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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 13, 2003.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Jim Schetler, Pastor, Pensacola Christian College Campus Church, Pensacola, Florida, offered the following prayer:

Dear Holy and Merciful Father, we praise You for who You are; for all You provide and for all You do in us and through us.

Thank You for the blessing of being an American. We praise and thank You for the protection and provision on this blessed land. Lord, pour upon these legislators a spirit of cooperation, enabling them to complete today's priorities.

Father, provide a hedge of protection around this body and their loved ones. Give unto them a righteous discernment and the courage to dispense it. Enable them to be upright stewards of the time, assets, and authority entrusted to them.

May each representative understand they were elected by the people, but ordained by You, the creator of government, and are therefore Your ministers.

When this day is done, may much be accomplished with a clear conscience to all regarding their decisions. Most of all, Heavenly Father, we acknowledge that You will be our refuge and our strength in the days to come.

In the name of our Lord, we ask these things. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. McNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from Florida (Mr. MILLER) is recognized for 1 minute. The remainder of the 1-minute speeches will be postponed until the end of the day.

PASTOR JIM SCHETLER

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, I am proud to acknowledge Pastor Jim Schetler, who blessed us with our opening prayer today. Pastor Schetler comes to us from Pensacola Christian College Campus Church, a ministry involving over 1,500 members of the community, and over 4,000 Pensacola Christian College students when the school is in session.

His personal journey with God and the Holy Spirit has given him a dynamic and vibrant ability to make his preachings come alive to Christians of all ages. As a result, his Sunday morning services are now aired by television stations nationwide. Originally from Traverse City, Michigan, Pastor Schetler graduated from Pensacola Christian College in 1979 and has remained in its service ever since. He met his wife, Marilee, while he was a student at PCC, and has been blessed with three wonderful sons: Benjamin, Luke, and Drew.

Upon graduation, he spent the following 2 years traveling as a PCC representative. Afterwards, he and Marilee spent 6 months living in a kibbutz in Israel with the Baptists for Israel Institute. He then spent the next 7 years as a youth pastor of Campus Church until he became the pastor of Campus Church in 1988.

Mr. Speaker, I would like to thank my friend, Pastor Jim Schetler, for joining us on the House floor today.

PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT OF 2003

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 69 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 69

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed two

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hours, with 50 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and opponent, and shall not be subject to amendment. All points of order against such amendments are waived except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the bill for amendment. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 69 is an appropriate and fair rule providing for the consideration of H.R. 4, the Personal Responsibility, Work, and Family Promotion Act of 2003.

This rule provides for a total of 2 hours of general debate in the House with 50 minutes equally divided and controlled by the chairman and the ranking minority member of the Committee on Ways and Means, 40 minutes equally divided and controlled by the chairman and the ranking member of the Committee on Education and the Workforce, and finally, 30 minutes equally divided and controlled by the chairman and the ranking minority member of the Committee on Energy and Commerce.

After general debate, the rule makes in order two substitute amendments: the substitute amendment offered by the gentleman from Ohio (Mr. KUCINICH), the gentlewoman from California (Ms. LEE), the gentleman from Massachusetts (Mr. MCGOVERN), and the gentleman from California (Mr. LANTOS); and the substitute amendment offered by the gentleman from Maryland (Mr. CARDIN), the gentleman from Wisconsin (Mr. KIND), and the gentlewoman from California (Ms. WOOLSEY), both of which are printed in the report of the Committee on Rules and debatable for 40 minutes each, equally divided and controlled by a proponent and an opponent.

The rule waives all points of order against consideration of the bill, as well as against the amendments printed in the report. Finally, the rule permits the minority to offer a motion to recommit, with or without instructions.

Mr. Speaker, 7 years ago many of us stood in this very Chamber surrounded by skeptical glares and wary eyes as we began debate on the historic welfare reform package. The day was August 1, 1996. It was also payday for many Americans. And on that day, 14 million welfare recipients cashed a paycheck for which they had not worked.

Mr. Speaker, 14 million people received money from the American taxpayers in exchange for no work, no questions asked, no strings, no requirements, no obligation to produce or demonstrate the slightest bit of productivity to our communities and to our society. Such was the nature of our welfare system 7 years ago.

Now, this may have seemed unfair to the taxpayers; but it was doubly unfair to the welfare recipients trapped in generational cycles of poverty and hopelessness. But on that day in 1996, Congress passed one of the most historic reform bills ever, one that truly made the American dream a reality for millions of Americans previously without hope. But these reforms were not passed without a fight.

There were claims that the landmark plan would drive poor families into the streets. And there were shouts that children would be left starving, and cries that single mothers would be forced to neglect their families. But now, 7 years later, we see a very different picture of what welfare reform has done. The predictions of doom and gloom have not been realized. Quite to the contrary, welfare caseloads have fallen from 14 million to 5 million. Over 3 million children have been lifted out of poverty.

Black child poverty rates have hit a record low, and the poverty rate among Hispanics has seen its largest decrease in history. In addition to these tremendous statistics, perhaps the biggest achievement of welfare reform is the way in which these reforms have promoted self-sufficiency and empowered so many men and women.

Welfare reform has given Americans a chance to work and the means to do it by placing a high value on the contributions of each and every person in society. It assumes that every person has some talent, some knowledge, some skill, some individual uniqueness to contribute. It assumes that each man and woman who is physically and mentally capable can and should be, even in the slightest discernible way, a productive part of our communities.

The benefits are twofold. Not only are our communities strengthened by the additional contributions, but these men and women, who were formerly trapped in a cycle of dependency, have now established a real sense of accomplishment and independence. Today we have a tremendous opportunity to build on these successes.

As I proceed to describe this legislation, I expect it will sound very familiar. That is because less than a year ago in this very Chamber this Congress approved the same plan, updated simply for time.

While I have the honor and distinction of introducing this legislation on behalf of the House, it is really the gentleman from California (Chairman THOMAS), the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Ohio (Chairman BOEHNER), the gentleman from California (Mr. MCKEON), the gentleman from California (Mr. HERGER), and many others who have worked long hours to craft a bill that empowers individuals, protects children, and strengthens families.

Their committees have vetted this language over and over in dozens of hearings and markups. After already exhausting the committee process last year, we have brought this plan straight to the floor at the commencement of the new Congress, as the first major piece of legislation out of the hopper. That is how strongly we believe in this plan. The reforms of 1996 have expired. They expired September last year. We cannot afford to wait.

First of all, this package provides $16.6 billion for the Temporary Assistance of Needy Families, commonly known as TANF, as a block grant, which was created in the 1996 reform. Funding this block grant goes directly to State-designed programs to help move more welfare recipients into productive jobs. Yet 58 percent of welfare recipients are not participating in work activities yet, and that is not acceptable.

It continues to cost taxpayers money, but worse still, it stifles the recipients' ability to achieve true self-sufficiency. Therefore, this package calls for increasing the work-related activity requirements from the current 50 percent to 70 percent by fiscal year 2008.

Next, this plan offers parents and families the tools and resources they need to secure a job, achieve independence and strengthen families. By providing access to reliable, high-quality child care, recipients will have peace of mind knowing that their child is safe as they train for, find, and keep a stable job.

Children are our future, and we cannot settle for second-rate care. So in addition to the $4.8 billion funding already in place, this package provides an extra $2 billion. With these dollars comes greater flexibility for States, which will now be able to transfer 50 percent of their share of TANF to child care instead of the current 30 percent.

□ 1015

We all know that training and education are the backbone of advancing

one's professional opportunities. So while 24 of the 40 hours must be spent in actual work, the remaining 16 hours may be defined by States and can include training and education. And up to 4 months during a 24-month period can be counted towards State work requirements if the individual is engaged in education or training that will lead to work.

Finally, the plan gives unprecedented flexibility to States by establishing broad, new State flex authority that is enthusiastically supported by our Nation's governors, and it will really give them the tools they need.

Mr. Speaker, welfare recipients do not want a handout. They do not want a life-style of dependence. They do not want a system that offers only a one-way ticket to poverty. American families want to live the American dream. They want the chance to build strong and prosperous lives and they want to offer brighter futures to their loved ones. Therefore, it is my hope that we can silence the grumbles that echoed through this Chamber back in 1996 and build on the successes we have had thus far.

Fostering independence through work, empowering families and lifting more Americans out of poverty are at the core of this reform package, just as they were in 1996. The empirical evidence of the past 7 years quite adequately demonstrates the success so far.

So let us tune out the protests. The shouts, cries and pleas of the naysayers in 1996 were myths then and they are myths now.

To my colleagues who may hesitate to support this rule for partisan reasons, I invite you to take a good look at where we were 7 years ago and where we have come today. You will find hundreds of children and families in each of your districts that are better off now than they were 7 years ago. They are working. They are proud. They are teaching their children about the dignity of having a job and the honor of providing for a family.

Mr. Speaker, a check in the mail every month will not teach responsibility, it will not build confidence, and it will not break the cycle of dependency and poverty. But it will if they have a job. It will provide a sense of accomplishment, a sense of accomplishment for a job well done. And it will provide the means to achieve the American dream. A check in the mail for a hard month's work will open up the doors of opportunity and offer all Americans an endless supply of pride and self-worth for generations to come.

I urge this body to adopt this rule and approve H.R. 4.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, in 1996 a sweeping welfare reform initiative was enacted and authorized for 5 years. Temporary assistance to needy families replaced guaranteed welfare checks with a new work requirement, placed a lifetime limit on the benefits recipients could receive, and removed most legal immigrants from eligibility for welfare.

The program was up for reauthorization last year. The reauthorization legislation passed the House with a rule that allowed only one substitute amendment. The bill was reported out of the Senate Finance Committee, but was never considered by the full Senate.

We are here today to consider the rule for the Personal Responsibility, Work and Family Protection Act of 2003. Mr. Speaker, the underlying bill impacts millions of vulnerable Americans, yet the process for consideration of the bill has muzzled meaningful debate and barred serious consideration of alternatives and amendments.

In the 108th Congress, not a single committee with jurisdiction over this legislation has considered H.R. 4. Five committees had jurisdiction over the legislation: Ways and Means, Education and the Workforce, Energy and Commerce, Agriculture and Financial Services. There are over 50 new Members of Congress, not here in the 107th Congress when we began the process, and none of them have had the opportunity to consider and vote on the legislation in committee.

The Republican leadership rushed welfare reauthorization to the House floor. Instead of allowing the Congress and these committees to examine, debate and discuss this important piece of legislation, the majority has opted to bar the full House from considering 22 amendments and to allow us to consider only two substitute amendments.

Because the committee process was skipped, my Democratic colleagues and I asked for an open rule so that, at the very least, the full House could consider the many issues brought up in the dozens of amendments filed with the Committee on Rules. There are too many issues that deserve full discussion and debate. The two substitute amendments that are in order under the rule cannot fully address these issues.

The gentleman from New Jersey (Mr. ANDREWS) offered a very important amendment. It called for a temporary suspension of time limits on TANF benefits to individuals that reside in a metropolitan statistical area where the unemployment rate exceeds 7 percent. But the Committee on Rules, along partisan lines, ruled it out of order.

And the rule voted out of committee on party lines allows for only 2 hours to debate this reform bill. No committees have looked at the bill, and the full House only has 2 hours to debate it. The rule does not give Members the opportunity to address fully the inadequacies of this legislation, the grave changes to the program and the growing needs of Americans living in poverty. The rule bars any meaningful debate and prohibits consideration of important amendments affecting the elderly, parents and children.

Mr. Speaker, too many people are drowning in a sea of poverty. Welfare-to-Work should not merely toss the poorest Americans a life preserver to help them float along, with their heads barely above the poverty level.

The Catholic Family Center in Rochester, New York, provides an example of how the 1996 welfare reforms are failing. The center is doing a great job getting the women in their program off welfare and into work, but the average starting salary of the women is $6.82 an hour, far less than the $17.66 that a Rochester-area single parent with two preschoolers must earn to provide the basic necessities.

H.R. 4 does nothing to close the gap and does not give these hard-working parents who are trying hard to work and care for their families the chance to succeed. We need to do more for our most vulnerable friends and neighbors.

I can tell you that in my district the need for assistance is growing. In Monroe County, New York, applications for welfare assistance were up 17 percent in the year 2001. Requests for emergency housing placements rose by 25 percent from 2000 to 2001. And a program helping the homeless reported that 20,000 more homeless men, women and children were served in the fall of 2001 than during the same period of the year 2000.

The underlying bill fails to meet this growing need and fails to address the most fundamental goal of welfare reform, moving recipients into real jobs and out of poverty. While caseloads have fallen over 50 percent nationally since 1996, a good thing, the poverty rate has decreased only 13 percent over the same period.

If scores of those who have moved off the welfare rolls during a period of economic expansion remain dependent on food stamps, WIC and other public assistance, what are they going to do now that the economy is in recession and the States are in financial crisis? Are recipients going to be forced to try to work and raise their children without the education, training or child care that is necessary to move to real independence? In fact, in the State of New York, almost half the families that move off welfare are still living in poverty. This is not success. Governors, mayors, State legislators, welfare directors and poverty experts all say the same thing, that the bill is a step in the wrong direction.

We all know that education is key to moving out of poverty, yet this legislation eliminates vocational education from the list of activities that count as a work-related activity. What message does this send to Americans who seek a career in the building trades?

The bill even hurts poor children. Access to quality child care is an essential part of helping families to get off welfare and improving the odds that children arrive at kindergarten ready to learn. The Congressional Budget Office has reported that the new work requirement, increasing by 33 percent the amount of time that recipients participate in work activities, will require $8 billion to $11 billion in new child care funding over 5 years. However, the bill only provides $2 billion. What are the financially strapped States supposed to do about a $9 billion gap in child care funding? Where are these children going to go while their parents work 33 percent more hours?

This welfare reauthorization bill also demands more from States without providing any increased funding. It is estimated that unfunded mandates in this bill will cost my State more than $1 billion over 5 years. Nationwide, the estimated cost of unfunded mandates is $11 billion. You can see my State is impacted tremendously.

How can we shift this huge financial burden onto New York and the other States, especially now that the economy is in recession and States across the country are facing huge budget shortfalls? How do these unfunded mandates lift people out of poverty and help them get a job and give them hope?

Mr. Speaker, there is a better way, one that maintains State flexibility, one that focuses on real work and one that seeks to help families escape poverty. My Democratic colleagues and I support strong work requirements that will move people into real jobs. We believe that States should have the flexibility to determine the best mix of services and activities to move them towards self-sufficiency.

We want to provide welfare recipients with access to vocational training so they can find some good jobs. And we support providing the necessary resources particularly for quality child care to help families leave welfare for work. This measure utterly fails to do that.

Mr. Speaker, I would like to share some wisdom with you from the people of the 28th District of New York. In an editorial, published last fall in the Buffalo News, wrote the following about welfare reauthorization:

> The goal of welfare reform should not simply be to trim the welfare rolls. It should be to break the cycle of poverty that puts people on welfare in the first place. Reduced government expenses are a nice benefit, but reducing poverty is the key to long-term success for the program and for the people who have relied upon it. Education and training offer far better chances not only to land jobs but to keep them. Increased child care assistance is a necessary adjunct in breaking the multigenerational cycle of welfare entitlement, as well as a humanitarian move that should come naturally to a rich nation that nonetheless is home to impoverished children.

That was from the Buffalo News, September 15, 2002. I urge my colleagues to voted against this rule.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield such time as he may consume to the gentleman from California (Mr. DREIER), the very distinguished chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. Before I begin, I cannot help but think of one of Thomas Jefferson's great lines, the author of our Declaration of Independence. I have got to sort of extrapolate from that when Thomas Jefferson said two thinking men, and in this case it is two women, but he said, ''Two thinking men can be given the exact same set of facts and draw different conclusions.''

Mr. Speaker, I sat and listened to the very eloquent remarks by my good friend from Ohio, the author of this legislation who chairs our Republican Conference, and I listened to the equally eloquent remarks from my friend from the 28th District of New York who just entered that editorial in the RECORD, and I said that just to let her know I was listening very, very carefully.

It is to me very difficult to believe that we are talking about the same piece of legislation and the same kind of program. We obviously in this country are faced with serious economic challenges. There are people who are hurting out there. We know that. But as I listened to the reports of the failure of welfare reform, I am reminded that it was a bipartisan piece of legislation. I say it was bipartisan because clearly at the end of the day, after two tries, on the third, President Clinton proudly signed and embraced welfare reform in 1996.

We enjoyed strong economic growth through the 1990s. Many people tried to make the claim that the only reason we saw the success of welfare reform is that we were dealing with a strong, vibrant, growing economy; when in fact I looked at and talked with the gentleman from California (Mr. HERGER), the chairman of the subcommittee on Ways and Means that deals with this, and he pointed out that during the 1980s, when we saw an equally strong economy, we witnessed a 25 percent increase in the numbers on the welfare rolls.

We saw strong, bold economic growth during the Reagan years, as we know, yet the numbers of people getting into what my friend from Ohio appropriately described as that generational cycle of dependence continued to grow more and more. And then during the 1990s we again saw strong economic growth, but at the same time we saw implementation of the welfare reform legislation and we have seen tremendous improvement.

We all know that an economic downturn began in the third and fourth quarters of the year 2000. We also know that we suffered tremendously from the tragedy of September 11, 2001. What we found, Mr. Speaker, was that during that period of time, we obviously witnessed a recession. We saw two quarters of negative economic growth. That was last year.

□ 1030

But then the gentleman from California (Mr. HERGER) reported to us that even during that period of time, we saw a 10 percent reduction in the numbers on welfare, meaning that we have been able to very boldly encourage and move people out of that generational cycle of dependence.

If we look at this measure and the steps that are being taken to ensure that those who are truly in need are not going to be suffering, it is very, very impressive. We obviously provide a caveat which allows those parents with children who are in need an opportunity to have consideration for that. We allow in this measure an opportunity for those who are suffering from drug addiction to have an opportunity to deal with that need. We clearly are providing States with flexibility. That is something they said they needed. In my State of California, we have extraordinary extremes from one end to the other. So to provide that opportunity for flexibility is very important.

As we look at the structure of the rule for consideration of this, I am somewhat struck with the arguments that were made by my friend from New York. She said that they advocated an open rule, and it is true that an open rule was moved up in the Committee on Rules last night when we pursued this bill; and if an open rule had been made in order, these very thoughtful substitutes, one of which has come forward from the gentleman from Ohio (Mr. KUCINICH), my very good friend, and I am happy he is offering it in the name of our late former colleague, Patsy Mink, from Hawaii, and the other substitute which was made in order under this rule is being offered by the gentleman from Maryland (Mr. CARDIN), a member of the Committee on Ways and Means. I said when I announced that we would be considering this measure that we lean towards making substitutes in order, and we have provided waivers and protections so that those substitutes are, in fact, in order. So that is why we clearly should have, I believe, strong bipartisan support for this rule.

Mr. Speaker, we have had story after story told of the families who may not be making as much money today while they are working as they were when they were receiving welfare, and yet they have a level of dignity and pride in what it is that they are doing that makes them happier and more fulfilled. We obviously want to ensure that they have an opportunity to make many times, many times what they were making when they were on welfare and we believe that if we can put into place President Bush's program for economic

growth, we can get this economy going so that we can take this number that we have today which was at one point 12 million and because of the success of welfare reform has dropped down to 5 million; and we can, I believe, bring that number even lower.

People talk about compassionate government and the fact that we need, as we look at legislation like this, to demonstrate compassion. And I would remind my colleagues of something that is oft said and that is the level of compassion of the government should not be based on the number of people who are on welfare, but instead on the number of people who do not need to be on welfare. And that is really what we are trying to do with this legislation; and I hope very much that we can move ahead, pass this rule, make sure that we consider these substitutes, which I believe are very well intentioned but need to be defeated, and then pass this very important legislation that the gentlewoman from Ohio (Ms. PRYCE) has offered to us.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, this Congress is starting off on the wrong foot. Welfare reauthorization reform is an important issue. It affects the lives of millions of people, and it deserves thoughtful and careful deliberation. Unfortunately, Mr. Speaker, the majority does not agree. The course of those millions of lives will now be determined by a handful of Republican leaders and their staffers, nobody else. That is just wrong and it is not how a democratic body is supposed to function. Welfare reauthorization is important, but the legislative process is important too. And it should not be simply tossed away like yesterday's newspaper.

In addition to trying to finish last year's work today halfway through February, this body is now abandoning the committee system that has served this House for over 200 years. Sure the majority has allowed for two substitutes, and I suppose we should be very grateful; but let me remind my colleagues that this bill was referred to five committees. How many of those committees held a hearing on this bill in the 108th Congress? Zero. How many of those committees marked up this bill? Zero. Over 50 new Members of this body, Republican and Democrat, were denied the opportunity to shape this debate. Do their views not matter? Do we not want their input and their expertise? Could we not have scheduled hearings and markups during these last few weeks when our own schedule here in this Congress has been virtually nonexistent? And I should also add, Mr. Speaker, that the omnibus appropriations bill that we are going to deal with later today includes language that will extend the current welfare program until September of this year. I believe that that gives us ample time to do this right, to let the committees work their will.

Mr. Speaker, the chairman of the Committee on Education and the Workforce testified on this bill yesterday before the Committee on Rules, and in the process he said that he is a fan of the committee system. It is too bad his leadership does not agree with him. Mr. Speaker, I want to say to my colleagues on the other side of the aisle that the committee work matters, that Members who serve in this House matter, that the people of this country matter, and this is not the way for us to do the people's business.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend from Rochester for yielding me time.

I looked into the CONGRESSIONAL RECORD, and we have now made it a part of the democratic views, the CONGRESSIONAL RECORD in March of 1993, and the following remarks appeared there, Mr. Speaker:

> Every time we deny an open amendment process on an important piece of legislation, we are disenfranchising the people and their representatives from the legislative process. The people and their representatives are not even being treated as second class citizens. They might as well not be citizens at all given how little impact they have on shaping legislation in the House. If that is not undemocratic, I would like to know what is. In other words, Mr. Speaker, the further you and your leadership stray from the regular order around here, the more you are insulting a new order which is not democracy by any definition. The people are sick and tired of this political gamesmanship. They want back their own House, and they want it to be open and democratic, not closed and dictatorial.

Those were the words of the former chairman of the Committee on Rules, a good friend of mine that I traveled the world with, Gerald Solomon; and they were true in 1993, and they are true today as we consider H.R. 4. This bill is opposed by Children's Defense Fund, the Leadership Conference on Civil Rights, and the National Council of Churches. And for good reason. It does very little to address the two primary purposes of welfare, to help those who need help and to provide opportunities to move out of poverty.

