is expected of individual recipients to align with what is required for a recipient to "count" toward the standards, federal law does not require them to do so.

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<sup>78</sup> U.S. departments of Labor, Commerce, Education, and Health and Human Services, "What Works in Job Training: A Synthesis of the Evidence," July 22, 2014, <https://www.dol.gov/asp/evaluation/jdt/jdt.pdf>.

<sup>79</sup> Marla McDaniel *et al.*, *op. cit.*

<sup>80</sup> Jennifer Stuber and Mark Schlesinger, "Sources of stigma for means-tested government programs," *Social Science & Medicine*, Vol. 63, No. 4, August 2006, pp. 933-945, <https://doi.org/10.1016/j.socscimed.2006.01.012>.

<sup>81</sup> Schott and Pavetti, *op. cit.*

Federal law sets the WPR for all families at 50 percent, but the “target rate” — the actual rate states must meet in order to not face fiscal penalty — is substantially lower because states are eligible for a “caseload reduction credit” based on changes in their TANF caseload since 2005. In 2020, because the number of families receiving TANF benefits had fallen significantly in many states, more than half the states had a WPR target rate of zero. Only seven states had a target rate of 25 percent or more. Every state met the WPR for all families in 2019, the last year for which data are available. The low target rates provide states with significant flexibility to design and operate a work program built on principles that would move TANF work programs in an antiracist direction.

States can take advantage of the flexibility they have to move their work programs in an antiracist direction, including making the following changes:

- **Decoupling the design and implementation of work programs from requirements to meet the WPR.** Many of the racist elements of TANF work programs can be traced to the WPR’s design and implementation. The focus on meeting the WPR has resulted in work programs that focus on tracking participation and verifying hours rather than on creating service delivery approaches that honor recipients’ choices and empower them to do what they decide is best for their families. Since most states can easily meet their WPR through a combination of a caseload reduction credit and reporting hours for recipients who are employed, it should not drive their program design.
- **Eliminating full-family sanctions and minimizing the use of all sanctions.** Federal law requires states to reduce the amount of assistance provided to a participant who “refuses” to comply with work requirements (as defined by the state), but states have considerable latitude regarding how those sanctions are designed and applied. One of the first steps states should take to move their work programs in an antiracist direction is to eliminate full-family sanctions that end cash benefits for the entire family (rather than just reducing benefits to the family) and allow all families to receive their full benefits immediately upon complying with any requirements. States also can narrowly define what it means to “refuse” to comply with work requirements and broadly define exemptions and “good cause” for not participating. They also can increase efforts to assess recipients’ circumstances before decreasing or eliminating benefits.
- **Maximizing the use of work exemptions to broaden recipients’ choices and better meet participants’ diverse needs.** States can make work programs voluntary for most participants by establishing broad exemptions and not requiring participation in work activities until recipients have received assistance for 24 months. TANF regulations require that “a parent or caretaker receiving assistance must engage in work activities when the state has determined that the individual is ready to engage in work or when he or she has received assistance for a total of 24 months, whichever is earlier....”<sup>82</sup> States can use this provision to not deem recipients as ready to engage in work until they have received assistance for 24 months, giving them time and flexibility to develop and pursue personal and family goals. This doesn’t mean that families should not be offered education, training, and employment services during this 24-month period; rather, during this period participation can be voluntary with parents making decisions based on their own goals and circumstances.

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<sup>82</sup> 45 Code of Federal Regulations, §261.10 (a) (1).

