



Office of the General Counsel

B-282587

May 4, 1999

The Honorable James Jeffords
Chairman
The Honorable Edward M. Kennedy
Ranking Minority Member
Committee on Health, Education, Labor, and Pensions
United States Senate

The Honorable Bill Archer
Chairman
The Honorable Charles B. Rangel
Ranking Minority Member
Committee on Ways and Means
House of Representatives

Subject: Department of Health and Human Services, Administration for Children and Families:
Temporary Assistance for Needy Families Program (TANF)

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by Department of Health and Human Services, Administration for Children and Families (ACF), entitled "Temporary Assistance for Needy Families Program (TANF)" (RIN: 0970-AB77). We received the rule on April 21, 1999. It was published in the Federal Register as a final rule on April 12, 1999. 64 Fed. Reg. 17720.

The final rule contains the key provisions of the new welfare block grant program enacted in 1996 by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996—the Temporary Assistance for Needy Families program. This program replaces the Aid to Families with Dependent Children program and the related programs known as the Job Opportunities and Basic Skills Training Program and the Emergency Assistance program.

Enclosed is our assessment of the ACF's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review indicates that the ACF complied with the applicable requirements.

If you have any questions about this report, please contact James W. Vickers, Assistant General Counsel, at (202) 512-8210. The official responsible for GAO evaluation work relating to the subject matter of the rule is Cynthia Fagnoni, Director, Education, Workforce, and Income Security Issues. Ms. Fagnoni can be reached at (202) 512-7215.

Sincerely yours,

Robert P. Murphy
General Counsel

Enclosure

cc: Ms. Jacquelyn White
Deputy Executive Secretariat
for DHHS

ANALYSIS UNDER 5 U.S.C. § 801(a)(1)(B)(i)-(iv) OF A MAJOR RULE
ISSUED BY
DEPARTMENT OF HEALTH AND HUMAN SERVICES,
ADMINISTRATION FOR CHILDREN AND FAMILIES
ENTITLED
"TEMPORARY ASSISTANCE FOR
NEEDY FAMILIES PROGRAM (TANF)"
(RIN: 0970-AB77)

(i) Cost-benefit analysis

The ACF did not conduct a cost-benefit analysis in connection with the issuance of the final rule.

(ii) Agency actions relevant to the Regulatory Flexibility Act, 5 U.S.C. §§ 603-605, 607, and 609

The Secretary has certified that the final rule will not have a significant economic impact on a substantial number of small entities.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

The final rule does not contain an intergovernmental or private sector mandate, as defined in title II of the Act, of more than \$100 million in any one year.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

The final rule was issued using the notice and comment procedures contained in 5 U.S.C. 553. On November 20, 1997, ACF published a Notice of Proposed Rulemaking and received 270 comments in response. In the preamble to the final rule, ACF discusses the comments received and the actions it took in formulating the final rule as a result of the comments.

Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520

The final rule contains information collections that have been submitted to the Office of Management and Budget for approval under the Paperwork Reduction Act.

The preamble to the final rule explains the reasons for the collections and estimates the total annual burden hours at 583,912. The estimate of the burden under the proposed rule was 1,153,944 hours annually.

Statutory authorization for the rule

The final rule is issued pursuant to the authority contained found at 42 U.S.C. 601, 601 note, 603, 604, 606, 607, 608, 609, 610, 611, 619, and 1308.

Executive Order No. 12866

The final rule was determined to be a “significant regulatory” action under the Order and was reviewed and approved by the Office of Management and Budget as complying with its requirements.

Assessment of the Impact on Family Well-Being

ACF has made an assessment of the final rule’s impact on the well-being of families, as required by section 654 of the Treasury and General Government Appropriations Act of 1999. The purpose of the program is to strengthen the economic and social stability of families, in part by supporting the formation and maintenance of two-parent families and reducing out-of-wedlock childbearing.