Although a number of items in this bill concern me, there are two key aspects that demonstrate its fundamental failure. First, the narrow definition of work activities. H.R. 4 does not include educational programs and training activities. This bill restricts the States from providing education and training opportunities to welfare recipients and does not allow them to count vocational education as a work activity. I believe that any educational opportunities, vocational training, internships, ESL, GED, and even basic literacy courses are the keys to success. The only way to get out of poverty and achieve permanent self-sufficiency is through education and training. When we place people in deadend jobs and fail to give them any opportunities for advancement, we have simply placed them in a dead end.

The second aspect of this bill that concerns me is one that severely impacts my State of Florida as well as California, Texas, and New York. These are the four States with the highest populations of both legal and illegal immigrants. H.R. 4 discriminates against legal immigrants by denying them Federal assistance even if they have been living in this country for a number of years. Both the National Governors Association and the National Conference of State Legislators have recommended that States be given the option to use Federal funds to serve legal immigrants; but under H.R. 4, legal immigrants must be living in this country for 5 years before they are eligible for Federal aid. Even more distressing is the fact that many of those affected by this discrimination are children who were born in the United States and are, in fact, United States citizens.

We have always been very quick as a Nation to judge other cultures as advanced or civilized, and now the time has come to judge ourselves. The measure of how advanced and civilized we are is not in the number of Blackberrys, CDs and DVDs, SUVs, and laptops we possess per capita. The true measure of how advanced and civilized we are is the manner in which we care for the most vulnerable members of our society.

I urge our colleagues to vote against this measure and vote for Cardin and Kucinich.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, I want to, though this is the debate on the rule, emphasize the difference here. It is too bad no effort was made in subcommittee or full committee this time around to try to forge a bridge over these differences.

What are the differences? It is not the value of work. It is not the linkage of welfare to work. No. The difference is whether the emphasis in the Republican bill will be as, to people who are remaining on welfare, they work, or getting people off of welfare into work. And the difference is whether people working should remain in poverty or whether it should be an emphasis on people working out of poverty. And this is a major difference; and it is seen, for example, in the way the Republicans give credit to the States against the required participation rate because of caseload reduction instead of people moving into employment.

It also is shown in terms of the reduction in flexibility for the States to use vocational ed and other techniques,

other approaches, so that people move out of poverty into true independence. And here is the reason the challenge matters so much. We do not have the exact data, but a huge proportion of people who have moved off of welfare into work remain in poverty. The average for people who have moved off of welfare into work is $2,500 a quarter or $10,000 a year. It is also shown in the lack of child care money in the Republican bill, also in the lack of adequate health care. So these are important differences.

So this is not a battle of 1995 and 1996. We worked, a number of us, very hard to craft a welfare bill that paid adequate attention to health care and to day care, though it had other problems remaining in it. No. This is a question of where we go from here and whether we are going to tailor a system that gives the States the flexibility, the inducement, and the mothers the opportunity to move from welfare to work, out of poverty into true independence. That is the difference.

So I am proud to be supporting the Cardin bill, and I hope that all the Democrats will vote for it; and I regret that the Republicans made no effort at all to see if we could put this together in this year.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

□ 1045

Mr. WYNN. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in opposition to this rule, not because it allows us two amendments on the Democratic side or two substitutes, but because it supports a bill which fundamentally perverts the congressional processes.

There have been no hearings on this bill. New Members who came in this session did not get an opportunity to hear testimony, raise questions or make amendments. That is not the way the congressional process, the democratic process, is supposed to work. For that reason alone, we should reject this bill.

But let me go further. Just yesterday, a janitor in this building stopped me and asked me if I could help him find a job for his 40-year-old girlfriend. She worked as a pharmacist's assistant and cashier, and jobs are scarce. I am not sure if my colleagues on the Republican side understand that.

The question used to be ''Where is the beef?'' I think the question today ought to be ''Where is the compassion?''

This bill will result in putting people out of work, putting people on the street who used to be on welfare. This bill will put burdens on States, $8 to $11 billion more mandated to the States, without a single dollar of help from the Federal Government. Where is the compassion?

Critically, on the subject of compassion, this bill ignores the problem of child care. People want to go to work. That lady wanted to go to work. But is there child care funding? No. Right now there are 15 million eligible children for which the States cannot pay child care. That is one of the fundamental flaws of this bill. Add to that the fact we are asking mothers to work more hours, and you see why this is a major problem.

If one looks further, one will find that the bill limits education and vocational training. People want to go to work, they want to get good jobs, but they need training. My colleagues, unfortunately, do not see that as compassion. It seems to me we ought to have a bill that maximizes rather than minimizes training opportunities.

Finally, we have legal immigrants, immigrants who pay taxes. They are not allowed to benefit under this bill.

This is a misbegotten bill. It ought to be returned to committee. We ought to reject this rule and reject, more importantly, the underlying bill.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume just to respond briefly, because child care is very important to me too. I think it is probably one of the most important pieces of this legislation.

This bill gives the governors in every State the ability to shift more of the TANF funding into child care. We not only put an additional $2 billion more into child care, we allow the governors to take the TANF funds and spend from 30 percent, which is the maximum allowed now, to now 50 percent of the TANF funds can shift into child care.

So it is very important that this body understands the funds are there, and it is within the purview of the governors to allow it to be spent for child care. I think that that extra flexibility is very important, and we are happy to have provided that.

Mr. WYNN. Mr. Speaker, will the gentlewoman yield?

Ms. PRYCE of Ohio. I yield to the gentleman from Maryland.

Mr. WYNN. Mr. Speaker, the point I was making is that our welfare rolls are increasing because people are out of work, which means the States will have more people to fund; and the bill does not provide substantial increases in funding to the States. You are asking them to basically take out of their existing TANF money to provide for more people. That does not seem to make sense.

I reiterate, 15 million eligible children are not being funded.

Ms. PRYCE of Ohio. Mr. Speaker, reclaiming my time, the governors will be allowed to use the funds that the Federal Government is giving them to provide for child care, and that is a good thing.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I think this legislation is, which is the reason why I rise to oppose the rule, ''my way or the highway.''

Consultation is the way of this Congress. In determining my position on welfare reform, I went to the constituents of my district who are facing drastic conditions, high unemployment and great need.

I listened to my distinguished friend explain the Republican bill, and simply my response to that is, it gives the governors the right to borrow from Peter to pay Paul. When they borrow to get child care money, what it will do is undermine the needs of your people elsewhere and those in dire poverty.

Let me share with you my concern as to whether any Texan can vote for the Republican bill, because Texas is number one in the percentage of uninsured children, we are number 50 as it relates to children who are fully immunized, and we are number nine in States with a population under 18 living in poverty. So this bill does not respond to the needs, if you will, of those living in poverty in the State of Texas.

The Republican bill provides less money for training, no focus on helping families move up the economic ladder, and frankly, there is not enough money for child care. If you talk to single parents, or parents in general, living in poverty or unemployed or trying to get training or work, they tell you that there is no money for child care.

As we look to homeland security, which is very important, we should not abandon home security. It certainly is an outrage that we would send young men and women off to fight our battles for justice and humanity and democracy who are legal immigrants, but yet their families back home are living in poverty because we insist that they be in this country for 5 years. Why is it not important that they are legal immigrants and that they require the same dignity as anyone else?

I would simply say then that we have a crisis. People are starving, are unemployed, children are going hungry as they go to school, and young mothers who are teenage mothers are living without parenting skills and without training skills. An amendment that I offered did not get in place to be able to help train them.

I would simply say that we have a crisis, and for those who are scoring this, I am going to be voting for the Democratic substitute and the Kucinich amendment, because I am going to stand with the poor people of America as opposed to worrying about the scorers, who do not care anything about the human needs of people living in this Nation and around the world.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I am not going to talk about the bill. I am going to talk about

the process, because that is what is really wrong with what happened here.

When we organized the Committee on Ways and Means, I asked the chairman in open committee whether we would have hearings on this bill. The chairman said that is what he wanted. But it is pretty clear that this House is being run by a politburo run by the gentleman from Texas (Mr. DELAY).

The gentleman from Texas (Mr. DELAY) obviously told the chairman of the Committee on Ways and Means, which is supposed to be the most powerful committee in Congress, you cannot have hearings on this; we are dealing with this on the floor without any discussion, no debates.

Now, if this were a good rule and you made it an open rule and let us put any amendments forward we wanted to, if we could have the debate out here in public, that would be okay. But you closed that off, as well as having any kind of public discussion in the committee system.

Now, this Congress, I am sure, is going to do more and more of that, because it is clear what you are trying to do is run stuff through here so quickly that we will be out of town when some war begins, and there will not be any Members of Congress around here. You will have done all the business, you will not have any hearings anyplace, and you will simply pass the legislation over to the Senate and go home. That is a travesty on the process that has been in place in this country for 200 years.

This is not a minor little bill. This is not ''shall we name the post office in Oologah, Oklahoma, after Will Rogers?'' This is about what we do with the poor people of this country. And for Members elected not to have an opportunity to debate amendments and discuss the issue, I know what they are going to say when we get out here with the regular bill; they are going to say we did it last year.

Listen, things have continued down the drain. We have got higher and higher unemployment, and more and more of us are facing problems in State legislatures that cannot respond to this.

The President has made no proposal to deal with the problems of the States in dealing with people who are on welfare, who are in trouble, kids. The President says, ''Leave no child behind.'' Well, I guess he means they can go to school on an empty stomach. That is okay with him. Okay, that is good. But why not have a kid with a stomach with some food in it so he can pay attention to the books?

But if we had this debate and we had all these amendments put out here and we argued about whether you could actually get 30 hours of work, or should you count training or whatever, all those issues would then make it very clear what you are doing to poor people. You do not care whether they have a livable wage; just shove them off the rolls and leave them out there. And when we start to get the kids, we are going to get the kids from the programs in every State that deal with child abuse. People are going to say, these parents are not taking care of these children. We have to take those children away from them.

It will be created by a bill that never had a hearing. Shame on the Republican leadership.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in response, the fact that this bill did not go through the committee process is totally unfounded. This bill was vetted and there were hearings held and there were committee markups, both in the House and the Senate. There were task forces. There was so much work done on this bill, and it took so long; we passed it with bipartisan, very wide bipartisan support, and we sent it to the other body. There was no action at that time.

Mr. Speaker, we cannot afford to waste that amount of time again. We have to get this done. It has already expired. We need to reauthorize the welfare reform provisions and improve upon them. So much success has happened, we need to continue the momentum and allow the families, the children, the men and women, to rise out of poverty, give them the tools that they need; and that is exactly what this bill does.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in response to my good friend from Ohio, the author of this bill, I cannot imagine any legislature in the country saying we are not going to put this through the committee system this year because we talked about it last year.

Times have changed tremendously since last year. Unemployment rolls have risen, people are being thrown out of work on a daily basis. In my district, I am told that even temporary jobs are almost impossible to find. But that is only one portion of it. Many, many parts of this bill needed to be debated again this year in light of the new realities.

I agree with my colleagues who spoke before me: It is a shame and it is a blot on this Congress that we would bring a bill of this magnitude, affecting the lives of so many Americans, without going through a single one of the five committees that had jurisdiction over it.

I hope this is not a symbol of things to come. If it is, then the legislature has declared itself to be unnecessary. I cannot imagine much that will come up here this year that we probably did not discuss in years past.

Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I ask my colleagues just to look back at the welfare reforms of 1996 and to remind them how far we have come, how far the poverty-stricken people in this Nation have come.

Today, we will find children and families in every one of our districts better off now than they were 7 years ago. We have reduced the welfare rolls. They continue to drop even in these tough times. Our welfare rolls are continuing to drop, even as unemployment may rise.

H.R. 4 builds on these efforts to further protect our children, to strengthen our families, to increase States' flexibility, and to continue the decline in poverty.

Mr. Speaker, it has often been said that the best social program is a job. This legislation provides the needed tools for them to move from welfare to work. There is no reason to stall any longer. This bill has expired. We cannot let it go any longer. We need to pass this rule today, we need to pass this bill today. Stall tactics are over.

Today is the day. We have a very important thing to do for this country, and we should get on with it. I urge my colleagues to support this rule and the underlying legislation.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Ms. PRYCE of Ohio). Pursuant to House Resolution 69 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4.

□ 1059

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Michigan (Mr. LEVIN) each will control 25 minutes; the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes; and the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Ohio (Mr. BROWN) each will control 15 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

□ 1100

Mr. THOMAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before 1996, welfare recipients were trapped, trapped in a welfare system for an average of 13 years. The welfare program actually discouraged work, amazingly enough, and caseloads climbed, peaking at 14 million individuals in 5 million families.

In 1996, reform law turned the welfare program in the right direction, in the work direction. Recipients now are benefiting from increased work, education, training, larger incomes, reduced child poverty, and greater self-reliance, which probably is the most important benefit from the new program. Welfare caseloads are down more than 50 percent since that historic 1996, and the caseloads continue to decline even in a recession structure.

Some of my colleagues might remember the dire predictions of reform opponents in 1996 who predicted that the law, in their words, would cast 1 million more children into poverty. I am glad to report they were wrong. Nearly 3 million children have been lifted from poverty since 1996 in key groups, such as children raised in single-mother households and African American children, who are seeing poverty fall to record-low levels.

Now, obviously, we need to continue on these successes, and that is why H.R. 4 is before us today. Our priority is to help more people successfully transition to work in order to know the dignity of collecting a paycheck instead of a welfare check. Now, more than ever, work is the only permanent path out of poverty.

Mr. Chairman, I reserve the balance of my time.

Mr. LEVIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the real issue before us is where we go from here. We can analyze where we were in 1995 and 1996. Many of us worked hard to bring about a welfare reform that linked welfare-to-work and provided child care and also provided health care. After those ingredients were placed into the bill, and it was a struggle, many of us voted for the welfare reform bill, despite serious inadequacies, especially as to legal immigrants and as to food stamps.

Where do we go from here? It is said a paycheck is dignity. Yes, a paycheck that provides people with a living wage and that moves them out of poverty is the true ticket of dignity. The problem with the bill that has been brought before us, and there are many procedural issues that have been raised, such as the failure to go through the committee process in this session; but the problem is that the emphasis in the Republican bill is not moving people off of welfare into productive work, but two problems: emphasizing those who are on welfare working, rather than moving people from welfare to work and people moving from welfare to work, though they remain in poverty. Those are the two flaws.

We can do much better. Our challenge now is whether people can move from welfare to work out of poverty and into true independence, and that is what the Cardin substitute does. That is what the Thomas bill or whatever it is called fails to do, and there has been no effort at all at any point before this session or during this session to try to bridge these differences.

The reason it is so important is because large numbers, we are not sure exactly the number, but this is clear: huge numbers of people who move from welfare to work remain in poverty. The majority earn $2,500 a quarter, $10,000 a year.

So the Republican bill fails in terms of accomplishing that goal of moving people out of poverty. So they tailor the bill so that the incentive to the States is not to get people into productive work, but to reduce caseloads no matter how it is done.

There are other problems with it. The flexibility of the States to help move people out of welfare into work and out of poverty has been reduced and their ability to use training education. There is inadequate day care money, and I want to emphasize this very briefly. There is an increase in the Republican bill, but it is discretionary money; and CBO has said it is $7.5 billion less than necessary to meet the new requirements in this bill.

We can do much, much better with State flexibility, with the right emphasis on not only welfare to work, but welfare to work that moves people out of poverty.

These differences are important distinctions. They are important differences that will lead to different results for mothers, for their children, and for our Nation; and this House is now forfeiting the chance if it passes the Republican bill to accomplish these results.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMAS. Mr. Chairman, we are going to hear a number of claims; and I would like to present one that I believe is incontrovertible, and that is if people remain on welfare, they will remain in poverty.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. HERGER), the chairman of the Subcommittee on Human Resources of the Committee on Ways and Means; and I ask unanimous consent that he control the remainder of the time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. HERGER) will control the time of the gentleman from California (Mr. THOMAS).

Mr. HERGER. Mr. Chairman, I yield myself such time as I may consume.

This important legislation before us today, H.R. 4, the Personal Responsibility Work and Family Promotion Act of 2003, builds on the many successes of the historic 1996 welfare reform law. H.R. 4 will help even more people transition from welfare to work and know the dignity of collecting a paycheck instead of a welfare check.

As my colleagues may recall, before 1996 the Nation's welfare program actually encouraged dependence with recipients staying on the rolls for an average of 13 years. The program discouraged work, and caseloads reached record levels with some 5 million families and 14 million recipients dependent on benefits by 1994.

Since the 1996 changes, work has increased, incomes are higher, child poverty has been reduced, and families are more self-reliant. Welfare caseloads are down more than 50 percent and have continued to decline even over the past 2 years as unemployment rates have risen. Nearly 3 million children have been lifted from poverty, and poverty rates for African American children and families headed by single mothers have reached all-time lows.

We must continue to build on this record of success. We can do that by passing H.R. 4. This legislation fulfills the President's call to further improve the welfare system by encouraging even more welfare recipients to work. It would protect children and strengthen families by promoting healthy marriages, and it would allow States increased flexibility in operating their welfare programs.

The welfare program needs our immediate attention since it has been on life support since October 1 of 2002. Permanent reauthorization of this program is vitally important to States and the families and individuals this program serves.

I urge all Members to vote in support of H.R. 4.

Mr. Chairman, I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, I ask unanimous consent to control the time on this side.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. The gentleman from Maryland (Mr. CARDIN) will control the time of the gentleman from Michigan (Mr. LEVIN).

Mr. CARDIN. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, my remarks should not be taken as any kind of a statement about the Committee on Ways and Means, because we had nothing to do with this. But I remember the verse in the Bible where they were asking Christ how you would know if you were really a good Christian, and he said, well, it is how you take care of the least of these, meaning the poor people and the sick and all of the rest. This bill is an absolute travesty. Nobody wants to talk about it.

Now, let me tell my colleagues what Republicans say. Mark Schweiker, the

former Republican Governor of Pennsylvania said, ''Meeting the work requirements in the House bill would require us to dismantle much of our time-tested and effective welfare program and replace it with costly programs with little utility. These changes, including significant new child care costs, would cost the taxpayers of Pennsylvania more than $300 million.'' That is a Republican Governor talking.

Or we could take the Republican Senate chairman in Iowa. Her name is Mary Cramer. She said, ''We are concerned that the proposals such as the legislation passed by the House will restrict Iowa's successful efforts to provide training to welfare recipients and meet the needs of local businesses. We urge you not to take a step backwards and further restrict education and training options.''

I could go on like this. Anybody outside the Beltway, outside of the office of the gentleman from Texas (Mr. DELAY), knows that this bill is not going to make it better; it is going to make it worse.

Now, I have a whole long list of things. The GOP will say today that welfare reform has been a great success. If that is, why have 41 out of the 47 States said, the Republican plan would force fundamental change in their current welfare program? Why are we changing it if it is not broken? What is the point? The point is to squeeze poor people.

We heard earlier that child poverty has fallen dramatically because of welfare reform. No, that is not what everyone else who is an economist says. It is a good economy, and it has been the earned income tax credit, and we still are forcing families, with a family of three living on $2,500 a quarter. Now, that is 70 percent of the Federal poverty line. We call that success? That is what we are being led to believe out here, that we have a success and we ought to squeeze them more. They got too much. That family of three with $10,000 for a year ought to be squeezed some more.

We will also hear, and we did hear, that this bill gives more flexibility because we allow States to define 16 of the 40 required work hours in the bill. This bill increases the current law direct-work requirement from 20 to 24 hours and eliminates job search. Looking for a job does not count anymore; you only get credit for working. So if you have a job making $6 an hour and you spend a little bit of time out looking for a job, you do not get any credit whatsoever for that.

The CBO estimates that the paperwork involved in this is going to be a cost of $6.2 billion over the next 5 years. So we will pay for $6.2 billion worth of paperwork; but we will not think about the people, because we need to pass the committee, we need to get it right out here and get it passed because TANF expired on March 31. What they did not say when they came out on the floor was, the Senate Republicans included a 6-month extension of the current law through September 30 in the Omnibus Appropriation Act we are about to take on.

Now, that extension is supported by the National Governors Conference, so Republican legislators are going out and sticking their thumb in the eye of Republican Governors.

□ 1115

Now, if the House negotiators would withdraw their objections to that extension, we would have plenty of time for thoughtful consideration of their program. We would have the next 6 months to think about it. The thing I really like best is, we had plenty of debate last year so we do not need to debate it this year, as though, if you discussed it in 1941, it is good enough; we do not need to discuss it again, right?

Well, do things change? Did we have a new Congress elected in November? We have got new people here. Some of these people have never, ever considered these issues, a lot of them. There has been no public debate whatsoever, and we passed last year's bill on a party line vote, and no attempt was made to work it out with the minority then. This is more of the same. This is just rubber-stamping George Bush's proposals, and the gentleman from Texas (Mr. DELAY) leads the politburo, and he keeps sending things up here.

Mr. HERGER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, just to respond, it is important that we move now. We had more than 20 hearings on this legislation last year. The legislation actually expired September 30 of 2002. We are now 6 months on life support.

The gentleman from Washington (Mr. MCDERMOTT) mentioned that the reason the welfare rolls have dropped is because of prosperity. I would remind the gentleman that we are in a recession now. And even though we are in a recession, the welfare rolls, even since 2000, have dropped some 7 percent.

Mr. Chairman, I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. STARK), one of the distinguished members of the Committee on Ways and Means.

Mr. STARK. Mr. Chairman, I rise in strong opposition to this so-called Personal Responsibility, Work and Family Promotion Act. It is sort of an anti-Christian, egalitarian, rich-folks welfare bill. They are going to pay for the tax cut by impacting the least powerful people in our community.

In 1964, Lyndon Johnson declared a war against poverty. Well, today my Republican colleagues and the President have declared a war against the poor and against all successful social programs in this country. My Republican colleagues in the House, led by President Bush, want to gut the poverty programs. The Republicans propose to privatize Medicaid, destroy Head Start, eliminate housing subsidies for the poor and make it impossible for low-income families to get the earned income tax credit.

But the real hotshots in the Republican Party have dreamed this one up. Not only will they make it difficult for adults. You know, Ronald Reagan created their welfare cheat years ago in his mind, when it was still working, and he had an African American woman in a white ermine cape in an El Dorado Cadillac. And my friend from California has heard this story time and time again. Now the Republicans have come up with a new welfare cheat. It is a little kid in second grade. I have one. Let me show you a picture. Here is one. It is my son. He is in second grade.

Now, he does not get subsidized lunches at school, Mr. Chairman, but you know what the Republicans will do, they will wait until these kids get in the cafeteria line for their subsidized lunch, and they will say, Sonny, go home and get a tax return from your parents, because we are kicking you out of the school lunch program.

That is how they will save money to do away with the inheritance tax. They will beat up on little children and call them welfare cheats.

It is that kind of arrogant, obscene statement in programs that will impact the poor and the helpless in our country. And this TANF legislation is the first legislation in the program to reduce the impoverished in our country to begging.