- **Recognizing the diversity of needs and supporting the full range of activities that can prepare recipients for employment.** Although federal law and regulations are prescriptive about the work activities and hours in which a recipient must be engaged to count toward meeting the work participation rate, it is up to states to decide what work activities and hours it will require of any recipient, and when participants should be exempted from work requirements. While federal law also requires states to ensure that individuals are “engaged in work” when determined work-ready or after 24 months, states can define what constitutes being “engaged in work” under this provision.<sup>83</sup> To address TANF recipients’ diverse circumstances, states can use this flexibility to broadly define the activities in which recipients can participate and when they are required to engage in work activities. These activities need not be aligned with activities that count toward meeting the WPR.
- **Minimizing verification of work activities and hours.** Regulations require states to apply onerous procedures to verify participation in activities that count toward the WPR. These requirements send a message to recipients that they cannot be trusted and rob them of their sense of autonomy and even their dignity. States can minimize the need to verify hours by gathering this information only for a limited set of activities that are easy to verify. For example, Texas only collects this information for employment, on-the-job training, and high school attendance.<sup>84</sup> Since employment accounts for the vast majority of work activities that count toward the WPR<sup>85</sup> and states need only verify employment every six months and can do so through pay stubs, this approach reduces stigma and frees up staff time to provide more meaningful assistance to families.

## Federal Changes Necessary to Move All TANF Work Programs in an Antiracist Direction

TANF has an important role to play in creating a more equitable and resilient nation, but its effectiveness will be sharply curtailed by its current emphasis on mandatory work requirements. While states can take steps now to minimize the negative impact of mandatory work requirements, the requirements in federal law send a strong signal — and convenient excuse — to states about the kinds of programs they should run. Federal action is needed to ensure that all families — regardless of the state in which they live — can receive the cash assistance they need to make ends meet and are afforded the same opportunities as everyone else to improve their education and skills.

Federal policymakers should enact the following changes to move all TANF work programs in an antiracist direction:

- **Make participation in work programs voluntary.** TANF has a role to play in helping families to find resources to address other issues they may be facing, including stabilizing their housing, addressing physical and mental health issues, enrolling in a training or

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<sup>83</sup> 45 Code of Federal Regulations, §261.10 (a) (2).

<sup>84</sup> State of Texas, “Temporary Assistance for Needy Families (TANF) Work Verification Plan,” revised January 30, 2020, <https://www.twc.texas.gov/files/partners/temporary-assistance-needy-families-work-verification-plan-twc.pdf#:~:text=On%20January%2031%2C%202012%2C%20TWC%E2%80%99s%20three-member%20Commission%20%28Commission%29,or%20received%20a%20high%20school%20equivalency%20%28HSE%29%20credential.>

<sup>85</sup> Table 4B in OFA, *op. cit.*

education program, or finding a job. But importantly, moving TANF programs in an antiracist direction means recognizing that families understand their circumstances best and should have the choice of whether to seek services in addition to cash assistance; eligibility for cash assistance should not be contingent on participating in a program.

- **Eliminate and prohibit states from taking benefits away from recipients who are unable to meet a work requirement.** Federal policymakers should eliminate federal requirements that states mandate participation in work activities and impose sanctions on participants who can't comply. To ensure that states don't maintain these policies even without a federal requirement, federal policymakers also should bar states from imposing work mandates as a condition of eligibility for cash assistance and imposing sanctions for non-participation. At a minimum, federal policymakers should bar states from taking all benefits away from families in which the parent does not meet the work requirement.
- **Eliminate the WPR.** As long as the WPR is in place, it will continue to influence the design and implementation of TANF work programs. The WPR has encouraged states to adopt punitive and restrictive policies that disproportionately impact Black recipients. Although states can decide how they will meet the WPR, most have designed their work programs based on what will count toward meeting the rate, even when they have a very low target rate and could support participation in activities that would not count toward meeting the rate with no negative financial consequences. The WPR also gives states incentives to reduce their caseload and to implement restrictive eligibility policies that keep recipients who may be unable to meet the work participation requirements (and who may be most in need of assistance) off the caseload.
- **Reward states that offer programs that promote upward mobility.** TANF has a role to play in helping parents working in low-wage jobs find and take advantage of opportunities to improve their employment and earnings. It also has a role to play in helping parents facing personal and family challenges to resolve those challenges. States should be rewarded for creating programs or helping recipients access programs that set them on a path to economic advancement and promote long-term family well-being.