For example, there is no job training after the first 24 hours out of 40 hours of work. There is a requirement that traps poor people in welfare or in poverty. In Alabama, Oregon, Louisiana, Mississippi, Wyoming and Texas, anyone who works 24 hours a week at minimum wage would be ineligible for any welfare programs at all.

Right now, three out of four families in our country are eligible for child care under State rules, but they cannot get it. That is why both of our Democratic alternatives provide substantial increase in child care funding over the next 5 years.

Finally, and here is perhaps the most arrogant of all, the Republicans, who consider themselves experts in family law and marriage, waste $300 million to promote a marriage program inspired by their blind allegiance to the Holy Rollers of the Christian right. These arrogant Republicans are suggesting we take this money and train people to get married. Now with 60 percent of the women on welfare having at one point been victims of domestic violence, the Republican agenda that coerced poor people into marriage virtually guarantees tragic consequences across our country.

Marriage programs completely ignore the real barriers that prevent many from pulling themselves out of poverty. If you want to truly motivate healthy marriages, then they would support both Democratic bills, because we address the underlying causes of

marital instability, which in most cases is poverty.

The Democratic bills make poverty reduction an explicit goal of welfare. It gives States the tools to help families move from welfare to work and it provides State financial incentive to reduce child poverty, not kick children off the school lunch program and let them starve. It lets them live in stable families, have families that have the income and the support for decent healthy, progressive lives in this country.

I urge Members to oppose H.R. 4 and support both Democratic alternatives.

Mr. HERGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to remind my good friend from California, who is talking about Christian programs and how much poverty is affected by our current welfare bill and the new one, our own State of California poverty rates by the latest Census have gone down since the 1996 bill by 1,031,000.

Mr. Chairman, I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL), a first-term Member of this body, but a person who is very experienced in developing domestic policy.

Mr. EMANUEL. Mr. Chairman, I would like to thank the gentleman from Maryland (Mr. CARDIN) for yielding me time.

Mr. Chairman, I rise today in opposition to H.R. 4 and in support of the substitute amendment. For 20 years an unwritten agreement regarding the old welfare system existed between conservatives and liberals. Conservatives refused to devote more money to the program. Liberals refused to demand anything of recipients. We have lost two generations of Americans to that failed system of dependency.

I was proud to be part of the strong bipartisan welfare reform that the White House and the Congress enacted in 1996. The 1996 reforms were a bold experiment that broke from the past with a new approach that grounded the welfare system in the values of work and responsibility.

Enrollment has plunged by more than 50 percent since 1996. Eight million people left poverty in the 1990s. Teen pregnancy dropped by more than 20 percent and child support collections doubled. We are moving in the right direction because we were true to our common values.

The most important thing that we have accomplished with welfare reform has been to connect a generation of children to the culture of work. Most of us in this room grew up watching our parents go to work. We internalized the value of work, and now we are passing those values on to our own children. Today, millions of children who would otherwise have grown up in a home where work was an alien concept are being raised in a home where they are learning the routine of work.

I know that there are good people on both sides of this aisle with good values who have seen reforms we created improve the lives of folks back home. To those in this Congress with whom I worked in 1996, let us not walk away from what we have accomplished. We have a future obligation not to let bad politics undo our good work.

I am confident, I am extremely confident, there will be no shortage of partisan fights this session, tax cuts, the deficits, prescription drugs. To give up on proven success to engage in another unnecessary partisan fight is wrong.

Mr. Chairman, welfare reform is about demanding responsibility and encouraging work. Over the past 6 years we as a Nation have benefited from our willingness to move beyond the old politics. This legislation represents a return to the failed policies of the past. It is not compassionate nor is it conservative. It undermines our common values as Americans.

Mr. CARDIN. Mr. Chairman, how much time remains?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Maryland (Mr. CARDIN) has 7½ minutes remaining. The gentleman from California has 19½ minutes remaining.

Mr. HERGER. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. SHAW), the original chairman of the committee that put out the 1996 welfare reform.

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I think one of the things, and when you listen to some of the debate on the floor by a couple of speakers that I had a chance to watch from my office, you see some bitterness and some hatred trying to be painted onto this system of welfare reform.

We had worked on welfare reform prior to 1996 for several years. We worked hard and long and we did it with compassion. We were faced with a system that was broken, badly broken. And unfortunately, in this broken system, we were breaking people. They were losing their spirit, their inner souls, their drive, what makes people try to do better and to become role models for their kids, actually paying people not to work, paying people to have kids and not to get married.

And guess what? That failed, broken system encouraged that type of behavior. And the welfare rolls grew and they grew and they grew in time of prosperity as well as time of recession.

But then in 1996 after two failed attempts and two vetoes by the Clinton administration, on August 22, 1996, the welfare reform bill was signed into law and there were Democrats and Republicans at the signing ceremony. There were Democrats and Republicans that ended up voting for this welfare reform. And this was after a debate that was punctuated by predictions of kids sleeping on grates.

And what have we accomplished with this? We have cut our welfare rolls by over 50 percent. Even today, we do not see any great rise in welfare reform even as the jobless rates began to rise as of a couple of years ago. This is a wonderful success. And I say, it was done with great compassion.

We were concerned about what happens to the kids. We have provided child care.

We were worried about how the medical expenses were going to be paid. We have provided continuation of Medicaid.

We are worried about how the training for jobs was going to go forward. We have provided job training. The States have done a wonderful job in not only training people so that they can have jobs, but in also teaching them how to take interviews, how you dress, how you shake hands.

□ 1130

Why is all this necessary? It is necessary because the people that were on welfare, that had to come off of welfare were victims of welfare, and they did not know any difference; but they were good people, and we believed in the human spirit, and we were not disappointed.

Now who were these people that got out and who are the real champions of welfare reform? Oh, I hear everybody taking credit for it, but the real heroes were mostly single moms who, after they realized that there was something outside of a life of welfare and dependence, could make something out of themselves, could take control of their lives and could become role models for their kids.

I think that day in 1996 when we passed in this House welfare reform after hearing a speech by the President in which he said right before the vote that he would sign the bill, I think that is one of the proudest moments in the history of this House of Representatives. Now I think it is time to go a little further.

There are those, because of the reduction in the welfare rolls, who would like to decrease the funding. We are getting down now to some hard-core unemployed people. I think 58 percent of the people receiving benefits now are not working, and we need to give that extra little push, but I think we need to continue to do it with compassion.

We need the flexibility that this bill has for child care. We have got to be sure these kids are not in the street. We have got a responsibility, and that responsibility has grown out of a failed welfare program that existed for decades in this country prior to 1996.

Mr. CARDIN. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Chairman, I thank the gentleman for yielding. I would just like to say to the gentleman, I compliment the gentleman for the role he played in 1996. I think our side is trying to protect the product that my colleagues developed in 1996.

This bill that is before us dramatically alters it. The gentleman is right, it was a great success. Why are we now being so prescriptive at the national level?

Mr. SHAW. Mr. Chairman, to answer the gentleman, there are increases in the work requirements. We have gotten to a plateau where the original intent of the welfare reform is not being fully implemented, and I think this is a good corrective measure.

Mr. HERGER. Mr. Chairman, I yield three minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Chairman, I rise today in support of H.R. 4, the Personal Responsibility, Work and Family Promotion Act of 2003; and I support this important measure because it will remodel and improve the welfare reform legislation that has already helped millions of people off the welfare rolls, improved child well-being, lifted millions more out of poverty, and boosted personal incomes and improved the quality of life.

Take, for example, a family from my district in northwest Florida. James and his wife and their 2-year-old son had to relocate to DeFuniak Springs at a time when there were few job prospects in that community. In November of 2001, James and his family had to apply for cash assistance to meet their needs.

The couple agreed that James would participate in the Welfare Transition Program; and during the 2-week employment preparation program, he learned that he had an aptitude for the medical field.

Upon completion, he entered a community service work site at the Council on Aging; and during this service assignment, he demonstrated not only an aptitude but also the initiative to seek training and further experience. He qualified for financial assistance for training through the Workforce Innovation Act and completed training as a CNA through Walton County Vocational Tech.

Through his eagerness to learn, James was able to secure a paid position with the Council on Aging; and last February, he was hired to a full-time position with benefits and is no longer receiving cash assistance.

Mr. Chairman, this is just one of the many examples of how hard work, personal ambition, and a system that puts faith in the individual can be successful. Even with accomplishments like this, we can do a whole lot more. Our welfare system is not perfect, and we must improve it by offering reforms that promote a life of self-sufficiency, dignity and hope.

I hope that my colleagues support these important principles and will support H.R. 4.

Mr. CARDIN. Mr. Chairman, it is now my pleasure to yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished whip on the Democratic side.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me the time, and I thank him for his leadership.

Mr. Chairman, today the self-proclaimed compassionate conservatives dropped their guard and a little bit of a charade, in my opinion.

This hard-hearted welfare reform bill literally mocks the increasing number of Americans who are struggling to make ends meet, and it forces cash-strapped States to swallow a huge unfunded mandate. This bill barks, Get a job, but it turns a blind eye to the most obvious question facing any job seeker today: Where?

When Democrats and Republicans came together in 1996 and pursuant to President Clinton's campaign in 1992 when he said he wanted to see welfare end as we knew it, we came together in a bipartisan fashion; and he signed that bill, ending welfare as we knew it. This Nation was enjoying the longest peacetime expansion of our economy in 50 years. Twenty-two million new jobs were created during the '90s.

I voted for the welfare reform 7 years ago because I strongly support the principle that a person has to earn what they receive, and if they receive assistance, they have a responsibility to pursue the ability to work and support themselves and their children; but oh, how circumstances have changed, Mr. Chairman.

Today our economy is stagnating. It is in the worst hiring slump in nearly 20 years. More than 8 million jobless Americans are looking for work, and more than 2 million jobs have been lost since President Bush took office. Yet this GOP bill blithely ignores reality.

It would impose unrealistic work requirements on recipients, even forcing mothers with children under the age of 6 to double the number of hours they are required to work each week to 40. At the same time, it utterly fails to provide the funding that is needed to back up these new work requirements. Where was the passion to get away from unfunded mandates that I heard so much about in the early '90s before the Republicans took control?

The bill passes the buck to the States, which will be forced to spend an estimated $11 billion over the next 5 years to implement the new rules. How do we expect the States to pay for this unfunded mandate? They were forced to address a $49 billion budget shortfall in fiscal 2003, and according to the National Conference of State Legislatures face a minimum $68.5 billion shortfall in 2004.

Mr. Chairman, on its own merits this bill is bad enough; but when considered in the context of the failed economic policies of this administration, it is oblivious to the realities confronting our people and our States. The Republican proposal cracks down on the single mom who the gentleman from Florida, my good friend, referred to as a hero. This bill cracks down on that single mom who is trying her best to work and still take care of her kids. At the same time it supports a plan that would give the top 1 percent of America's taxpayers over a $25,000 tax cut. Where is the compassion in that? Where is the commitment to leave no child behind in that?

I urge my colleagues, Mr. Chairman, to vote for the Democratic substitute which increases work expectations but also assists the States in accomplishing that objective. It would impose tough, but fair, work requirements. It would increase mandatory funding for child care by $11 billion over 5 years. It speaks to the bipartisan agreement that we had, expecting work but also expecting us to help those who cannot find work, who cannot work.

Mr. HERGER. Mr. Chairman, I yield myself such time as I may consume.

I would like, just in response to the gentleman from Maryland, the CBO has indicated that there will not be any unfunded mandates. I have a letter in front of me. Because of the broad flexibility afforded States under the TANF program to structure the program and determine benefits, the new requirements of H.R. 4 would not be intergovernmental mandates.

Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. PORTMAN), a key player in welfare reform on the Committee on Ways and Means.

Mr. PORTMAN. Mr. Chairman, I thank the gentleman for yielding me the time, and I commend him for the legislation before us today which extends and builds on the very successful welfare legislation that this House passed back in 1996, truly one of the best pieces of legislation we have enacted during my time in Congress.

Amazing success. We have lifted 2.7 million children out of poverty through this welfare legislation over the last 7 years. We have reduced welfare caseloads by 60 percent. In my own State of Ohio, 267,000 people have left welfare and instead started working; and they are enjoying now the dignity and the self-respect that comes with work.

It is hard to argue with that success. I commend the gentleman from Maryland, the ranking member on the subcommittee, for his work with the gentleman from Florida (Mr. SHAW) and now with the gentleman from California on this legislation. I know he shares our same goals, but I would have to dispute what his colleague from Maryland just said about this being a hard-hearted reauthorization of welfare reform. Hardly hard-hearted.

The gentleman just made a very good point that there is no unfunded mandate, which was one of his points; and having been the author of the unfunded mandate act, I am glad we have gone through that process and determined there is flexibility here and it is not an unfunded mandate on States.

More importantly, there is $2 billion in additional funding in this legislation for child care, a huge commitment over the next 2 years to provide significant new resources even at a time when our

budgets are tight for something that is very important, which is transitional child care.

There are more taxpayer resources obviously going to these families who need help. Back in 1996, we were giving roughly $7,000 on average per family for welfare. Now, under this program that we will hopefully pass today, it would be $16,000 per family. That is a substantial increase.

The point was made that we are cutting the funds to the States. We are not. Despite a 60 percent reduction in caseloads, we are not reducing the funding to the States. We are keeping the same commitment on the block grant, plus we are adding, as I said, another $2 billion on child care.

These are the statistics, and it is hard to argue with them; and there has been a lot of success.

I want to talk about the personal stories just for a second. All of us have gone back home and talked to welfare moms who have taken advantage of the opportunities we have provided them over the last 6 years with this legislation.

I have had the opportunity to visit with a lot of those families but also some of our good agencies back home. One is called the Accountability and Credibility Together Center in Cincinnati, Ohio; it is called ACT. They have had remarkable success. They have worked with over 5,000 families in the greater Cincinnati area to move them from welfare to work; and guess what, only 200 of those families have gone back to public assistance. Incredible success story.

When I was there at the center recently, I have been there a couple of times, but a family was there. They had come in. Both the mom and dad were out of work. They were about to apply for public assistance and welfare. Instead, the center got them plugged into some educational opportunities, some job opportunities. Now this woman has gone back, she has gotten her GED. She is now in college, and her family is supporting her in that. The husband is working. Again, the dignity and the self-respect that comes from that having worked, being able to provide for a family is something that the statistics cannot tell. That is the great success story of welfare reform that this Congress passed back in 1996.

This is an important extension of that. It is a necessary reauthorization, but will encourage more work, will encourage healthier families, encourage more marriage. I think this is a good bill, and I hope we will pass it with bipartisan support.

Mr. CARDIN. Mr. Chairman, could I inquire as to the time division?

The CHAIRMAN. The gentleman from Maryland (Mr. CARDIN) has 4½ minutes remaining. The gentleman from California (Mr. HERGER) has 9 minutes remaining.

Mr. CARDIN. Mr. Chairman, I reserve the balance of my time.

Mr. HERGER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), another important member of our Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I may not need the whole 3 minutes, but I want very much to talk about this issue of work requirements because, first of all, all the studies show that welfare reform was most successful in the States with the most stringent work requirements. The University of Michigan studied this, certainly no bastion of conservatism. The study by the Manpower Demonstration Research Corporation also shows that programs that emphasize rapid entry into the workplace leads to more employment and higher earnings.

Now what does this bill that the President has proposed and the committee has disposed of and brought to this floor do about work? It does a very simple thing. It raises the number of hours a person must work from 20 to 24. That is 3 full work days, 8, 16, 24, three full work days, but it raises the work requirement to 40 hours. That is 5 days, but the other 16 hours, Tuesday and Thursday for example, could be used to take classes. The States can count that as work. They can count, in fact, under the bill, mental health treatment as work, substance abuse treatment as work, all those things that are necessary for the person to be able to succeed in a full-time job and to move up the career ladder in that job.

□ 1145

So what this requires of people on welfare is to think about their whole week and how are they going to use the time in that week to create their own future.

Work experience is, without question, a part of that. You need the experience, you need the recommendations, you need to be on site in a workplace to decide whether this is the line of work you want. If you work at a lower-level job in the insurance industry, you get a pretty good idea of whether those career ladders are interesting to you. You start out in a hospital or a nursing home, you get a pretty good idea of whether those career ladders are worth the extra training to work up them.

If you do not work, you are isolated from the real world and from what it takes to advance, what it takes in skill, what it takes in being able to work with a team, what it takes in personal discipline. So work is important. It does help us move forward.

But education, training, money management, a better understanding of career tracks, mental health, substance abuse treatment, all those things, including caring for your own child, can be counted as work.

You know what communities can do with this bill? They can hire skilled child development people to head up after-school programs for children, and then count as work the time that women spend, or welfare recipients, women and men, spend as assistants in those programs so that we can explode the after-school program opportunities for our kids. And that person's children can be in that program. So not only are you with your own children, but you are learning the child development information you need to be a better parent. Every parent needs this.

So this bill creates extraordinary opportunity for human growth and for personal growth. And without creating that opportunity, the promise of freedom is a false promise.

Mr. CARDIN. Mr. Chairman, I reserve the balance of my time.

Mr. HERGER. Mr. Chairman, do I have the right to close?

The CHAIRMAN. The gentleman from California (Mr. HERGER) has the right to close.

Mr. HERGER. Mr. Chairman, I reserve the balance of my time to close.

Mr. CARDIN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, with so much attention devoted to Iraq, money is now being diverted from quality child care as well. The Republicans' own Congressional Budget Office estimates that over the next 5 years, for every dollar that is required for child care and other associated costs of the goal of moving people from welfare to work, this Republican bill will provide one very thin dime. This leaves a gap, a ''window of vulnerability'' of 90 cents on that dollar.

In Texas alone, we will require $688 million that this bill is not providing to meet the needs of our children and to fulfill the work requirements of this legislation. It does not take satellite surveillance photos to see the irrefutable proof in our own neighborhoods that too many children will not have the child care or the child protective services that they need and will be left in neglect.

This is a ticking time bomb in our own country, not on the other side of the world, and it can be diffused by providing the essential dollars that even their estimators say will be required to ensure quality child care and to get people to work. Otherwise, these families already rowing hard against a severe current of trouble, are now told that they will be left without a paddle.

This Administration and its allies here in Congress are all too willing to raid Social Security and Medicare to build smart bombs, but what about smart kids and opportunities for them? The gap between this Administration and its Leave-No-Child-Behind policy and the reality of leaving scores of children behind is a scandal. Only in the sense that every child today will be forced to pay off the huge public debt have we left no child behind.

As my friend and State senator from Texas Eliot Shapleigh said, ''In a society that values tax breaks over kids, ultimately it is the kids, their education, our prosperity, and America's ability to compete that will pay the price.'' Inaction is not a solution. We cannot sit here doing so very little to

meet the needs of our next generation of Americans. What we need is a coalition of the willing, a coalition of the willing to vote ''yes'' on a meaningful Democratic alternative to ensure that our youth are given a chance to become productive members of society instead of a burden to America.

Mr. HERGER. Mr. Chairman, I yield myself such time as I may consume to respond to my friend from Texas that when we started welfare reform back in 1996, the average amount of money that was available for each family was slightly less than $7,000. Today, that amount, because we block granted it, the average amount that is available for each family today is about $16,000. More than double. Also in this bill we have $2 billion that is for additional child care.

And just to the State of the gentleman from Texas (Mr. DOGGETT), that will amount to some $370 million of additional child care, just for the State of Texas.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP), a key member of our Subcommittee on Human Resources.

Mr. CAMP. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise today in support of H.R. 4, the Personal Responsibility, Work and Family Promotion Act of 2003.

Mr. Chairman, we have the opportunity and responsibility to build on the 1996 law, which many here helped write. The law we crafted has seen unparalleled success by almost every measure, yet our work is not done. I am proud that the main focus of this legislation has been on self-empowerment, work, and most importantly, strengthening family.

If we look at the fact that more parents are working today, we have a responsibility to ensure that parents have child care. This bill adds $2 billion over the next 5 years to the current record amounts for this purpose. In addition, this bill also provides the States new flexibility so that unused funds can be transferred over and used for child care needs of working families.

In total, the funds available today per family on welfare, as the chairman said, represent $16,000. That is double the $7,000 available for those purposes in 1996.

Many of us are not new to this issue. In addition to being one of the authors of the landmark 1996 welfare reform law, along with our current chairman, as well as the gentleman from Florida (Mr. SHAW), the chairman in 1996, I have held field hearings, sat with advisory panels, and spoken with constituents. The one common theme was proper access to child care, that that was an impediment on the road from welfare to work.

This bill meets the needs of the parents who have told me time and again that child care is one of the greatest challenges they face. Let us give support to these families who desperately want the choice to work.

Mr. Chairman, this is a good bill. It strengthens the landmark welfare reform bill Congress passed and President Clinton signed into law in 1996. Let us give our families the tools they need to ensure that parents can enter the workforce with peace of mind, knowing their children will be in a safe and constructive environment.

I urge support of this bill.

Mr. CARDIN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is a bad bill at the wrong time. I supported the 1996 welfare reform legislation. I thought it was the right thing to do. In 1996, we gave the States flexibility. This legislation takes it back. In 1996, we gave the States the resources they needed. This bill does not give them the dollars in order to do the job.

The legislation before us is remarkably different from the 1996 bill. That is why so many of our Nation's governors have said to us in a letter dated today that we will take a significant step backwards in reforming welfare. This is not the time to replace State flexibility with unfunded mandates.

My chairman says this is not an unfunded mandate. The Congressional Budget Office says it will cost $8 to $11 billion extra money for the States to comply with the requirements in this legislation. The Republican bill gives the States $1 billion more and $1 billion on a promise. That is an unfunded mandate. Maybe technically it is not, because you can transfer monies from other accounts.

Let me tell you a story of my own State of Maryland. Our States have record deficits. In 50 years they have not been this bad. We see that deficits are between $70 to $85 billion in our States. In Maryland, our governor is recommending a 23 percent reduction in child care because of the deficits. And what do we do? Mandate they spend more money by a prescriptive Federal law.

That is not what I voted for in 1996. I voted to give the States flexibility and the resources, and this legislation is taking it away. It is going to hurt our children, it is going to hurt our States, and it is wrong. We should have done better, and had we gone through a normal process, we would have had a chance to explore what happened during this past year, correct the mistakes in this body and not rely on a conference.

I urge my colleagues to reject this bill. We will offer an alternative, a substitute, later on in the debate so we can correct these mistakes.

Mr. Chairman, I yield back the balance of my time.

Mr. HERGER. Mr. Chairman, I yield myself the balance of my time.

Sometimes, when I listen to the debate on the other side, I wonder if we are talking about the same legislation. We are seeing in the area of child care some $2 billion more that is being placed into this legislation than was in the 1996 bill.

Again, since we keep hearing about unfunded mandates, I again have a letter in front of me from the Congressional Budget Office indicating that there are no unfunded State mandates.

But let us go over the incredible successes of the 1996 bill and where we go here in our new legislation. Child poverty has fallen since 1996 by nearly 3 million children who have been lifted up out of poverty. The black child poverty rate is now at a record low. More parents are working today than ever before in welfare. Employment by mothers most likely to go on welfare rose by 40 percent between 1995 and 2000. Dependents fell by unprecedented levels. Welfare caseloads fell by 9 million during this period of time, from 14 million recipients in 1994 to just 5 million today. Yet there is much that needs to be done.

Even though we have more people working than before, there are still 58 percent of recipients who are not working or who are not receiving training or who are not involved at all. Too many families are breaking up. It is tough enough to raise children with two parents, let alone just one. We still have 2 million families that remain dependent on welfare that we want to address.

What our new legislation would do is that we allow for more parents to be able to work and, therefore, be able to receive benefits. States will continue to receive the record Federal welfare and child care funds, despite since 1995, a nearly 60 percent reduction in rates. This means that average allotment per family will go from less than $7,000 in 1995 to some $16,000 today. And there are funds in here to help encourage and to help give counseling to encourage that every child has two parents at home. So we recognize this.

Again, of all the legislation that I have been involved with in 16 years, I feel this has been the most successful. And what we are doing in this current legislation, H.R. 4, is building on these incredible successes of the last 5 years and continuing them.

I urge the strong, overwhelming support of this body on H.R. 4.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

□ 1200

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the 1996 welfare reform law that we are reauthorizing today has been an unprecedented success, one of the most important pieces of social policy since the civil rights legislation of the 1960s. We transformed the welfare system from a permanent

entitlement system that tolerated government dependence to a temporary assistance program which helps people earn a new start, find a job and become self-sufficient.

Today, with the Personal Responsibility, Work and Family Promotion Act, we are prepared to build on that success. This bill marks the beginning of a second phase of reform that will help even more Americans find productive jobs.

The colleagues on the other side of the aisle may say, The system is working, why fix it? Why argue with success? Here is why. Welfare caseloads have fallen dramatically since 1966; but as this chart shows, some 58 percent of TANF recipients still are not working for benefits, according to the Department of Health and Human Services.

The bottom line is approximately 2 million families remain on welfare rolls today, and we need to do something about it. Over the last 2 years, the Committee on Education and the Workforce has held five hearings on the success of welfare reform and the new challenges that we face today. Last year our committee approved a bill introduced by the gentleman from California (Mr. MCKEON), the Working Toward Independence Act, which is now part of this overall bill which is before us today.

It strengthens work requirements to ensure that we move welfare recipients on the path to self-reliance. As Connecticut Governor John Rowland has said, ''The most compassionate way to break the cycle of poverty, dependency, and hopelessness is through work.''

The bill requires welfare recipients to participate in work activities 40 hours a week. But within these new requirements, there is significant flexibility for States and recipients themselves. Welfare families will have 16 hours a week to pursue education and job-training opportunities. They can also attend school full-time for up to 4 months over a 2-year period. This measure also increases the percentage of welfare families in each State that must be engaged in work-related activities, currently at 50 percent, moving to 70 percent by 2008.

Some have questioned whether States can meet these new requirements, suggesting that we are setting the bar too high. But I agree with what President Bush said, ''If it brings dignity into someone's life, it is not too high of a goal.'' And remember, the bill gives States 5 years to comply with the new work requirements.

The bill also includes significant funding increases for child care, boosting spending for the Child Care and Development Block Grant by $2 billion over the next 5 years.

In addition to this new money, it is important to remember that States have half the case loads that they had in 1996, which means that they have twice as much money available to spend on work programs, child care, transportation and other services that are necessary in order to help move people from a life of dependency toward the mainstream of American society.

H.R. 4 also incorporates key elements of President Bush's Good Start, Grow Smart plan to improve early childhood education. It encourage States to address the cognitive needs of young children so they are developmentally prepared to enter school.

Finally, the bill includes a promising new plan to empower States and localities to develop innovative solutions to help keep needy families working towards independence. It would give States and local agencies the opportunity to coordinate certain welfare and workforce development programs and improve their efficiency and their ability to help move people from welfare to work.

Mr. Chairman, in closing I would like to echo the sentiments of President Bush when he said that no level of despair should be acceptable in our society. With this bill we are going to help some of the most vulnerable members of our society to help them achieve independence and self-sufficiency, and I urge Members to support the bill.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Without objection, the gentlewoman from California (Ms. WOOLSEY) will control the time of the gentleman from California (Mr. GEORGE MILLER).

There was no objection.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as a Member of Congress who has actually been on welfare, let me tell Members, I know the pitfalls of H.R. 4. I know the pitfalls of the Republican welfare bill.

I also know what we have learned since we passed welfare reform in 1996. We learned that we have to make changes. We learned that we cannot send people to work and keep them in poverty forevermore. We learned that we have to do a better job in helping the families that need that safety net.

In this economy with fewer jobs and a greater waiting list for child care, we know that we have a lot of work to do because people are returning to welfare in this bad economy. But the most important thing that we learned from 1996 is that it is not so hard to get people off welfare, but it is very hard to get them out of poverty. So if we want to keep individuals off the welfare rolls, particularly in a weaker economy, the economy we have today under President Bush, we have to work very hard; otherwise we have failed because welfare moms, those who have moved from welfare, have moved into permanent poverty.

Today more than one-fifth of the families that have left welfare since 1996 have come back onto the rolls and 39 States have reported a greater caseload increase for the last quarter.

This country needs welfare that gives States the flexibility they need to get families out of poverty and into real work, work that pays a livable wage, work that a mother can sustain her family on.

H.R. 4 will push more low-income parents into low-paying workfare jobs while making it almost impossible for them to get a real education, the kind of education they need to get good jobs, jobs that will keep them off welfare forevermore.

While increasing the hours of work, the Republican bill does not provide the child care support that is necessary to sustain those families. We have a Democratic substitute. Our substitute enables States to give welfare recipients the support, the services they need so that they can go forward, become skilled, educated, and get jobs which will keep them off of welfare forever.

I am the perfect example of what a good education, child care resources, good health, and actually being a little bit assertive did not hurt at all, what a difference that makes to a family. I was on welfare for 3 years even though I was working. We cannot take those services away from moms if we expect them to be able to take care of their families now and into the future.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON), the chairman of the Subcommittee on Employer-Employee Relations.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I believe our welfare plan has worked. It has been shown to work, and the corrections that are in this plan make it work better. It is no surprise to the people of the Third Congressional District of Texas that because of the excellent services provided by the North Central Texas workforce, many leave welfare behind.

One example is a woman I will call Alice who found help through the Choices program in Allen. A single mother of two children, Alice went to the workforce center in Allen 5 months pregnant. She had never held a steady job. Having worked a month as a receptionist and 3 months as a waitress, she decided she needed a job to support her and her children.

The Choices program provided her with child care assistance and transportation assistance to seek employment. She worked with the employment services staff, and in time she found a job as a warehouse manager in Plano making $8.50 an hour. The job did not last because the company went broke and she lost it. That did not stop her. Within 2 weeks of losing her job, she found another working as a receptionist in Plano making $12.50 an hour.

Her employment counselor reports that Alice always showed determination and motivation to become self-sufficient so she can support her family. She still works full time and has even taken on a part-time job as a Mary Kay distributor. In December, she sent a

Christmas card to the people of the North Central Texas Workforce Center in Allen thanking them for their help. She is a shining example of the positive things that happen when people move from welfare to work. This welfare bill helps them immensely. Let us pass it today.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I rise in opposition to the Republican welfare bill, even though my colleague from Ohio is on the other side.

I keep hearing stories about Alice and Mary and Stephanie who have done well off of welfare. I would like to line up all of the Johns and Alices and Marys that I know who have not had success, who have gone from welfare to poverty, to show Members their children who are suffering as a result of the fact that their mom or dad cannot get child care in order to go to work.

It is an interesting discussion right now that we would talk about work for welfare recipients when in fact the people who have been working all along have no jobs, and we know the last person hired is going to be the first person fired.

Right now would have been the opportunity in these low economic times to take this bill back to committee and take into consideration the fact that the economy is not in as good a shape as it has been, and maybe we could have put some incentives into this bill to have employers hire welfare workers, and maybe that might have stimulated our economy a little bit.

We are in the worst economic times since World War II. Every city, every county, every State is laying off workers. I just read a story in the New York Times this morning about layoffs. So to say this is a great time to talk about moving from welfare to work is ridiculous, and it is ridiculous to have this discussion without taking into consideration the whole issue of the economy as it currently exists.

All we have to do is ask Governor Taft, a good friend of the gentleman from Ohio (Mr. BOEHNER), what trouble the State of Ohio is in right now. Even with the programs of Medicaid, even talking about taxing the poor for getting a manicure or getting a hairdo or for going to the movies. To say we are going to put them in jobs where they make $5.25 an hour and have to pay additional dollars for all of these things is just ludicrous.

I encourage Members to vote against this legislation because it does not do what it is intended to do.

Mr. BOEHNER. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MCKEON), the chairman of the Subcommittee on 21st Century Competitiveness.

Mr. MCKEON. Mr. Chairman, I rise in strong support of H.R. 4, the Personal Responsibility, Work and Family Promotion Act. Six years ago, the Nation's welfare rolls bulged with more than 14 million individuals. Today the rolls have decreased significantly. In my home State of California, the welfare rolls decreased by more than one-half. More than 470,000 California families are free from the bondage of welfare thanks to welfare reform based on work.

□ 1215

Between 1996 and this very day, over 9 million individuals have left welfare for the satisfaction that can only come from working to support your family. H.R. 4 helps these families and builds on the success of the 1996 reforms.

Mr. Chairman, today there are few who would argue about the success of the 1996 reforms, but 6 years ago the nay-sayers cried that if welfare recipients were required to work for their benefits, millions of families would be forced to live in the streets and millions of children would go hungry. But we know that, in the end, welfare reform based on work helped to reduce the child poverty rate in America to its lowest level in over 30 years. Child poverty among African American children is at its lowest rate ever.

The bill before us requires that those who receive temporary assistance, those needy families that receive that temporary assistance, be involved in direct work for 24 hours a week and that they also spend 16 hours improving their abilities, getting educational instruction or job training that will lead to better marketability for them in the marketplace. The total combined hours for work and training equals just 40 hours a week, which is the average American workweek. For America's families to be ready to lead lives independent of welfare, they must become accustomed to the demands of the average workweek.

But the work requirements coupled with ample job training and educational instruction are not the only ingredients to successful welfare reform. It is impossible to return to work or search for work if welfare recipients do not have adequate child care. H.R. 4 increases the already extremely high levels of funding for the child care development block grant. The high level of funding is increased by $2 billion, even as the number of families being served has dropped by over 3 million.

Mr. Chairman, the ultimate goal of welfare reform is fostering strong and healthy families. When you wade through the rhetoric, when you eliminate the sound bites, when the grand floor speeches are over and the only thing that remains is H.R. 4, Americans can be sure that this Congress has drafted a bill that will help build on the success of the 1996 reform and will help lead families to independence. We re-enthrone work and help people attain the dignity that comes from providing for yourself and your family.

I urge that all of us join in support of H.R. 4.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank the gentlewoman for California for yielding me this time.

Mr. Chairman, our colleagues on the other side of the aisle have simply put a new number on last year's bill without any apparent attempt to address the new realities of this worsening economy. That bill is, in terms, harsh and seems to be divorced from today's reality. As written, the legislation will impact some 48,000 families in my State of Massachusetts alone, which is now in its toughest economy in a decade. It would cost the State, which is already drowning in red ink, some $222 million over the next 5 years in order to implement what essentially are unfunded mandates. Health care and housing assistance are already being cut back, and in my district the unemployment rate is now 7.3 percent.

In this type of an economy, we should be helping States, not putting a further strain on the safety net for America's families. Obviously, first we need a better policy to create jobs than the one being offered by this administration and the majority. But then we need this measure to be crafted so that it will actually help people qualify and enable them to fill jobs and to lift them out of poverty to self-sustainability.

In the current economic climate, we have to look at the principles that really work. Education and training have to count towards the work requirement more than the bill on the floor allows for. Common sense, educators and countless examples concur with that opinion. People have to be able to make contacts, develop skills and find careers, not just jobs, but jobs that bring them out of poverty. Working parents need child care.

Our alternative keeps up with inflation and increased work habits and addresses that situation. The opponents' bill does not, adding $1 billion; and a $1 billion promise does not meet the $11 billion that we are told is going to be impacted on the States and cost them to meet these requirements. We cannot be forcing parents to choose between leaving their children home alone and working to put food on the table or staying home with their children who are hungry.

And we have to allow State flexibility. States like Massachusetts have effectively used those waivers, Mr. Chairman, to design their own versions of welfare, and they have worked in their economies. Those are the principles that have to underlie this bill. Those are the changes that have to be made. If they are not made, I would recommend that we vote against the bill, but for the alternative.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), a valued member of our committee.

Mrs. BIGGERT. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of H.R. 4. This legislation will continue the remarkable success of welfare reform.

I still cannot get over the statistics. Nationally, welfare caseloads have dropped more than 50 percent from the all-time high of 5.1 million families in March 1994 to 2.1 million in December 2001. Back in my home county of DuPage, there were 2,333 families on assistance in 1996. Today, there are only 419.

Some may argue that caseloads are dropping because individuals have exhausted their eligibility, but the numbers show that this is not true. The most recent census figures show that employment by mothers most likely to go on welfare rose by 40 percent between 1995 and 2000.

This legislation keeps our commitment to America's kids and to America's great promise of welfare reform. And with the addition of $2 billion in extra funding for child care and development block grants, a very good bill is even better. I thank Chairman THOMAS of the Committee on Ways and Means for including this funding, as well as my Republican women colleagues who have worked very hard for this.

Why is this funding such good news? More funding means more kids covered, and it means that more parents will be able to afford better quality care. More kids covered means more parents working. That is our ultimate objective, to give every American the opportunity to work and to gain the dignity and self-respect that comes with providing for your own family.

The past 6 years of welfare have shown us what works and what does not. When I meet with former welfare recipients throughout my congressional district, each and every one of them tells me that their success simply would not have been made possible without child care assistance.

This is an outstanding bill that builds upon the welfare successes of the past 6 years. Let us get it to the President's desk and into law as quickly as possible.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

I would like to just make one remark before I yield time to the ranking member of the Committee on Education and the Workforce, and that is that 20 States right now have a waiting list for child care, not just for welfare moms, but for the working poor and working families in general. We must not forget that.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Education and the Workforce.

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding me this time, and I want to thank her publicly for all of the work over the last several years that she has put into our Democratic substitute, trying to advance this discussion about our obligation to try and help those individuals who want to work to be able to go to work and to be able to get a job that not only takes them off of the public assistance rolls but it also takes them out of poverty. That has to be our goal.

It is unbelievable that the Republicans would introduce the very same bill that they introduced almost a year and a half ago when the economy has changed entirely. During that time what we have seen is the highest unemployment rate since 1994. We have seen almost 1.7 million jobs lost since 2001. Almost 2 million jobs have disappeared.

In those sectors of our economy where people are likely to go to get entry-level jobs, in the hospitality industry, in the retail industry, in the fast food industry, they are all in trouble. They are all laying workers off. Yet we want to act like today is how it was a year ago, 2 years ago, 3 years ago.

No. What we need is we need jobs and we need child care for those individuals who are seeking those jobs. The Republican bill fails to provide that. It fails to recognize how lousy the Bush economy is and how many people are in trouble.

We have 1 million people who have exhausted their unemployment benefits and cannot find work. And somehow we are suggesting that these people just go out and look, that they will be able to find that work. I hope they are able to, but they will not unless we provide the kind of child care that is necessary.

The gentlewoman from California has made it clear: In 20 States we have a waiting list of the working poor, of people trying to get off of welfare, of people who are working to try to find child care for their children. In California, 200,000 people are waiting for child care. The money they have in the bill will not take care of the problem in California, much less nationwide.

The problem nationwide is $11 billion in child care. They put in $1 billion in mandatory child care.

The Republicans have got to wake up and understand what has happened to our economy. We want these people to be able to go to work. We want those people who are working now to be able to stay in the workplace. But the economy has to improve, and they have got to provide the underpinnings so these individuals can take advantage of those job opportunities should they come along.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), chairman of the Subcommittee on Education Reform.

Mr. CASTLE. I thank the gentleman for yielding me this time. I have a statement which I will submit, Mr. Chairman, for the record.

I would just like to say that I am in very strong support of this legislation. Welfare reform goes back a long time in this country, well before Congress actually got too involved in it. It goes back to the States in the 1980s in which a number of States came forward and said they could do something about welfare reform. Finally, in the Family Support Act of 1988, the Federal Government got involved.

Again, in 1996, we passed welfare reform legislation. We debated it last year and passed a bill, and now here we are again on the floor. Virtually every time we have done this, every single time, the opposition to it has gotten up and said, We can't do this. It's impossible. You can't get this much out of people. You can't get blood out of a stone.

This is a human issue. If you go back into the jurisdictions where we all live and you see what they have done with welfare reform, if you see the opportunities that we have given to people who in many instances now are living middle-class lives because of a middle-class income, you see the real circumstances of what we can do to help people. There has been no social program that has uplifted people more in this country in a true sense of giving them an opportunity as America allows you to have as has welfare reform.

This legislation continues a lot of the support systems which are necessary, including the educational components, the day care components, the transportation components in the things that have to be done.

I too believe that we need to refine this somewhat. I am a little concerned about the transitional medical assistance in terms of Medicaid continuations. I do worry about transportation. We all worry about day care a little bit.

I think there needs to be sufficient flexibility at the State and local levels to carry out what needs to be done in welfare reform, but I believe this legislation has the basic parameters which will allow this to happen, and I believe this is the next extension of what we have to do in the Congress to allow the States across America to continue their welfare reform programs.

I, for one, believe it can be done. I grant you, the economy is not what I would like to see either, but I believe that it can be done sufficiently to help a lot of people, and then you will see all of those people whom I have seen who will say, Thank you for giving me the opportunity; I am able to help my family now.

I support the legislation. I hope we all can support the legislation.

The 1996 welfare reform law replaced a broken system with one of the most successful government programs in recent history.

As Governor, I promoted work as the ladder to opportunity. Former recipients told me that they needed help breaking away from welfare dependency, but once they found their place in the workforce, they were able to create better lives for their families.

For that reason, I was proud to make work the foundation of the 1996 reform. Today, national data confirms our success. Caseloads are down. Household incomes are up.

Welfare recipients now appreciate the value of work. We provide time and assistance, but understand that welfare cannot be an open-ended entitlement—or a way of life. We help those on assistance, but do not allow them to become passive dependents on the welfare system.

Today's legislation strengthens and embraces these goals.

In particular, H.R. 4 recognizes the education needs of children and includes my language to increase funding for quality initiatives, such as teacher training. H.R. 4 also provides historic funding levels for child care. Both mandatory and discretionary programs, now appropriated at $4.8 billion, will grow by $2 billion.

Yet, these programs are only part of a larger picture. States spend TANF grants on child care—either directly or through funding transfers. And Congress supports child care through other programs like Head Start. Recent estimates show that annual child care funding exceeds $18 billion—a significant investment, by any measure.

This bill also contains language from a bill I introduced, ''The Child Support Fairness and Tax Refund Intercept Act,'' to help custodial spouses collect past due child support even if their child is no longer a minor. A Wilmington, Delaware woman, Lisa McCave, was owed several thousands of dollars in past due child support. The Federal Government discovered that the father was about to receive several thousand dollars in a tax refund. However, because her son was no longer a minor, the IRS could not intercept that money for her. She had to work two jobs to raise her son and put him through college, while he waited out the clock until his son was no longer a minor so he could enjoy his tax refund. Thanks to Lisa McCave's willingness to step forward and ask for justice, millions of parents in the future will be able to intercept tax returns to pay the child support owed them, even if their child is no longer a minor.

With all the improvements to our welfare system contained in this bill, I believe there are a few issues we should continue to review. I appreciate the one year extension of Transitional Medical Assistance, a program that provides continued health coverage for former welfare recipients, but I hope we can extend and simplify this authorization for five years as the President's FY 04 budget recommends—and do so in a way that does not effect Medicaid administrative funds. I have introduced legislation with Congressman LEVIN to extend this valuable program, and I look forward to working with the Senate and the President to accomplish this goal.

Also, it is my hope that we can reinstate the state flexibility provisions and give our Governors the ability to find innovative ways to meet and exceed the goals of this legislation. State waivers were critical to Delaware's success in the past and they are critical to our continued success in the future.

Finally, education is important to reducing unplanned pregnancies and achieving independence for working men and women. Abstinence education is an important part of this effort. Yet, the language in H.R. 4 provides an overly simple solution to a complex problem. In my opinion, we cannot restrict access to basic health information if we are to promote responsibility.

In conclusion, I support H.R. 4—the beginning of our efforts this year to create the next generation of welfare success stories.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS), a new member of the Committee on Education and the Workforce.

Mr. DAVIS of Illinois. I thank the gentlewoman for yielding me this time.

Mr. Chairman, I have always been told that when you begin with a faulty premise, you are likely to end up with a faulty conclusion. When you continue to give large, multiyear tax cuts to the most wealthy, how in the world do you expect to have enough real money to provide temporary assistance for needy families? When you allow companies to incorporate out of the country to avoid paying legitimate taxes, how in the world do you expect to have money for temporary assistance to needy families? When you give away billions of dollars in subsidies to agricultural and other big business interests, how in the world do you expect to have money to provide day care for children while their parents go to school or go out and look for a job?

The fact of the matter, Mr. Chairman, is that poverty is on the rise and the need for public assistance is on the rise, while this bill will not do anything in the world to really slow it down or to help people get out of it. We know that TANF has not done enough to address the needs of the most vulnerable in our society. Reductions in poverty come as a result of economic growth. We know that more than 2 million people lost their jobs last year. We know that many people who get jobs through TANF end up working at low-income poverty wages, mired down at a level where they will never get out.

I support the Cardin amendment. I support the Lee-Kucinich amendment. It is really our best hope. Reforming and reauthorizing a TANF program that not only takes people off welfare, but also takes people out of poverty should be the focus of this Congress, not simply passing a neatly packaged pig in a flight bag and calling it a welfare program.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Committee on Government Reform.

(Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Mr. Chairman, we heard some of the same dire predictions from the other side when we passed this legislation originally in 1996. We heard predictions that the caseloads were going to rise, that unemployment was going to rise, that the child poverty level would reach all-time highs. In point of fact, the opposite has occurred. Instead, welfare rolls shrank as many Americans moved from welfare to work, from dependence to self-sufficiency.

Over the last 6 years we have seen incredible results, results that need to continue to spread for the benefit of our Nation as a whole. 3.6 million fewer Americans live in poverty today than in 1996. Employment of single mothers is now more than 70 percent, which is an all-time high. Since 1994, welfare caseloads have fallen by 60 percent, today leaving less than 2 percent of the U.S. population on welfare. Moreover, crime has dropped, illegitimacy has declined, and abortions are rarer.

A lot of good things came out of that legislation that we passed in 1996.

□ 1230

We knew that the original system that was designed for a different time and a different era. It was designed for a time when most of the women were home. Most women did not work outside the home, and out-of-wedlock births were rare; but times changed and we have reformed a system whose incentives were perverse that discouraged self-sufficiency, that subsidized out-of-wedlock births, that trapped beneficiaries by making it too costly for them to go back to work because of the benefits that they would lose. By sharing this responsibility with the States, we are using the federalist model going back literally to a lot of innovation we get at the State level that is discouraged by Federal bureaucracies.

This legislation takes us to the next step. I think it would return more people and move them off of the welfare rolls, on to payrolls, of building successful families and building a successful country. I want to thank the authors of this legislation, and I am proud to support it.

Ms. WOOLSEY. Mr. Chairman, I would like to just say that a lot of good things came out of the Clinton economy, and we can all be glad for what happened with that, but that economy is not the same.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I thank the gentlewoman from California (Ms. WOOLSEY), my friend, for her persistence on this issue and her leadership on this issue.

There is a national consensus in America that if people are able-bodied to stay on welfare, they should have to work and the goal should be to work to get off of welfare. But there is also a national understanding, or there should be, that we cannot have a law that says people have to go to work if there are not any jobs for them to get. Today in America there are about 8 million people without a job looking for work and about 2½ million unfilled jobs being advertised. It makes no sense to tell people they must get a job that is not there. There is a national consensus that people should be good parents at the same time they are good workers. This bill would require people

to hold down three full-time jobs if they want to really get out of poverty and advance their family: the job they have to hold down to stay off of welfare; the job they need to do to go to school on evenings or weekends or whatever time they can find to move out of poverty; and the job they need to do as a mom or a dad, which is their most important job. Requiring people to hold down three full-time jobs is a surefire recipe for more poverty and greater welfare rolls.

And finally I thought there was a national consensus that we are going to stop telling State governments and State taxpayers what they had to do with their money. This bill contains $10 billion of unfunded mandates for the States at the time when they can least afford it. This bill violates an underlying bipartisan consensus for welfare reform. The Cardin bill, which the gentlewoman from California (Ms. WOOLSEY) helped so actively to write, would instead carry out that bipartisan consensus. It deserves the support of every Member of this body.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON), a member of our leadership team.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from Ohio for yielding me this time.

We have got a new freshman class this year; and a month ago one of the Members said to me, You have been in Congress 10 years. What is the most significant thing you have done?

And I thought and I said, I believe it was supporting welfare reform. And here is why. In 1994 there were 14 million people on welfare. Today there are 5 million. Still too many, and yet 9 million people are now in the workplace, having a very positive effect, enjoying life and supporting themselves.

Some of the principles that are very basic American principles in the welfare reform bill are promoting work, improving child care, promoting healthy marriages and strengthening families, fostering hope and opportunity. These are all basic American rights and giving those 9 million people an opportunity to participate in them.

Since 1996, work among welfare recipients has tripled. Employment of single mothers is now more than 70 percent, an all-time high. Since 1994, welfare caseloads have fallen by 60 percent, leaving less than 2 percent of the U.S. population on welfare. These are all significant and positive. The numbers go on: 3.6 million fewer Americans live in poverty today than they did in 1996; 2.7 million fewer children are in poverty today than in 1996. These are real changes, and we did this despite the rhetoric that we heard in 1996, which we are again hearing from the left who like status quo and do not like change. They address children.

Look at the facts on children. This bill increases child care funding. It improves child care quality and strengthens child care support, and that is something that we could get into on another topic. Look at the numbers. The increase in child care expenditures under welfare reform goes from $3 billion to $9.7 billion. If the Members want to help children like those of Bruce Mullins, help pass this bill because these are real people. It has had a positive effect on them, and I believe that our actions today will not always be known by all the people who can benefit from it; but our actions will be felt by those, and therefore I support this bill and I thank the gentleman from Ohio.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), one of the leaders in education.

Mr. KILDEE. I thank the gentlewoman from California (Ms. WOOLSEY) for yielding me this time.

Mr. Chairman, I rise in opposition to the Republican welfare bill and in support of the Cardin-Woolsey-Kind Democratic substitute. Mr. Chairman, much has changed from the last Congress when we last debated this legislation. Our States are facing deep financial deficits. States are cutting health care programs, funding for the schools and universities, and struggling to ensure their citizens have employment. The bill we are debating today does not recognize these dire times for our States.

The Republican bill would increase work requirements when 8.3 million Americans are out work. The Republican bill fails to provide adequate child care funding, relegating many of the children to substandard or unsafe child care arrangements. The Republican welfare bill actually reduces education and training opportunities for TANF recipients. Fortunately, the Democratic substitute offered by the gentleman from Maryland (Mr. CARDIN), the gentlewoman from California (Ms. WOOLSEY), and the gentleman from Wisconsin (Mr. KIND) provides us with a viable alternative to improve this country's welfare system. The Cardin substitute would allow 24 months of education and training to permit a TANF recipient to get the skills they need to acquire a good-paying job. The Cardin substitute would increase child care funding by $11 billion over the next 5 years. The Cardin amendment also ensures that TANF recipients do work by requiring that 70 percent of welfare recipients are engaged in work activities.

Today's debate should not be a debate over whose bill forces more welfare recipients to work longer hours. Instead, we should be focused on how the system can help individuals to acquire long-term, high-paying jobs.

Mr. Chairman, I urge Members to defeat the Republican bill and to support the Cardin-Woolsey-Kind substitute.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. WILSON), a valued member of our committee.

Mr. WILSON of South Carolina. Mr. Chairman, I thank the gentleman from Ohio (Mr. BOEHNER) for yielding me this time.

Mr. Chairman, it is an honor for me to be here today to speak on behalf of the reauthorization of welfare reform. I worked on welfare reform in the South Carolina State senate 7 years ago. I heard the same arguments, that it would not work; and we were able in South Carolina to enact welfare reform, and exactly like the Republican Congress in 1996, reduce the caseload, provide jobs for people, provide training, the child care and the health care. It was the greatest experience, and it has been the most exciting activity. I agree with the gentleman from Georgia (Mr. KINGSTON), it is the most exciting activity that I have participated in in legislation.

Additionally, there has been some question as to whether we have had sufficient meetings. Last year I was very fortunate thanks to the gentlewoman from Ohio (Ms. PRYCE) and the gentleman from Texas (Mr. DELAY) and the gentleman from Ohio (Mr. BOEHNER) to be working on this issue. We met dozens of times. It was all very positive. And the effect has been, as the Savannah Morning News and the Carolina Morning News have reported, that welfare reform has been the most successful social program in the last 50 years. So I am excited to be here. It speaks for itself, and I urge a positive vote today on reauthorization.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA), a valued member of the Committee on Education and the Workforce.

(Mr. HINOJOSA asked and was given permission to revise and extend his remarks.)

Mr. HINOJOSA. Mr. Chairman, I rise in opposition to H.R. 4, the Personal Responsibility, Work and Family Protection Act. I opposed this bill last year when we had the same debate. Since then more workers have lost their jobs, more families have lost their homes, and more Americans are in need of Federal assistance. Jobs are scarce as businesses continue to fail. Instead of considering a new bill that reflects this new economic environment, the Republican leadership has brought to the floor the same inadequate bill from last year. Education and training should be the cornerstones upon which this legislation is written. We should be stressing basic literacy, English as a second language, GED completion, and on-the-job training, rather than cynically labeling them welfare scholarships.

In my congressional district I have seen how education can bring economic prosperity to one of the poorest regions in the country. Our unemployment rates have dropped from over 20 percent to almost 10 percent, and we lead the State of Texas in job creation. I urge my colleagues to vote against the Republican bill. It is the wrong bill at the wrong time.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE), a valued member of the committee.

Mr. OSBORNE. Mr. Chairman, I would like to rise in support of H.R. 4. I think that H.R. 4 addresses some of the issues that have become increasingly problematic to our young people, and I observed some of these problems in over 36 years of coaching.

Back in 1960 when I started out, roughly 5 percent of our athletes came from broken homes. Today, roughly one half of our marriages end in divorce. Fifty percent of our young people spend part or all of their childhood without both biological parents. So as time went on, I began to see more and more young men that I was working with carry a lot of emotional baggage, having their lives disrupted in various ways. Currently, we have 18 million fatherless children in our country, and when their dads do not care enough to stick around and see what they look like, they have a vacuum in their lives and they try to fill that vacuum with all the wrong stuff, gangs, drugs, promiscuity, and so on. So one of the aspects of H.R. 4 that I think is particularly important is the healthy marriage program. An example that happened in my district recently was a young couple who were pretty much thrown out of both houses, their homes, and an older couple mentored them and made a tremendous difference. So we think this is very important and certainly support H.R. 4.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank the gentlewoman (Ms. WOOLSEY), my former colleague on the Committee on Education and the Workforce, for yielding me this time.

I rise to voice my opposition to H.R. 4, the so-called Personal Responsibility, Work, and Family Promotion Act. How our names sometimes get in the way! H.R. 4 is not the solution to what we need to do. There has been success in lowering welfare rolls since 1996, but it was the good economy that did this, not welfare reform; and I would love to see numbers for welfare recipients for 2002 instead of just going back to when our economy took the dip in 2001.

We all know that education is the silver bullet and it is the key that helps individuals find higher-paying jobs which lift them out of poverty and achieve the American dream, but this bill makes the same mistakes as its predecessor by limiting recipients' access to education and training. Without these services, welfare beneficiaries are trapped in those low-paying jobs. The best solution to welfare is a job that pays a decent wage. This legislation will also have disastrous effects on our State budgets because it imposes strict new requirements but provides absolutely no funding. For example, it increases the work requirements to 70 percent, which philosophically I do not mind; but currently in my home State of Texas it is struggling to maintain its participation at 26 percent. It will cost the State of Texas $688 million when we already have a $12 billion shortfall.

□ 1245

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

(Mr. CROWLEY asked and was given permission to revise and extend his remarks.)

Mr. CROWLEY. Mr. Chairman, I rise today to talk about a very large and important group of my constituents that the Republican TANF bill is completely ignoring.

This Republican bill is completely ignoring legal immigrants. This bill denies even its smallest safety net for families who are diligently making their way through the legal immigration process towards becoming full citizens of our country. This bill is ignoring people across the U.S. who pay taxes, who support their communities and, according to Alan Greenspan yesterday, are a positive factor for U.S. economic growth.

This bill is hurting children and families, especially in States with large immigrant populations like mine in New York. New York State, under a Republican governor, understands the necessary reality of providing some benefits to legal immigrants.

Moreover, immigrants, on average, contribute more in tax dollars than they get back through government services and benefits, and the bulk of the dollars immigrants contribute in taxes go to the Federal Government. Yet, when immigrants fall on temporary hard times, the Federal Government chooses to ignore them, and this Republican bill today ignores them as well.

If we are a nation of immigrants, then this Republican bill is not only irresponsible, it is also a slap in the face to our Nation's heritage. This Republican bill is not about finding a solution to poverty; it is about exacerbating the class warfare in this country, it is about dividing and conquering, and unfortunately they are conquering and winning.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. THOMPSON).

(Mr. THOMPSON of California asked and was given permission to revise and extend his remarks.)

Mr. THOMPSON of California. Mr. Chairman, I thank the gentleman from California for yielding the time, and for her great work on the effort to make this bill a better bill.

Mr. Chairman, since the implementation of TANF, California has tripled the number of welfare recipients who are today working. Cash aid has decreased by 45 percent and caseloads have declined more than 40 percent. H.R. 4 will not help California or any other State continue to make such progress.

The gentlewoman from California (Ms. WOOLSEY) and the others who have worked on this substitute are offering a good measure. The substitute calls for tough, real work requirements that move welfare recipients into meaningful employment. The substitute gives States flexibility to create programs that prioritize efficiency over the majority's one-size-fits-all model.

The substitute gives States the resources needed to enact these new tougher mandates, unlike the majority's bill that provides $11 billion in unfunded mandates that no State can afford. It will cost California alone $2.5 billion over the next 5 years.

The substitute balances tough work requirements with financial resources that are necessary to move people into working jobs.

Mr. Chairman, I urge all my colleagues to support the Cardin-Woolsey-Kind substitute.

The CHAIRMAN. The gentleman from Ohio (Mr. BOEHNER) has 1 minute remaining.

Mr. BOEHNER. Mr. Chairman, I yield myself the balance of my time.

The success of the 1996 welfare reform law is beyond dispute. Even the New York Times has called it an ''obvious success.'' The debate today has been about how to build on that success and how to put even more Americans on the path to self-reliance.

While it is true that the 1996 reforms significantly reduced welfare caseloads, we still have a lot of work to do. A majority of TANF recipients today are still not working for their benefits.

The Personal Responsibility, Work and Family Promotion Act builds upon the best aspects of the 1996 welfare reform law. It strengthens work requirements, enhances flexibility for States and localities, and it does so while providing States with significantly more funding for child care, which is crucial for welfare families transitioning into the workforce.

President Bush stated that no level of despair should be acceptable in our society. With this new legislation we help some of the most vulnerable members of our society achieve independence and self-sufficiency.

I urge my colleagues today to support the welfare reform law, H.R. 4.

The CHAIRMAN. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Ohio (Mr. BROWN) each will control 15 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong support of H.R. 4, the Personal Responsibility, Work and Family Promotion Act of 2003. This bill does a number of things that are very important to the Committee on Energy and Commerce that I chair. It contains an extension of

funding for the abstinence-only education, and also reauthorizes transitional medical assistance, and I want to speak to both of these issues briefly.

The 1996 welfare reform law included a permanent appropriation of $50 million over 5 years for abstinence-only education under title V of the Social Security Act. With tight State budgets and a requirement that States must match every 4 Federal dollars with 3 of their own, it is noteworthy that almost every State in the Union has now participated in this block grant program. The high rate of State interest suggests that abstinence-only education is indeed one of the ways to address the terrible problems of teen pregnancy and sexually transmitted diseases in our society.

Last year, my friend and colleague, the gentleman from Florida (Mr. BILIRAKIS), the chairman of our Subcommittee on Health, held a hearing on abstinence-only education. It was an eye opener.

At that hearing we learned that problems stemming from increased sexual activity among teens has not abated at all in this country. Even though teen birth rates have declined, we still have the highest teen birth rates of any industrialized nation in the world, and sexually transmitted diseases have grown dramatically. Every day in America, 10,000 young people contract a sexually transmitted disease, 2,400 become pregnant, and 55 contract HIV.

When we were growing up in the 1960s, there were really only two sexually transmitted diseases that were of a real concern. Now we are aware of more than 25, and the diseases that are primarily affecting young people today are now the viral diseases, such as human papillomavirus, herpes and chlamydia.

Mr. Chairman, these viral diseases cannot be cured. They are incurable sexually transmitted diseases. Chlamydia, for example, a major cause of infertility in young women, is asymptomatic in up to 85 percent of the cases. That means for 85 percent of the young women contracting this sexually transmitted disease, which is incurable, they may lose their opportunity ever to bear a child, ever to become a mother, ever to experience the joys and the tremendous rewards of motherhood.

One of the other things we learned was that 50 percent of the sexually active young women between the ages of 18 and 22 are now infected with the papillomavirus, or HPV. Now, this is a virus, again we learn, that most young women do not realize they have, because again it is asymptomatic in most cases. But what we have learned about it is that it is a precursor, it is one of the incurable diseases that often leads to cervical cancer. And guess what else we learned? We learned that there is no evidence whatsoever that condoms reduce the sexual transmission of this infection.

These statistics are terrifying. But they show that the safer sex model has not solved all of these problems despite more than 20 years of a variety of education programs aimed at promoting condom or contraception use.

Mr. Chairman, I urge my colleagues, for the sake of these young men and women in our society who are being infected by these incurable diseases, many of which will cause them incredible damage in their lives, and they are not aware, that we extend the abstinence-only education programs under H.R. 4. H.R. 4 simply maintains the status quo, extends the level of funding of $50 million each year through the year 2008.

New research is beginning to suggest that abstinence-only education can effectively address the prevalence of sexually transmitted diseases among young people and the proportion of births occurring to unmarried mothers. We must continue indeed that effort begun in 1996 and support abstinence-only education programs that empower students to choose abstinence for themselves, while receiving the relevant facts and information that would make them want to make that choice.

The 1996 welfare reform law also included a critical work support for former welfare recipients called transitional medical assistance.

Former welfare recipients typically enter low-wage jobs that do not offer private health insurance coverage or offer coverage with very expensive premiums. Transitional medical assistance extends up to a year of Medicaid coverage to these individuals and their families. This is the bridge of health care coverage that helps take young people out of welfare and into the workforce with adequate medical coverage in the bridge years.

There is strong bipartisan support for this assistance, which provides a valuable incentive for people to move off of welfare into work, and this 1 year reauthorization of transitional medical assistance will have a 5-year cost of $355 million.

Because funding was not included, Mr. Chairman, in the last year's budget resolution, we had to find the money to pay for it, so H.R. 4 includes a limited offset to do so.

We recognize the Medicaid budget difficulties many States are currently experiencing and important functions that are funded with Medicaid administrative costs, and for that reason, the offset included in H.R. 4 is merely a partial adjustment that lasts for only 2 years and pays for the 1-year extension of this important program.

Before 1996, common costs for administering food stamps, Medicaid and welfare were often charged to the AFDC program, the predecessor of the TANF program. These common costs have been included in the calculation of each State's TANF funds. The offset reduces Federal reimbursement for Medicaid administrative costs to reflect the portion of these costs that are already included in the TANF block grants the States receive.

In effect, this offset for the 2-year period deals with a problem we already corrected in the food stamp program in 1998, this double reimbursement for administrative costs. This is a partial adjustment that lasts for only 2 years and then phases out.

I urge my colleagues to vote in favor of H.R. 4, which indeed responsibly pays for the 1-year reauthorization of transitional medical assistance. I know there are many in this room who would like us to extend it for longer than a year. We simply have problems funding it in this bill at this time.

We recognize the careful balance we have achieved between the offset and this 1-year reauthorization, and commit ourselves to revisiting the issue again next year so that this important program can be continued.

I urge Members to join me in full support of this important legislation.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 2¾ minutes.

Mr. Chairman, we should pass a welfare reform bill that is realistic about what people need to transition from welfare to good, paying, lasting jobs. It is in no one's best interest to see people transition from welfare to work and back onto welfare. If we underinvest in job training and child care and other support services, we are setting welfare reform up for failure and wasting money.

The Democrat bill invests in permanent change. The Republican bill does not. From a public policy perspective, from a fiscal perspective, the Democratic bill makes sense.

Transitional medical assistance is a program that provides health coverage for families leaving welfare. Individuals moving off welfare wind up in jobs that do not offer health coverage, or if it is offered, it is simply too expensive. Transitional medical assistance allows these families to keep Medicaid coverage so that getting a job does not mean giving up one's health insurance.

The Republican bill only extends the TMA program for 1 year. There is no logic for that. It is temporary assistance, not a temporary program. The Democratic bill is up front about this and makes transitional Medicaid assistance permanent.

Of added concern, Republicans would cut other parts of Medicaid in order to pay for this extension. It makes no sense to take coverage from some people so that others can keep it. It is illogical.

The second provision extends title V abstinence-only sex education, but locks States into a inflexible curriculum. It is controversial and rightly so. The President and House Republicans' message on welfare for years has been loud and clear, States need greater flexibility. But when it comes to another critically important program, abstinence education, Republicans are unwilling to afford the States the same flexibility. Let me make that clear.

The substitute bill we are offering today supports abstinence education.

No one disputes the benefits of teaching abstinence. Under our substitute, if a State chooses to continue its abstinence-only education program, it can. But our substitute offers States the right, the States' rights, if you will, the right to develop an education program that teaches abstinence and comprehensive contraception.

Our substitute requires any curriculum funded with Federal dollars to be scientifically and medically accurate. On that, again my Republican friends fall far short.

The Democratic substitute requires Federal dollars fund only programs proven to be effective in delaying sex. It requires a report to Congress comparing abstinence-only education to programs that teach about abstinence and contraceptives. We should listen to the needs of parents and children; 80 percent of them support abstinence and contraceptive education for their children.

□ 1300

Mr. TAUZIN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health.

Mr. BILIRAKIS. Mr. Chairman, I rise today in strong support of H.R. 4, the Personal Responsibility, underlined, the Personal Responsibility, Work and Family Promotion Act of 2003. In particular, I would like to lend my strong support to provisions in the welfare bill that our committee included in the package last year, and I am speaking, of course, of the abstinence-only education funds which are provided through title V of the Social Security Act and a 1-year extension of transitional medical assistance.

Last year, the Committee on Energy and Commerce approved a 5-year reauthorization of the title V abstinence-only education funding, and I am pleased to see that this language is again included in this year's reauthorization of welfare reform. This important program provides $50 million in annual funding to States for abstinence education. These abstinence-only education funds were first included as part of the 1996 welfare reform law; and today, 49, 49 of the 50 States have elected to participate in this very important program.

I am pleased that my own State of Florida has elected to participate also. In fact, during my subcommittee's hearing last year, we heard just how effective these programs can be. Participants in ReCapturing the Vision, a program that operates in an impoverished area of Miami-Dade County, have only a 1.1 percent teen pregnancy rate, a 1.1 percent teen pregnancy rate.

By continuing title V funding for another 5 years, we can encourage the development of more successful programs like ReCapturing the Vision. This is so critically important, because the consequences of ill-advised sexual activity by young people is certainly severe. As we all agree, abstinence is the only sure way to prevent the spread of sexually transmitted diseases as well as out-of-wedlock pregnancies.

The bill also reauthorizes the Transitional Medical Assistance program, or TMA. TMA ensures that low-income individuals who are leaving welfare and entering the workforce will continue to have access to health insurance for an additional, let us be clear, for an additional year past, past when they would normally become ineligible for Medicaid. This removes a powerful disincentive to leaving welfare and provides numerous low-income individuals with critical support as they work towards economic self-sufficiency. This provision is even more important today as we see the number of uninsured increasing.

Mr. Chairman, I ask my colleagues to vote for this bill. It has been proven, it has worked, and we have to continue it.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS), a registered nurse.

Mrs. CAPPS. Mr. Chairman, I rise in strong opposition to this bill. We cannot ask mothers with small children to put in more hours of work without ensuring that their children will be cared for. This bill does not do that. It is unreasonable and flies in the face of family values.

We must increase funding for child care to ensure that we do not harm poor families and single parents. Additionally, the abstinence-only provisions of this bill should be removed. Our children should be taught abstinence, yes; but they also need to learn the facts about sex so that they know how to make good choices to protect themselves. Otherwise they will simply get misinformation from television, the movies, and their friends. We must trust parents and teachers to know how to educate their own children.

This morning at a hearing here on Capitol Hill, I heard the Secretary of State, Colin Powell, address the Global AIDS Initiative. He said that in addition to promoting abstinence, our U.S. AIDS programs abroad also emphasize full education and protection. If these are our policies abroad, should they not also be our policies here at home?

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from the great State of Florida (Mr. STEARNS), the distinguished chairman of the Subcommittee on Commerce, Trade and Consumer Protection.

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Chairman, we talk here about abstinence. We have to look no further than Uganda for proof of the effectiveness of abstinence in the fight against HIV and AIDS.

Riddled with HIV infections since the 1970s, Uganda took the first step. It found that through community education efforts, they could develop a strategy to prevent more HIV/AIDS patients; and in fact, a study done by Harvard University has proven that promotion of abstinence through billboards, radio programs, and school sex education curricula has resulted in a slow and steady drop in HIV infection rates, as well as new attitudes about conquering AIDS in Uganda. So we have proof positive from this study that abstinence works.

When the program started in the late 1980s, the number of pregnant women infected with HIV was 21.2 percent. By 2001, the number had dropped dramatically to 6.2 percent. The Harvard study also reported Uganda adults are not having as much risky sex. Of women 15 and older, those reporting many sexual partners dropped from 18.4 percent in 1989 to 2.5 percent in the year 2000. The emphasis is on abstinence in Uganda's program. It is unique all through Africa.

In other nations where HIV infections are high, such as Zimbabwe, condoms have been promoted as an answer to ending the AIDS crisis. But we cannot ignore, we just cannot ignore this study from Harvard or ignore the success of the abstinence program in Uganda.

Mr. Chairman, the welfare reform package we consider today goes a long way in achieving our goal of empowering families, promoting independence through work and lifting millions of Americans out of poverty. One particular aspect that is of great encouragement to me is that this bill includes $50 million to provide for abstinence education. Educators, health workers, government officials, entertainment and news media outlets bombard children with the wrong messages. It is increasingly clear that unbridled sexual activity is hurting our youth: sexually transmitted diseases (STDs), AIDS, abortion, unintended pregnancy, fatherlessness, crime, welfare, violence and poverty are rampant social diseases. According to a survey by the National Campaign to Prevent Teen Pregnancy, most Americans support abstinence for teens as a way of diffusing these damaging messages.

We need look no further than Uganda for proof of the effectiveness of abstinence in the fight against HIV/AIDS. Riddled with HIV infections since the 1970s, Uganda has found miraculous success by using abstinence as its prevention strategy. A study done by Harvard University has proven that promotion of abstinence through billboards, radio programs and school sex education curricula has resulted in a slow and steady drop in HIV infection rates, as well as new attitudes about conquering AIDS in Uganda. When the program started in the late 1980s, the number of pregnant women infected with HIV was 21.2 percent. By 2001, the number was 6.2 percent. The Harvard study also reported Ugandan adults are not having as much risky sex: of women 15 and older, those reporting many sexual partners dropped from 18.4 percent in 1989 to 2.5 percent in 2000.

The emphasis on abstinence in Uganda's program is unique. In other nations with high HIV infections, such as Zimbabwe and Botswana, condoms have been promoted as the answer to ending the AIDS crisis. In Botswana, 38 percent of pregnant women were

HIV positive last year, contrasted with 6.2 percent of Ugandan women. We cannot ignore the success of abstinence programs in our country and throughout the world and for this reason we must explore this option.

Sexual disease and the negative results from unwanted pregnancies cross physical borders, and are a recognizable concern for all nations and all people. This problem can only be addressed through the exploration of proven and effective methods of sexual education. It is time we give serious thought to the unique initiative of abstinence-based health education.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. STENHOLM).

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Chairman, I rise in opposition to H.R. 4, and I do so with extreme disappointment today.

As one that worked awfully hard in 1996 with both sides of the aisle in coming up with a welfare reform bill, working with my own State, working with the providers of welfare, working with the recipients of welfare, working with the business community, we came up with a good compromise bill.

Now, I am disappointed that we are taking the same bill that was passed last year, without legislative input, and bringing the same bill up today without committee action and the nonrecognition that the economy has changed since last year.

Mr. Chairman, H.R. 4 would severely restrict the flexibility of States such as Texas to continue the activities that have been successful in their welfare reform bills. According to CBO, it will cost Texas $688 million over 5 years to pay for the Washington-mandated policies in this bill. Texas cannot afford these enormous expenses at the same time that we face a $9.9 billion budget shortfall and a sagging economy that continues to reduce State revenue. This will force Texas to drastically cut back on basic services or raise taxes, and they are not going to do that. It would be the height of arrogance for me to stand here in Washington and vote to require Texas to increase taxes or cut spending on other programs to implement policies that the Texas legislature has already considered and rejected in favor of other policies which have been proven to work.

Vote down H.R. 4; support the Cardin substitute. It will be much better for the State of Texas and other States.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from the great State of Michigan (Mr. UPTON), the chairman of the Subcommittee on Telecommunications.

(Mr. UPTON asked and was given permission to revise and extend his remarks.)

Mr. UPTON. Mr. Chairman, I rise in strong support of H.R. 4.

Mr. Chairman, welfare reform in the past did not work. We did not have it. It was welfare under the old system. We did not have reform. We passed welfare reform then; and President Clinton, after a couple of vetoes, ended up signing the bill, and we established a base to get our States out of the trouble that they were in.

Last year, this House passed a bipartisan proposal to again move the process forward, but there were some in the other body who chose not to take that legislation up. This year, we are acting a little quicker.

There are two very important components of this legislation. One is the abstinence-only education which provides $50 million each year to the States under a matching program. It does not take away from other programs, it works, and we have seen teen pregnancy rates drop dramatically in those States that have used it. In my State, a 40 percent drop.

The second thing that we did was we removed the incentive for people to stay on welfare in lots of ways. Primarily what we did, though, through TMA, transitional medical assistance, we are able to say to those folks that were on welfare and knew that by taking a job they would lose their Medicaid for themselves and their kids, that that is not going to happen, that we provided the transition so that those families could take a job, get into the workforce, move up the ladder, that they would not lose that provision that would otherwise have taken away their health insurance. We changed that. TMA is in this bill, it was the bill that we helped write in our subcommittee, it was done, and it is part of this legislation. I urge my colleagues to support it and move the bill again to the other body so that we can see this legislation reach the President's desk.

Mr. Chairman, I rise in strong support of H.R. 4, legislation reauthorizing the very successful 1996 welfare reform act. As a senior member of the House Energy and Commerce Committee and the Education and the Workforce Committee, two of the three House committees with jurisdiction over welfare reform, I have worked closely with my colleagues to further strengthen this legislation so that more families can know the benefits of personal responsibility, work, and stronger family units.

I'd like to focus today on two key components of the 1996 law that I have taken the lead on—the reauthorization of the Transitional Medical Assistance program and the Title V abstinence education block grant program.

One of the greatest disincentives to leaving the welfare rolls is the lost of Medicaid coverage for oneself and one's family. H.R. 4 reauthorizes the Transitional Medical Assistance program, which will ensure that individuals leaving welfare for employment have guaranteed health care coverage for up to one year.

H.R. 4 also reauthorizes the Title V abstinence education program at the current funding level of $50 million a year. When we passed welfare reform, we emphasized work and personal responsibility. We have made great strides in promoting work, but too many of young people's dreams are still being cut short by poor personal decisions that dramatically affect the course of their lives. Teen birth rates have been failing, but nearly ½ million teens in this country give birth each year—a rate higher than those of most industrialized nations. And 8,519 births are to girls under the age of 15. We know that out-of-wedlock births and teen births take a high toll—on the child, the teen mother, and our society as a whole.

Further, sexually transmitted diseases have reached epidemic proportions, placing the health and very lives our young people in serious peril. In the 1960s, one in 47 sexually active teens was infected with a sexually transmitted disease. Today, one in four is infected.

It is important to note that State participation in the Title V abstinence education program is voluntary, and this is not free money to the States. States have to match every 4 federal dollars they receive with three dollars of their own. Yet today, 49 of the 50 states are participating.

Anyone who doesn't think abstinence education works has only to examine my State of Michigan's record. The State began its own program in 1993—the Michigan Abstinence Partnership program. One reason that it works so well is its emphasis on involving entire communities—parents, teachers, health professionals, youth leaders, youth organizations, and community leaders—in developing programs tailored to their unique needs. Michigan's teen pregnancy rates have dropped 40 percent in the targeted group of 15–17 year olds, and for the last several years, Michigan has been one of up to five states rewarded by the Department of Health and Human Services for achieving the largest decrease in their ratios of out-of-wedlock to total births while also experiencing a reduction in their abortion rates.

Abstinence education programs are much more than ''just say no'' programs. They are positive, motivational programs that give young people the information and inspiration they need to think of their futures and abstain not only from sexual activity but also from drug and alcohol use.

Mr. Chairman, President Bush got it exactly right when he said that abstinence is not just about saying no to sex, it is about saying yes to a happy, healthier future.

Mr. BROWN of Ohio. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I rise in opposition to the underlying bill and in support of the Cardin substitute and in outrage for the circumvention of the committee process.

Mr. Chairman, last year in the Education and the Workforce Committee, we sat down and discussed TANF reauthorization extensively. We had several days' worth of hearings at both the committee and subcommittee level before a two-day markup in full committee. Two other committees—Ways and Means and Energy and Commerce—worked on the bill at the same time. Then the leadership of the majority party brought the bill to the floor, they only allowed two hours of debate and no amendments were permitted. This was an egregious example of the political partisanship and poor procedure that has dominated the House in recent years. But this year, the situation is even worse; no committees looked at the bill. The entire committee process was ignored, and again we have is no opportunity for real debate or amendment on the floor.

Mr. Chairman, I don't know if some of my colleagues have noticed, but since we last looked at TANF reauthorization, we've had an election. Aren't the new members of this body entitled to hear more this bill? Aren't they entitled to their say in committee? We've also seen our economic situation get worse last year. Unemployment has gone up. Wouldn't it be a good idea for the committees to discuss the effects of these factors? Is it wise to ignore any potential new research that may have been conducted?

I'm not going to speculate as to why the leadership found it necessary to circumvent the committee process. But this is a dangerous precedent to set, and we should do more than give a cursory examination when we reauthorize the program providing assistance to the neediest of our families.

Not only should we have looked at this bill in committees, but we should also be focusing more on trying to find the facts behind temporary assistance in this country. Welfare reform is still an experiment in progress. We still do not know what happens to people who leave the welfare rolls. Are they working? Are the unemployed? Are they simply off the rolls? What factors contribute to the ability of people to comply with TANF work requirements? No one knows for sure.

That's why as we go through this reauthorization process, it is vitally important that we improve the research and data reporting in TANF. In order to make informed decisions on the directions that TANF and CCDBG should take we need more information on the issue.

I believe that while maintaining pressure on the states to move people from welfare to work, the renewed TANF should also help families move up the job and income ladders. We should eliminate the caseload reduction credit and phase in an employment credit. For each 1% of the caseload that obtains employment, the work participation rate would be reduced by 1%. In addition, there would be extra credit for recipients who obtain higher paying jobs. Another way of assisting families in moving up the income ladder is giving people the tools to get a good job with the potential for advancement, not a dead-end make-work job. We need to provide the training for individuals trying to get jobs. This is how we can ensure that families will not return to the welfare rolls.

We must also give parents what they need to achieve the work requirements. First and foremost, this means providing funding for quality childcare. A parent will not make a reliable employee if he or she is always concerns about the quality of their child's care, or cannot get childcare at all. If welfare recipients are going to get real jobs that uplift their self-sufficiency and if children are going to have the care and attention they need to grow positively, we must need good childcare programs.

Mr. Chairman, all these issues could have been brought up in committee. All of them could have been considered during markup or addressed by witnesses during hearings. But we never got the chance. And while I laud the goal of providing TANF recipients with the resources to move from welfare to work. I cannot support this bill and I cannot condone the circumvention of the legislative process.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. INSLEE), who establishes his health care credentials very well.

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Chairman, I rise in support of the Cardin substitute on the basis that not all welfare reform plans are created equal. The Cardin plan, I believe, is the superior plan for one basic reason. That reason is that it will work. It will work where the rubber meets the road, which is actually getting people to have livable-wage jobs, rather than to put them in temporary make-work positions where they are going to wind up right back up on the public assistance program.

The reason I believe it will fundamentally succeed is that the Cardin plan recognizes the reality that without providing people child care while they are going to school, while they are going to vocational school, while they are going to community college, they will not succeed in breaking the chains of poverty. The Cardin plan makes allotments to States to allow that to happen.

I have to tell my colleagues, the States are in big trouble and they are incapable of doing this job right now without assistance. In my area, at the Edmonds Community College, Shoreline Community College, we have enrollments at Shoreline Community College of thousands of students over-enrolled in this program to break the chains of poverty. We need to give these students child care to make sure kids are not waiting in the parking lot while mothers are in, or fathers are in, retraining but, in fact, are cared for during their development years.

I have to say that this is going to cost the State of Washington $144 million. Where is the help from Uncle Sam? The Cardin bill will do it. It will make welfare reform work.

The CHAIRMAN pro tempore (Mr. KOLBE). The Chair would advise the gentleman from Louisiana (Mr. TAUZIN) that he has 1 minute remaining and the right to close, and the gentleman from Ohio (Mr. BROWN) has 8 minutes remaining.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WATSON), and I am reminded that Governor Davis has talked about the inflexibility and mandates of the Republican plan.

Ms. WATSON. Mr. Chairman, the bill that is on the floor today comes without any committee consideration by either the Committee on Education and the Workforce or the Committee on Ways and Means.

Yesterday, I testified before the Committee on Rules on two amendments that would ensure fair and equitable access to ex-drug offenders, since the President pointed out in his State of the Union that we need to do more to rehabilitate ex-drug offenders, and also one that would protect the Federal civil rights and workplace rights for welfare recipients. Like so many other amendments, they were summarily rejected. My bills were fair and reasonable, and I believe they deserved a chance.

H.R. 4 imposes massive and costly new mandates on States that they cannot afford. My State alone has a $35 billion shortfall. The billions of new costs that States are being asked to burden will force many States to raise taxes and cut necessary services. Cutting services will include a reduction in welfare programs such as child care, transportation, and skills training to make welfare recipients job-ready. Is this reform? No, it is not.

Implementing the Republican proposals in California will cost our State an additional $2.8 billion over the next 5 years, and we do not have the money.

□ 1315

Without additional funding, the costs for child care in California alone are projected to increase by $130 million. Reject this bill.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Chairman, the crux of a lot of this, no one disagrees with a lot of what the gentleman from Louisiana (Mr. TAUZIN) has touted in terms of this abstinence program, there may be some issues that need to be worked through, but all of us are in support of curtailing the transmission of sexually transmitted disease.

The challenge, I think, that many of us have with this is that the Republican approach, in addition to some of the procedural challenges raised most recently by the gentlewoman from California (Ms. WATSON), is that many of the freshman Members have never had an opportunity to hear this committee or hear a debate or to have hearings to talk a little bit about what the bill will accomplish. We did not even have it marked up.

Some may say we focus too much on process, but it is important for those who have only been here a little over a month now to have that opportunity.

Two, we constantly complain in this Chamber about imposing unfunded mandates on States. Coupled with the fact that so many States as has already been mentioned, including my home State of Tennessee, faced with some $350 to $400 million in shortfall which pales in comparison to California, Florida, Texas and New York, nonetheless these are real dollars for real people. Here we are now imposing another unfunded mandate on the States.

As much as I appreciate the vigor, the zeal of many of my friends on the other side of the aisle, and many on this side who support the abstinence programs and other aspects of the this bill, we need not kid ourselves. Unemployment is up. Many of the economic factors and indicators of the past 4 to 6 years that have moved in the right direction are not moving in the right direction for a variety of reasons.

It is my hope that we can all see fit to support the Cardin substitute, not

because it is a Democratic substitute or because it is not the Republican bill; because it actually provides States with the resources to do all of the things that all of us hope we can do, which is move people from welfare to work.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. BACA).

(Mr. BACA asked and was given permission to revise and extend his remarks.)

Mr. BACA. Mr. Chairman, I oppose H.R. 4, the Personal Responsibility, Work and Family and Promotion Act.

I opposed this bill during the last Congress and I oppose it now. For as long as I remain in this House, I will oppose any bill that claims to help American families while punishing them. I oppose H.R. 4 because it offers no educational opportunities, and I state, no educational opportunities. It does not provide for adequate funding for child care, for child care, I state. It is very important to a lot of us.

It does not restore the benefits to legal permanent residents.

I am tired of bills that pretend to promote families, that pretend to promote families. I am tired of bills that tell the unemployed that you are just lazy.

Unemployment rates are steadily climbing in our country. It is time we get serious about fixing our problem. If you ask any person on welfare in this country if they would be rather working, overwhelmingly the majority would say yes. They desire to work and we should make sure we do increase the workforce.

We are at a time in our country where we do not have the employment right now, and more and more people are in poverty. And yet we are asking many of these individuals to go out and fight for this country. And yet we are willing to put more people out in the streets and not provide jobs. We should be providing jobs.

We should be providing educational training, vocational programs. We need to have access to English language training. We needs more access to literacy programs. Jobs in this country are becoming scarce. We need to provide help for people.

I oppose this legislation.

Mr. BROWN of Ohio. Mr. Chairman, how much time remains?

The CHAIRMAN pro tempore (Mr. KOLBE). The gentleman from Ohio has 3½ minutes remaining. The gentleman from Louisiana (Mr. TAUZIN) has 1 minute remaining.

Mr. BROWN of Ohio. Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me time, and I associate myself with his opening remarks.

Mr. Chairman, I rise to try to inject a heavy dose of economic reality into what has been a morning of self-congratulation. TANF was not a success because of our brilliance, Mr. Chairman. The economy more than any other factor made TANF a success, yet this bill ignores the economic cycles and is on automatic pilot going in precisely the wrong direction.

This is the worst economy in 15 years. Yet we are increasing the hours of work for those who receive TANF and increasing the percentage of families in work-related activities. We have got 6 percent unemployment for those who are already in the workforce with skills. What worries me most, Mr. Chairman, is that TANF has already creamed off the most ready to work, yet we are raising requirements for the hardest to place. This is nuts.

This bill is a recipe for failure, not the success we have enjoyed. Look at the racial composition. We are told, hey, we have reduced the rolls. Are the rolls really down? For whites, they are down 5.8 percent; for blacks, they are up 2.1 percent. This is since 1996. And for Hispanics they are up 5.2 percent. In the third quarter, 39 States had increased welfare rolls.

In the face of these difficulties, we need more flexibility, not less. Less prescriptiveness, this is the opposite of what this bill is giving us. We know how to respond to economic cycles when it comes to business and when it comes to those who have been in the workforce. We must respond in the same rational way to those left on TANF, particularly considering that they are the hardest to place.

Mr. BROWN of Ohio. Mr. Chairman, does the gentleman from Louisiana (Mr. TAUZIN) have the right to close?

The CHAIRMAN pro tempore. Yes, that is correct.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY) who is a new member of the Committee on Energy and Commerce.

Ms. SCHAKOWSKY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong opposition to H.R. 4 and in support of the Cardin-Kind-Woolsey substitute and the Mink properly named substitute, which both take a giant leap forward in addressing the needs of the poor.

Let us talk about jobs. President Bush and the Republicans want to eliminate a tax on dividends when the only work involved in that is opening up an envelope. People who go to work every single day, who earn the same amount of money, now they are going to have to pay taxes on that. And let us try and instill then a work ethic in poor people.

Well, I want to say, poor people want to work. Where are those jobs? Poor people want to take care of their children. Where is the money for the child care? We want to invest in families. Poor people want to better themselves. They do not want just a job. They want to be out of poverty, and that should be our goal too.

That is what we do. We expand opportunity for education, provide $11 billion in child care funding, restore benefits to legal immigrants, include poverty reduction, not just simply caseload reduction as a new purpose of TANF.

I would contend that H.R. 4 grossly underfunds child care. It would cost $7 billion over the next 5 years just to keep up with inflation. It is an unfunded mandate to the States when, again, the plan by the Republicans does not help the States.

That is bad bill. Support the substitutes.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, welfare reform passed by this Congress, signed so reluctantly by Bill Clinton, has been an unmitigated success. It was built on one premise. You do not love people by condemning them to a lifetime of poverty and dependence. You love them by giving them a chance for independence and self-dignity.

Mr. Chairman, I yield the remainder of my time to the gentleman from South Carolina (Mr. DEMINT) who will close for this side.

Mr. DEMINT. Mr. Chairman, we have heard a lot of success stories today, but what is important is that we build on these successes and that we give even more Americans this dream of moving from dependency to dignity and moving to hope and to freedom. Now we must offer this opportunity to all Americans.

Mr. Chairman, I commend the gentleman and all of those who have worked in concert to make this a possibility to bring this bill to the floor and to free Americans from the oppression of unemployment to give them the skills and the abilities they need and the opportunity to move from welfare to dignity and to hope and to freedom.

Mr. MEEK of Florida. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

I rise today in opposition to H.R. 4 and in support of the Cardin-Kind-Woolsey substitute amendment.

In its current state, this bill will not only put great strains on the families and individuals we set out to protect in every other aspect of life, but adds unbearable strains on States that already suffer from shortfalls and unfunded mandates. These new requirements could cost states up to $11 billion over the next 5 years. in addition to the $50 to $70 billion in shortfalls estimated by the National Conference of State Legislators.

It is important that we write and support laws that have positive effects on our nation's families. Now, while Florida's efforts at welfare reform are by no means perfect, it has at least recognized that a well-trained adult is a self-sufficient adult. Instead of focusing on keeping participants busy for precisely 40 hours per week while they are on welfare, Florida and other States have recently placed a greater emphasis on structuring programs that provide the types of activities needed to move participants into paid employment and off of welfare, like training programs and educational incentives. Also, Florida determined that providing

supports to low-income families, such as child care and transportation assistance, before they resort to welfare, is an essential part of work-based welfare reform. By increasing work program costs for families on welfare, a 40-hour requirement would limit the resources states have to help other low-income working families stay off of welfare.

The bill would reduce the flexibility states now have to tailor work activities to the individual needs of parents and families. In particular, States would have less ability to place recipients in vocational education programs because such activities generally would not count toward the first 24 hours of participation required of parents. The bill also would limit significantly States' ability to engage recipients in activities designed to address various barriers to employment—such as physical, mental, and learning disabilities, domestic violence, and substance abuse—because these activities would not count for the bulk of the mandated hours of participation.

I wonder how many children will continue to be alone or with inadequate care while parents are forced to increase their hours of work. In the State of Florida and throughout this country, we have issues in our child protective services, because many poor or near poor parents are working and children are left to fend for themselves. While this bill fosters and promotes marriages by giving States grants for research, technical assistance and promotional activities, it diverts $200 million from current bonus to States. All while hurting the single parent trying to make a living and care for their family without any additional programs.

We should have looked at this reform from the point of view of both the family and States in implementing change. We cannot use the carrot and the stick approach and not allow the States the flexibility to administer this Federal program.

States will be required to have 70 percent of their welfare caseload working within the next 5 years, up from the current work participation rate of 50 percent while keeping TANF block grants at $16.5 billion annually for the next 5 years.

Section 8 housing vouchers for low-income families will be replaced with a block grant program. These vouchers were targeted to welfare recipients for whom housing assistance is critical to obtaining or retaining employment. HUD provided 50,000 vouchers at a cost of $283 million. The program allowed families to rent apartments near available jobs, transportation or childcare. The vouchers were targeted to families who are currently receiving, are eligible for, or have left the welfare roll within the last 2 years.

But, instead, this bill fails at every turn:

Instead of increasing access to education and training, this bill requires that such activities would count for up to 24 months against a State's participation requirement.

Instead of increasing mandatory funding for child care by $11 billion over the next 5 years, and restoring the Social Services Block Grant funding to $2.8 billion per, this bill will cost states $11 billion over the next 5 years, and still sacrifice support services that would allow parents to maintain working hours.

Instead of removing barriers to serving legal immigrants, including the current ban on States providing Federally funded TANF benefits to immigrant families, the bar on serving pregnant women and children under Medicare, and the bar on disabled children under SSI, this bill retains the discriminatory restrictions despite bipartisan support for removing them.

Instead of providing States with the flexibility to tailor programs to their clients, while maintaining some minimum level of support, this bill takes away the ability to help people how they need to be helped, all the while saying that Federal agencies can choose not to help them at all by implementing a superwaiver overriding most Federal laws related to low-income programs.

We had an opportunity today to help the hardest to help find a way to self-sufficiency. Instead, we have forced States to go deeper into fiscal crisis or cut programs that could actually aid reform. Webster's defines reform as improvement by alteration, correction of errors, or removal of defects. I don't think there will be a picture of this legislation by definition.

Mr. COLLINS. Mr. Chairman, H.R. 4 reflects the President's and Congress' proposals to move more Americans off government dependence toward individual financial freedom. Prior to the passage of the 1996 welfare law, many mistakenly forecast that welfare reform would place more people in poverty. Instead, welfare rolls were cut by more than half and more than 9 million recipients left the welfare rolls and began collecting paychecks. In fact, one of the greatest success stories of the 1996 welfare reform law has been my home State of Georgia. Some have stated that States will not be able to meet the new work requirements in this legislation; this is not the case with the state of Georgia. Last year, as the House was considering welfare reauthorization legislation, I had the opportunity to speak with Georgia's Labor Commissioner Michael Thurmond about the increased work requirements in this legislation. Before serving as Labor Commissioner, then Governor Zell Miller selected Michael Thurmond to direct Georgia's Workfirst program to move Georgians from welfare to work. It was this program that laid the foundation for Georgia's success in moving so many from welfare to work. In our conversation, Commissioner Thurmond stated with the confidence that Georgia will be able to meet these standards. By passing this legislation today, this House is both honoring and building on the success of States like Georgia who are breaking the cycle of dependence and placing more Americans on the road to financial independence. Through the passage of H.R. 4, my home State of Georgia, and other States, will be able to build on the success of the 1996 law and place more Georgians and more Americans on the road to self-sufficiency.

Mr. STENHOLM. Mr. Speaker, I rise in opposition to this tax and spend bill before us today. This bill will force States to increase taxes to pay for the increased spending necessary to meet the costs of the bill's unfunded mandates.

The Republican bill would impose mandates that would force States to change their existing welfare programs. Welfare reform has been a success in Texas and across the country in large part because of the State flexibility. I do not understand why the majority wants to force States to scrap the programs that have produced this success in order to comply with a Washington-knows-best approach. The States and folks at the local level know what works and what doesn't work in their local communities. They do not need Washington telling them how to run things.

According to a survey conducted by the National Governor's Association, 41 out of 47 States who responded would have to significantly alter their welfare program in order to comply with the requirements of the bill. This will require a costly redirection of resources. States will have to dismantle effective programs that have met the individual needs of their citizens.

For example, Texas's program helped them achieve a 61 percent reduction in welfare recipients since 1996. The Texas welfare program establishes time-limited benefits and requires welfare recipients to participate in work activities. The Texas Workforce Commission (TWC) oversees the Choices employment program, as well as child care, through a system of 28 local workforce development boards. The Department of Human Service is responsible for client eligibility determinations.

If the bill proposed by the majority passes, Texas will have to dismantle this successful program. They would have to drastically scale back its vocational education program which has been successful in matching welfare recipients with business needs, and implement a subsidized wage program that the State previously rejected as being ineffective. Texas would have to end its current practice of levying a reduction in cash benefits in order to comply with the mandate that States terminate assistance completely for families out of compliance with work requirement.

The Republican plan proposes radical waivers and block grant options what would affect the basic structure of the Food Stamp Program. It puts at risk the Program's effectiveness as a work support for families leaving cash assistance, ignores the considerable flexibility States currently have to run the program, and would undermine essential protections for the program's vulnerable clients. Congress instead should maintain the Food Stamp Program structure affirmed in last year's bipartisan farm bill reauthorization.

The Republican bill would create an unfunded mandate of $8 billion over 5 years according to the Congressional Budget Office to meet the work requirements in the bill. CBO estimated that if States actually meet the 40 hour work requirement with meaningful, structured requirements instead of self-reported activities, the unfunded mandate would increase to $11 billion. For Texas, the equates to a sum of up to $668 million over 5 years. Texas cannot absorb these costs. Faced with a $9.9 billion budget shortfall, and now a sagging economy that continues to reduce state revenue, the State will have no other option than to explore alternative ways to fund the government. This will mean cutting back on basic services or raising taxes.

In would be the height of arrogance for me to stand here in Washington and vote to require Texas to increase taxes or cut spending on other programs to implement policies that the Texas legislature has already considered and rejected in favor of other policies which have been proven to work. Many other States will face the same problem, as they face an $85 billion combined budget shortfall.

Republicans do not often like the term ''unfunded mandate'' because States would have the option of terminating current, nonmandatory services like child care to working families to cover the additional costs, rather than

spending new State dollars. However, child care is a necessary component of a welfare-to-work program, and terminating these programs are not a real option for States who want to help working families afford child care.

The Democratic substitute increases funding to States for child care assistance to match the CBO estimate of increased child care costs resulting from the work requirements in the Democratic substitute. The Democratic bill provides an additional $11 billion for mandatory child care over 5 years.

The Democratic plan focuses on moving welfare recipients into work and keeping them employed. The majority talks about their bill being tougher on work because of the 40 hour work requirement, but the reality is that 16 hours of that work is in unsupervised, unstructured activities that are not defined and could include helping children with homework or other self-reported activities. On the core work requirements, the Democratic substitute matches the Republican bill with 24 hours of work. More importantly, the Democratic substitute provides a credit for moving welfare recipients into employment, whereas the Republican bill allows States to reduce the work participation requirements simply by reducing the caseload for any reason.

The Democratic plan aims to equip welfare recipients with the knowledge and skills necessary to escape from poverty and welfare, and into a paying job, while the Republican bill does not. The Democratic plan allows for education and training to count toward the participation rate for up to 24 months, while the Republican plan limits them to 4 months. Republican plan eliminates vocational education from the list of work-related activities that count toward the State's participation rate—for the first 24 hours a week.

If you want States to be able to continue succeeding at the necessary job of helping folks get back to work, vote no on H.R. 4.

Mr. BARRETT of South Carolina. Mr. Chairman, I strongly support the Personal Responsibility, Work and Family Promotion Act of 2003. Since Congress passed historic welfare reform legislation in 1996 with work at the centerpiece of the initiative the results have been irrefutable. 3.6 million fewer Americans live in poverty today than in 1996 and welfare caseloads have fallen by 60 percent, since 1994.

In my home State of South Carolina, 70,043 people left welfare between 1996 and 2001. 70,043 people who now know the feeling of independence, self-worth and accomplishment that comes with getting a job and supporting ones family. It pleases me even more to be able to say that 82,000 South Carolinians left poverty between 1996 and 2000. Providing job training and education, increasing funding for child care programs and providing incentives to strengthen families allows people to leave welfare programs and leave poverty behind. The results have been remarkable, but there is more to be done. We need to ensure that when a person leaves the welfare system they do not return. We live a wonderful country full of promise and opportunity for everyone, anyone can do anything in this country—it's the American dream, and in many ways a job is at the heart of that dream.

The Personal Responsibility, Work and Family Promotion Act of 2003 will ensure parents will have the opportunity to tap into reliable child care so they can have the peace of mind that comes with knowing their children are safe while they train for, find, and keep a job. It's important once an individual is able to find a job they continue to train so they have the opportunity to further their career. Another key component is a stable home life because it is so important to set the stage for a child's future. American families do not want a hand out and they don't want a system that offers a life of poverty. They want a helping hand when it's needed and more importantly, they want a chance to rebuild their lives so they can provide a brighter future for themselves and their loved ones, on their own.

Mr. TIAHRT. Mr. Chairman, I've been looking forward to today for quite some time. Today we will pass a welfare reform bill that will build upon the successes of our historic 1996 reforms. In the past 7 years I have heard numerous success stories that arose from the 1996 Welfare Reform legislation that touched the lives of millions.

Our great former president Ronald Reagan once said, ''We should measure welfare's success by how many people leave welfare, not by how many are added.''

In 1996, there were over 14 million welfare cases. Since then, however, that number has been reduced by 9 million. But this debate is about more than just numbers—it is about people. Statistics don't do justice to the smiling faces of success.

I am often asked what I consider my proudest accomplishment as a Congressman. I am extremely proud to have been a Member of the historic 105th Congress that passed the 1996 Welfare Reform Act. Perhaps more than anything else we have accomplished during my time in Washington, reforming welfare has had a positive impact on American families.

Families have achieved independence: Welfare caseloads fell by 9 million—from 14 million recipients in 1994 to just 5 million today.

Promoting work has delivered results: Employment by mothers most likely to go on welfare rose by 40 percent between 1995 and

Child poverty fell dramatically: Since 1996, nearly 3 million children have been lifted from poverty, and the black child poverty rate is now at a record low.

The success of the 1996 welfare reform law is beyond dispute. Our challenge and great opportunity now is to build on that success—by putting even more Americans on the path to self-reliance. I urge my colleagues to vote in favor of this bill, and help the most desperate in our society realize their dreams.

Mr. CASE. Mr. Chairman, I rise today in support of the democratic alternatives to H.R. 4, the Personal Responsibility, Work and Family Promotion Act, and in opposition to the underlying bill.

I support what is widely referred to as Patsy Mink Memorial TANF Reauthorization substitute introduced offered by Representatives KUCINICH, LEE, MCGOVERN, and, LANTOS for two principal reasons. First, I owe it to my distinguished predecessor, the late Congresswoman Patsy T. Mink, to vote to support her legacy of work on welfare reform. This substitute is based on H.R. 3113, which was introduced by Congresswoman Mink in the 107th Congress, and reflected her deeply-held belief that education was the key to enabling poor women and children escape poverty. Indeed, improving welfare law in these respects was her major legislative priority during her last term in Congress.

Second, I believe that the States should have very broad authority on how to spend their TANF funds, including decisions on whether to provide benefits to legal permanent residents and educational opportunities beyond basic vocational training. The principal bill does exactly the opposite.

I am also voting for the Cardin-Kind-Woolsey substitute, which retains the State flexibility contained in current welfare law and provides States with the option of allowing recipients up to 24 months of education, doubling the provision in current law.

I am voting against H.R. 4 because it reduces State flexibility provided under the current law and imposes an unfunded mandate on States. The Congressional Budget Office estimates that implementing the expanded work requirements for welfare mothers—up from 30 hours to 40 hours per week—will cost the States $8 to $11 billion to create make-work jobs and to provide for increased child care.

I am supportive of reasonable, fair welfare reform that moves people from welfare to work. But I reject Federal mandates that limit the States' flexibility and unnecessarily harm people who are trying to improve their futures and that of their children through education.

Mr. THOMPSON of California. Mr. Chairman, I rise today in support of strong, meaningful welfare reform.

I was not a member of this body when welfare reform was first debated in 1996. But, the changes that came about as a result of that debate have brought significant and positive developments to my home state of California.

Under TANF, California has tripled the number of welfare recipients working and their average monthly earnings have significantly increased. Cash aid has decreased by 45 percent and caseloads have declined more than 40 percent.

These are the types of results that the 1996 reforms intended our states to achieve and we must build upon them in a way that will continue to bring people out of poverty and into meaningful employment.

Unfortunately, the bill that we debate today places unrealistic expectations on both our states and our welfare recipients. Worse, it calls for the enactment of work requirements that cannot be met without enhancing childcare, job training and transportation benefits—but minimal funds are provided for these support services.

Tough work requirements are a critical component of any welfare reform legislation and I strongly support strengthening our current provisions. But, I cannot support a plan that shifts a disproportionate financial responsibility onto our states simply because the federal government has squandered our surplus.

The underlying legislation contains approximately $11 billion in unfunded mandates—costs that our states will have to bear alone in order to comply with these new provisions. These mandates will cost California almost $2.5 billion—a tremendous hit particularly at a time when the state is struggling with a budget shortfall of $35 billion.

Mr. Chairman, as evidenced by the Cardin/Kind/Woolsey substitute, we can balance tougher work requirements with the financial resources necessary to truly move people from welfare to work.

This substitute calls for tough, real work requirements that move welfare recipients into meaningful employment.

This substitute gives states the flexibility to create programs that prioritize efficiency over the majority's ''one-size-fits-all'' model. Flexibility has enabled California to implement individual responsibility plans following job search and job preparation activities.

We have been very successful in placing people into work first, rather than wasting both funds and time to develop plans for individuals who have already attained employment.

These innovative approaches are supported by this substitute, which encourages states to implement sensible reforms and to tailor their programs to the needs of their beneficiaries—combining though work requirements with vocational training or ESL education.

Finally, this substitute gives states the resources they need to enact these new, tougher mandates—providing the $11 billion in additional child care funding that CBO has indicated states will need in order for recipients to meet these new work requirements. By preventing unfunded mandates and promoting flexibility, this substitute ensures universal engagement and continued success in transitioning people from welfare into gainful employment.

I urge all of my colleagues to support this substitute, which will build upon the accomplishments our states have already achieved.

Mr. CAPUANO. Mr. Chairman, I rise today in opposition to H.R. 4, the Personal Responsibility, Work, and Family Promotion Act. This bill, which is similar to the welfare reform bill passed by the House in the last session, extends the authorization for the Temporary Assistance for Needy Families (TANF) block grant program through FY 2008.

While I welcome the possibility of reauthorizing this vital program, I am frustrated by the way in which this legislation was brought to the floor—without any markup in the three committees that share jurisdiction on the issue. Furthermore, the House of Representatives has had ample time to rewrite this bill and present a meaningful proposal that will address the needs of low-income families and the states that administer these programs. The bill before us today is nearly identical to last year's legislation and does little to help those most in need of services. The goal of this bill should be to assist welfare recipients in finding employment while transitioning out of poverty. In order to do so, we should be focusing on adjusting the grants for inflation, providing additional funding for childcare and retaining the current thirty-hour workweek requirement while allowing flexibility for education and training programs.

This bill comes at a time when states are experiencing unprecedented budget shortfalls. The economy is sluggish and the unemployment rate has risen from 3.9 percent to 6 percent. Without additional funding, states will be forced to cut important services, including child care and transportation benefits. I cannot support a bill that increases the work requirement for those most difficult to place in employment while failing to provide adequate child care funding. If we demand that people must work for their benefits, we need to provide those individuals with the resources necessary to do so. Massachusetts currently has more than 17,000 children on its child care waiting list. An additional $111 million in childcare funding is needed over the next five years to implement this legislation in Massachusetts alone. The Democrats have responded to this crisis by offering an alternative reauthorization bill. The Cardin substitute provides states with the resources they need to meet these new requirements. It increases childcare by $11 billion over the next five years, while allowing more flexibility to count education and training as work requirements. It retains the current thirty-hour work week rule and allows states to use federal cash assistance for legal immigrants.

The TANF program has been successful in helping to move families off the welfare and into work. It is our job to ensure that states have the resources to continue this important work. I urge my colleagues to support working families and vote against the Republican bill and for the Democratic substitute.

Mr. SIMMONS. Mr. Chairman, I rise today in support of the reauthorization of a welfare program that has brought confidence and helped restore a sense of self-worth and freedom to thousands of my constituents who have fallen on hard times. Reauthorizing the Temporary Assistance to Needy Families, or TANF, program is and should be a top priority, both for my state and our country. We have come far in giving Americans better opportunities but there is much left to do.

The landmark welfare reform Congress undertook seven years ago has been a success. Caseloads have gone down. And states now have the flexibility to spend the money in areas where it is most needed. But even more important is the fact that welfare reform has brought to millions of American citizens economic and social freedom, the feeling of self-satisfaction that comes with a job well done and a goal or milestone reached.

And though this reform has enjoyed a strong show of success, we should be content to rest until all our work is done. This bill offers such a commitment. States will receive each and every year between now and 2008 $16.6 billion. This includes an increase in the Child Care and Development Block Grant, which goes directly to helping mothers and fathers provide better opportunities to their children, as well a measure to provide financial support to mothers newly off welfare.

This welfare program has been a success nationally and in Connecticut.

I speak of Richard Morgan, a 32-year-old resident of North Stonington. Richard enrolled in the Job Search Skills Training (JSST) class offered through the state welfare office. ''It was very good, excellent,'' he said. ''I learned some things I hadn't known before, like how to market myself. I learned how to write a resume, how to make goals.'' Richard now has the liberty to pursue the job and a life of his choosing.

I speak of Milagros Medina, a 28-year-old single mother of three. As a requirement of her federal welfare assistance, Medina went to a Jobs First orientation at the Connecticut Works Center in New London. After this training, Medina interviewed with Brian Kingsley, a Food Service Director, trying to get a job as a nutritionist. ''Now whenever I have a job opening,'' he says, ''I go the Connecticut Works Center first. I see them as a pre-screening support agency.'' Milagros now has the freedom to use her own merits as an asset.

In Connecticut, federal action and reform has made possible our Jobs First Employment Services Program, a resource to those out of work who need guidance, training and the tools to find their path. As Richard and Milagros will tell you, this program works.

If we search, we can find proof in the numbers. Connecticut caseloads have gone from 38,891 families in 1997 to nearly 12,000 in 2002. Over 60 percent of our state's families on welfare are engaged in some form of work activity. But numbers are not the true merit of this program. The heart of welfare is in its ability to offer these are men and women with new opportunities, new freedoms a new sense of self-determination. Every American has the chance, the right, to know that the doorways to success are open to him or her. This action we are taking the reforms we have put into place is that doorway.

Mr. Chairman, this welfare offers hope where there was none. It helps develop the skills, the motivation, and more importantly, the confidence and freedom to reenter the workforce. That is a right that should be available to all hard-working men and women in America. Our state programs and local officials are getting the job done. It is time for Congress to do the same.

Mr. CHOCOLA. Mr. Chairman, today, I rise in support of the Personal Responsibility, Work, and Family Promotion Act of 2003.

Over the last decade, many in this Congress have worked to turn the welfare system around. The Personal Responsibility and Work Opportunity Act of 1996 has been an enormous success. All across America, the welfare rolls are down, and many young people have returned to lives of self-reliance and dignity.

The 1996 welfare reform law expired at the end of last year. Congress must now act to maintain and expand the success of welfare reform by promoting work, strengthening families, and helping more welfare recipients move toward independence and self-reliance.

The bipartisan bill before us today helps welfare recipients follow a responsible path toward independence by increasing minimum work requirements, providing additional opportunities for education and training, and making health benefits available to individuals leaving welfare as they transition to self-sufficiency.

This legislation takes important steps to strengthen families and protect children by increasing funding for childcare, so single parents can go to work. It also provides financial incentives for states to return more money collected from past-due child support to mothers and children. And, as soon as the legislation becomes law, it makes available up to $300 million annually for programs that encourage healthy, stable marriages.

Finally, this bill frees states to seek out new and innovative approaches to serve those in need. It allows states greater flexibility and encourages projects to improve program effectiveness and to improve service delivery.

I am proud to have co-sponsored this bipartisan bill. H.R. 4 maintains and strengthens the 1996b reforms, while providing a sensible plan that promotes work, requires responsibility, strengthens families, and protects children.

Ms. KILPATRICK. Mr. Chairman, today, I voted against passage of H.R. 4, the Welfare Reform Reauthorization. I opposed passage of the bill last session and today for the same reasons.

First, the Republican bill has weak educational opportunities for welfare recipients, it places unfunded mandates on States, and implements stricter requirements without taking into account increases for inflation. This puts States in a very compromising position. Furthermore, this bill only includes $1 billion in

additional funding over five years for childcare. It is general knowledge that there is insufficient money provided for childcare to meet the current needs of our nation. Moreover, the Republican bill places harsher work requirements on mothers with young children, without providing for a sufficient increase in childcare funding. How are families to cope?

Additionally, the Republican bill is only concerned about the numbers looking good on paper. The majority points to the success of the reduction of welfare rolls with the Welfare Reform Law of 1996; however, they fail to take into account the number of welfare recipients that have moved off the welfare rolls straight into low-income, minimum wage jobs. Many families still must rely on government assistance to stay afloat. Their measure of success is terribly flawed.

Providing government assistance to needy families should not be based on unlimited assistance—this is something that those of us on both sides of the aisle can agree on. However, this bill should be directed at providing fair and meaningful assistance that will help lift families out of poverty. This objective is at the heart of both the Kucinich and Cardin Substitutes that I supported. Both of these alternatives to H.R. 4 put a greater emphasis on educational opportunities and programs—an approach that would ensure that families are able to move up the economic ladder. Without the opportunity to learn a trade or pursue post-secondary educational options, the outlook for families being able to move off of welfare and improve their economic status is bleak.

Welfare reform should include policies that provide real solutions to helping families leave and stay off of welfare. Helping families to succeed is the Democratic approach—and the right approach. If we fail to enact policies that give families a real chance to create a better life, we fail families and we fail children.

Ms. MCCARTHY. Mr. Chairman, I rise today in opposition to H.R. 4, the Personal Responsibility, Work, and Family Promotion Act of 2003 and in support of the Cardin/Kind/Woolsey alternative.

I supported the 1996 Welfare Reform bill (P.L. 104–193). States like Missouri have made great progress in moving 100,000 individuals from welfare to work. Ms. Jones is one of Missouri's success stories. When she was called into Department of Family Services (DFS) case management she had numerous barriers keeping her from employment. She had three children, ages 9, 10, and 11. Ms. Jones had no driver's license, no automobile license, no insurance for her car, and the car needed mechanical repairs. Before she could get a job these barriers had to be addressed. She received Temporary Assistance. With the creative collaboration of DFS and the Welfare to Work consultants, Ms. Jones is no longer receiving Temporary Assistance, has employment paying her $8.50 per hour, has her driver's license, transportation and some new uniforms to wear.

To continue moving individuals from assistance to gain employment maintaining state flexibility is critical to the success of welfare reform. State like mine have been the laboratories for change and success in moving people from government assistance to self-sufficiency. The state of Missouri utilizes an innovative case by case assessment in providing temporary assistance. We participate in effective community based partnerships that foster independence from public assistance and improve family well being. We have award winning programs that promote and provide youth mentoring, extended school days, parenting skills, child development, job training, post-secondary education, and job placement services that are effective at moving welfare recipients into self-sufficiency.

H.R. 4 jeopardizes the flexibility that Missouri utilizes in providing personalized case management through these programs. H.R. 4 eliminates Missouri's flexibility in vocational education training by stipulating only four months of education and training. In a time when states like mine are already facing serious deficits and cut in spending, this bill exacerbates their budget woes by providing no new money to implement its stricter work and participation requirements, and states currently cannot balance their budgets as required by their constitutions. Missouri would have to come up with over $200 million dollars to implement to inflexible changes in H.R. 4 when it is already facing $814 million in deficits. This does not include the $116.5 million Missouri would need in additional child care money to ensure the children affected will have access to safe and nurturing care. The bill before us today funds the Temporary Assistance for Needy Families—TANF—block grant at the 1995 level and proposes barely enough funding for childcare to keep up with inflation.

The Cardin/Kind/Woolsey substitute both provides an inflationary increase in the TANF block grant (an additional $6 billion over five years) and increases child care funding by $11 billion over five years. If my colleagues on both sides of the aisle truly want to promote self-sufficiency and encourage more single mothers like Ms. Jones, who has moved off of temporary assistance, then we must adopt the Cardin/Kind/Woolsey substitute because it provides the resources that promote working toward self sufficiency.

Mr. Chairman, stricter work requirements with fewer resources is a losing equation for the welfare mothers and children of metropolitan Kansas City and for our nation.

Mr. ETHERIDGE. Mr. Chairman, I rise today in opposition to H.R. 4, the Republican welfare bill, and in support of the Democratic alternative offered by my colleagues Representatives CARDIN, KIND, and WOOLSEY.

To paraphrase baseball great Yogi Berra, this legislation ''is like deja vu all over again.''

Indeed, the bill we are considering today is almost identical to the flawed welfare bill we debated last May. Since then, our national economy has continued to stagnate, unemployment has risen sharply, and our states have fallen further into fiscal crisis. In light of this, one would think that the Republican Leadership would take some time to re-think their welfare bill and write a better one. Instead, they offer today the same welfare bill that failed to pass Congress last year. What wasn't good enough for America's working families then, is worse for America now.

There are three main problems with H.R. 4. First, it burdens the states with a large unfunded mandate. Second, it fails to provide welfare participants with adequate access to education and job training. And finally, it significantly underfunds childcare.

I strongly support putting people to work to help them obtain self-sufficiency. While the Republican bill requires more work hours, H.R. 4 does not provide the states with the resources to implement these additional work requirements. According to the Congressional Budget Office, it will cost $8–11 billion to comply with these new provisions. In North Carolina, which is in the midst of a severe budget crisis, H.R. 4 would cost $222 million.

Additionally, welfare reform should not limit one's opportunity to succeed and care for one's family. Under the Republican welfare bill, education initiatives that allow welfare recipients to take community college classes or obtain their GED are eliminated. That's unacceptable. As the former Superintendent of North Carolina's public schools, I understand how important education is to finding and keeping a good job. Education is the key to a successful future. Many of the folks who remain on the welfare rolls today are the least prepared to enter the workforce, and we must provide them with the tools they need to lift themselves and their families out of poverty.

Finally, the republican bill also requires parents to work ten more hours per week, yet it does not provide enough resources for childcare. Finding quality childcare is one of the most daunting challenges with which welfare recipients must contend. Good childcare helps young children develop and keeps older children in positive, productive environments. It keeps children off the streets while their parents are at work. This is common sense. If you require folks to spend more time working, you must give them an avenue for caring for their children.

I support the Democratic alternative to this bill. As a member of the New Democratic Coalition, I especially want to commend the good work done by my colleague Congressman KIND on this alternative. Mr. KIND's leadership has produced a far superior bill. Like H.R. 4, our plan requires more work hours, but it goes much further in providing the resources necessary to make welfare reform work. It also allows states to count education and job training as work related activities, which help welfare recipients prepare to get good jobs and permanently leave the welfare rolls. Further, this alternative makes reducing poverty a core purpose of the welfare program. And most importantly, this plan invests significant resources for childcare.

Mr. Chairman, I've lived all of my life in the rural communities located in the heart of North Carolina. There we share common values that stress the importance of family and hard work. Welfare reform should provide families with the tools to lift themselves out of poverty to self-sufficiency. Disappointingly, the Republican welfare bill will not work; it will fail our families. Conversely, the Democratic alternative honors hard work and provides our families with opportunities to find hope and achieve success.

I urge my colleagues to oppose H.R. 4 and to support the Democratic alternative.

Ms. ROYBAL-ALLARD. Mr. Chairman. I rise today in opposition to H.R. 4, a bill to reauthorize the Temporary Assistance to Needy Families Program.

The purpose of this program is to move people from welfare to work; however Democrats and Republicans approach this effort very differently. The Democratic plan moves welfare recipients into real jobs and out of poverty. Republicans focus only on adding work hours, even if it means pushing recipients into minimum wage jobs that keep them in poverty.

The Democratic plan provides education and training to workers, so they can move up the economic ladder into decent paying jobs. The Republican plan ignores the need for training.

The Democratic plan increases access to quality child care, which is critical for families moving from welfare to work. The Republicans underfund child care programs by 9 billion dollars.

Finally, the Democratic plan provides States with the flexibility to tailor their services based on past experience. The Republican plan forces states into a one-size-fits-all program full of unfunded mandates that ignores the unique needs of individual states.

Mr. Chairman, it is clear that the Democrat approach will reform welfare in a way that helps move people from welfare to work with the hope of improving their quality of life. I urge my colleague to vote against this punitive Republican bill that fails to offer hope, and support the Democratic substitute.

Mr. UDALL of New Mexico. Mr. Chairman, today we are considering critically important legislation to reauthorize the Temporary Assistance for Needy Families, TANF, block grant program for another five years. This is an incredibly important task made even more so in light of the difficult economic circumstances our country is currently facing. In light of the fact that there are over 8 million Americans out of work. And in light of the fact that nearly all of the states are facing serious fiscal crises.

Unfortunately, I believe that H.R. 4 fails to take into consideration the particularly difficult times facing some of the most vulnerable individuals in our society and those becoming increasingly more vulnerable in these times of economic uncertainty. Now is not the time to impose more restrictions and costs on states and TANF recipients, yet that is precisely what H.R. 4 does. And it does so without providing any additional funding, which does not fit my definition of compassionate conservativism.

Seven years ago, when TANF was created to replace the AFDC program, the bill was funded at $16.5 billion per year. Today we are considering a bill that not only provides only the exact same amount of money as the 1996 welfare reform bill, disregarding inflation, but also increases TANF recipients' required work hours from 30 hours to 40 hours a week. According to the Congressional Budget Office, this provision alone will cost the states $8 to $11 billion over the next five years, and will cost my home state of New Mexico an estimated $100 million to implement the work participation requirements. These additional mandates that lack the funds to accompany them will exacerbate already dire fiscal crises in the states. The combined 2002–2005 state budget gap is projected to be $189 billion. Add the additional costs associated to implement the work requirements and the states are staring a combined budget gap of $200 billion right in the face.

In addition, H.R. 4 also fails to help working mothers with the increasing cost of childcare. Though the bill does include $1 billion in new mandatory child care funding—the only new funding in this legislation—this amount is not nearly enough to help cover the additional child care funds that states would need to implement the child care provisions in H.R. 4. New Mexico alone would require an additional $50 million over 5 years to implement the childcare provisions of this legislation.

I do strongly support, however, the substitute legislation being offered by Mr. CARDIN, and Mr. KIND, and Ms. WOOLSEY. Not only does this legislation strengthen current work requirements and provide states with the flexibility and freedom to innovate, but also provides sufficient funding necessary to help states with additional requirements.

The substitute being offered today increases work participation rates from its current level of 50 percent by 5 percent a year to reach 70 percent by 2007. It increases the number of work-focus activity hours from 20 to 24 hours, and provides states the option of increasing the number of required hours of work from 30 hours to 40 hours a week if they so desire. However, unlike H.R. 4, the substitute provides the states with the resources necessary to meet these changes. The Cardin-Kind-Woolsey substitutes provides inflationary increases for the TANF block grant, which equals an additional $6 billion over five years, as well as an additional $11 billion for mandatory childcare funding over five years to meet the requirements.

Mr. Chairman, as President Franklin Delano Roosevelt once said, and which is engraved on a wall at the FDR memorial not 15 minutes walking distance from here, ''The test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have too little.'' Today, as we consider this legislation to provide a safety net for our great country's poorest and most vulnerable population, as the income disparity between the rich and poor continues to grow, this quote from a great man and great leader should resonate loudly throughout the chambers of the capitol and throughout the land. We need to help provide opportunities for people to get out of poverty and off of TANF. H.R. 4 does not do this, but instead imposes unfunded mandates on states. H.R. 4 focuses on caseload reductions, not poverty reduction, which should be the true standard by which a successful welfare program should be measured.

I urge my colleagues to vote against H.R. 4 and support the Cardin-Kind-Woolsey substitute.

Mr. MICHAUD. Mr. Chairman, I rise today to urge my colleagues to support the Cardin Democratic alternative on the Welfare Reauthorization bill. This bill would reduce poverty, promote State flexibility, and help move welfare recipients into real jobs.

It adds a strong new work requirement, but it also provides welfare recipients with support through education, training, and childcare, and it gives states adequate resources to fund these programs.

In contrast, H.R. 4 would leave Maine with a $56 million dollar unfunded mandate over five years. Just as bad, right now, a Maine family of three receiving the maximum benefit only reaches 39 percent of the federal poverty level.

H.R. 4 doesn't give any new resources to change that. Instead, it simply asks states and welfare recipients to meet new goals, without giving them a real change to achieve them.

So let's support the alternative, and pass welfare reform that works.

Mr. EVANS. Mr. Chairman, I stand before you today to show the American people what the Republicans in Congress really stand for. This welfare reform bill perpetuates the misconception of the stereotypical welfare recipient and does little to actually help those on the welfare rolls gain economic independence. H.R. 4 does nothing to help people move into real jobs providing livable wages.

One of the key factors in moving recipients from welfare to work is the ability to obtain education and job training. This legislation ignores the reality of the situation: education is imperative to propel those on the welfare rolls into higher paying jobs that are the real road to self-sufficiency. In the current state of our economy, now more than ever, we need to provide job skills and training to the poorest families. Even skilled workers are having a difficult time finding employment, and it would be ruthless for us to turn our backs on those with less skills in their time of need.

Mr. Chairman, this Republican bill's extended work provisions are extremely troubling. Mandating a 40-hour work week for single parents on welfare without providing the needed monies for child care is reprehensible. The Congressional Budget Office estimates that $11 billion will be needed to fund for child care in order to make this extended-work mandate feasible. H.R. 4 allows only $1 billion for this care, thus leaving our already financially-strapped states in a serious predicament.

Further, this legislation lacks alternatives to abstinence-only education. It is irresponsible that we are not providing monies for comprehensive sex education program that would help reduce teen pregnancy, reduce sexually transmitted diseases and promote sexual health.

I support the Democratic substitute that understands and provides for the real purpose contained in the title: Temporary Assistance to Needy Families. These alternatives give recipients a hand up, not a hand out. By extending the definition of work to include job training, getting a GED, and care for a child under 6 or the disabled, my Democratic colleagues and I show our compassion for the poor in their time of need.

Republicans are showing their true colors by introducing this legislation: a sincere lack of understanding of the factors that lead people to seek government assistance and a lack of mercy for those down on their luck in this time of economic recession. We need a fair and decent method of helping those who need our help the most. I urge my colleagues to vote against H.R. 4.

Mr. MATHESON. Mr. Chairman, the proposal before us today to reauthorize Temporary Assistance to Needy Families TANF, is one that falls short of providing temporary assistance or focusing on needy families. While there are aspects of H.R. 4 that should be applauded, such as increasing overall funding, restoring federal support for the Social Services Block Grant, removing the disincentives for two parents families, and approaching welfare cases with a family-oriented perspective, this legislation falls short on providing the real solutions that families struggling in Utah require.

There are several essential elements for welfare reform that are lacking in H.R. 4. First, is state flexibility. H.R. 4 would limit state flexibility and subsequently undermine the welfare successes that Utah has experienced. The whole concept of the 1996 reforms was for states to tailor services. Over the last six years, it has been the ability of the states to adapt programs to meet the needs of populations with multiple barriers that has allowed

caseloads to decline. Developing true self-sufficiency requires state flexibility. It means looking towards the long-term and providing credit for educational and vocational training, and it requires state alternatives to increase participation rates.

At the same time that H.R. 4 limits state flexibility, it fails to even provide adequate funding for the increased requirements it entails. H.R. 4 would require the states to do more with fewer resources. It increases the mandates on the states to increase participation rates and work hours, but does not provide the resources to implement these changes. It leaves the states without the ability to cover the increased costs related to stricter work requirements and removes the credits available to the states for decreasing caseloads without providing other benefits. This unfunded mandate cannot be supported by Utah, and will not provide the temporary assistance required at this time.

H.R. 4 also falls short on supporting families. It requires parents to go to work without any resources to care for their children. The Congressional Budget Office has estimated that new work requirements would require $44 million dollars more for child care in Utah. H.R. 4 does not provide these resources. In addition, H.R. 4 would no longer allow single mothers with children under age six to be fully compliant if they work 20 hours a week. Instead, they would be required to work 40 hours a week, despite the young children they have at home, and then would be provided with no additional resources to help them obtain child care. Such actions are not pro-child and are not pro-family.

I cannot support legislation that falls short on providing for the real people that I represent in Utah. They deserve more. That is why I support reauthorization of TANF that is built on sound principles: flexibility for the states, reasonable requirements, real work that will lead to long-term self-sufficiency, educational and vocational training, and adequate resources for childcare. Such a proposal would recognize the real needs of real Utahns and provide needy families with real, temporary assistance.

Mr. BLUMENAUER. Mr. Chairman, especially in these troubled economic times, the safety net, in the words of President Reagan, is critical for many families in Oregon and across America. Unfortunately, after months of delay, we are being presented with a TANF Reauthorization that shows little improvement from the bill presented to us almost a year ago, even though the economic situation has deteriorated dramatically in the last year, putting millions of Americans out of work. This bill does little to recognize the needs and challenges facing a growing number of Americans.

In Oregon, the new welfare system is getting its most severe test. Our statewide jobless rate is now 7.1 percent, the highest in the nation. Oregon's budget is in shambles, but we are not alone. At least 46 states are struggling to close a combined budget gap of $37 billion in the most recent fiscal year. Budget shortfalls are reaching record levels, and are projected to approach $85 billion. Some states have already made cuts to TANF-funded programs, including Ohio, the homestate of the author of this bill. At a time when states are facing serious budget crises and are being asked to do even more on hometown security, the federal government should be giving assistance, not retreating. Instead, this bill would create a series of unfunded mandates that in Oregon alone are expected to cost $100 million over the next five years.

This proposal also fails to address the critical need for childcare among families receiving assistance. A recent report by the Children's Defense Fund found that budget shortfalls have forced a number of states to reduce funding for child care, despite the pressing need for these services as economic circumstances worsen. Asking for increases in make-work hours without significantly increased childcare funding is shortsighted and ultimately destructive in the fight to help these families achieve self-sufficiency.

Finally, this bill fails to recognize the fiscal realities facing states and the mounting challenges facing a growing number of Americans. Instead of targeted tax cuts to those who are least in need; the federal government should step up to the plate and support welfare reform that will achieve a real reduction in poverty.

Mr. RODRIGUEZ. Mr. Chairman, I rise in strong opposition to H.R. 4, the Personal Responsibility, Work, and Family Promotion Act of 2003. While proponents of H.R. 4 argue that they are building upon the successes of the sweeping 1996 welfare reform plan by promoting independence through work and lifting millions of Americans out of poverty—they in fact promote helplessness and misery for millions.

They fail to recognize that while research tells us that even though poverty levels are down, hunger, utility cut-offs, and hopelessness have increased among former Temporary Assistance of Needy Families (TANF) recipients. Within these poor families many children suffer because poverty prevents them from having basic needs met. When the prevalence of poverty is combined with the fact that less than one fourth of children eligible for a range of government subsidies receive any of them, we are failing to protect our most important and vulnerable assets—our children.

H.R. 4 does not provide sufficient funding for programs essential to reaching the goal of reducing poverty. It would freeze the amount of the TANF block grant at current funding levels for the next five years. These funding limitations are especially critical during these times of increasing unemployment and State budget deficits. The reality is that the value of the TANF block grant has fallen by 13.5 percent between fiscal year 1997 and fiscal year 2002. In my home State of Texas alone it would take $688 million, over the next five years, in addition funding to implement the work participation requirements in H.R. 4. Forcing States to implement new provision in the welfare bill, while providing no new resources for either TANF block grants or child care, is a recipe for disaster and not a responsible approach to reauthorizing TANF.

States should be provided appropriate funding to ensure that TANF recipients receive the assistance they need to become self-sufficient. H.R. 4 does not provide states with the financial support, or the programmatic flexibility needed to tailor work activities to the individual needs of parents and families to overcome workplace barriers. Instead it imposes harsh work requirements that are recipes for failure and restricts States' ability to operate education and training programs that prepare TANF recipients for long term, well compensated employment.

Finally, an important component of any proposed reauthorization of TANF must ensure access to job and health care programs for this Nation's legal immigrants. Despite widespread support for providing hardworking, tax paying legal immigrants with the opportunity to apply for safety-net programs, H.R. 4 continues the unfair ban on providing such critical services to legal immigrant families with children. Medicaid and CHIP eligibility should be based on need, not the date one enters the country. States should be allowed to continue to use state funds to provide primary and preventative care to immigrants.

I will only support a welfare reauthorization bill with the true purpose of reducing poverty, and one which provides its participants with real opportunities and with the self-dignity to pursue the necessary tools to ensure future success.

I will support the amendments presented to this bill, made in the form of substitutes, which increase childcare funding, which allow States more flexibility to count education and training and other work preparation towards more realistic work requirements, that restore eligibility and benefits to legal immigrants and that reward States that place parents in real, long term employment.

Mr. CRANE. Mr. Chairman, I rise to lend my full support to H.R. 4 the reauthorization of the Personal Responsibility, Work, and Family Promotion Act of 2003.

Before 1996 there were many cases of honest, hard-working individuals on the welfare rolls, who, faced with hard times, were forced to rely on our government in order to help provide for themselves and their families. Unfortunately, there were also many cases of individuals who in the past abused this system set up to help those in need. I believe that individuals who choose to live off of government welfare, with no intention of leaving the rolls, not only cheat the American taxpayer, they also cheat their children and grandchildren who often live their lives trapped in a cycle of receiving government handouts.

Mr. Chairman, the bill we are considering on the floor today gradually raises work requirements over the next five years and continues to award States that are successful at moving people from welfare to work. This bill protects children with a $2 billion increase in childcare funding. The bill allows States greater flexibility in providing care for children of low-income working families. This keeps with the idea that those closer to a problem know best how to fix it. The plan also includes $300 million annually to encourage healthy marriages and two-parent married families, through programs such as pre-marital education and counseling.

Let me briefly say that despite my support for the measure, I remain concerned about some of the provisions in the legislation. While the measure does improve upon work requirements from the 1996 Temporary Assistance for Needy Families (TANF) bill, in some cases it does not go far enough. For instance, H.R. 4 increases the number of hours a welfare beneficiary must work and spend in job training programs, but it allows the states to define ''work'' in practically any way they see fit for these additional hours. Mr. Speaker, I am in favor of allowing States flexibility in administering welfare programs—flexibility is, after all, the linchpin of the reforms we enacted in 1996—but in my view we should set some

sort of minimal standard and let the States implement them as they see fit.

Mr. Chairman, TANF has shown how, through simple common sense means, the lives of millions of Americans can change from a cycle of poverty and dependence to lives that are happier and more productive. They have shown how expecting more from our fellow citizens can lift the Nation as a whole. I am happy to support this measure and encourage my colleagues to vote in favor of this important legislation.

Mr. PAUL. Mr. Chairman, no one can deny that welfare programs have undermined America's moral fabric and constitutional system. Therefore, all those concerned with restoring liberty and protecting civil society from the maw of the omnipotent State should support efforts to eliminate the welfare state, or, at the very least, reduce Federal control over the provision of social services. Unfortunately, the misnamed Personal Responsibility, Work, and Family Promotion Act (H.R. 4) actually increase the unconstitutional Federal welfare state and thus undermines personal responsibility, the work ethic, and the family.

H.R. 4 reauthorizes the Temporary Assistance to Needy Families (TANF) block grant program, the main Federal welfare program. Mr. Speaker, increasing Federal funds always increases Federal control, as the recipients of the funds must tailor their programs to meet Federal mandates and regulations. More importantly, since Federal funds represent resources taken out of the hands of private individuals, increasing Federal funding leaves fewer resources available for the voluntary provision of social services, which, as I will explain in more detail later, is a more effective, moral, and constitutional means of meeting the needs of the poor.

H.R. 4 further increases Federal control over welfare policy by increasing Federal mandates on welfare recipients. This bill even goes so far as to dictate to States how they must spend their own funds! Many of the new mandates imposed by this legislation concern work requirements. Of course, Mr. Speaker, there is a sound argument for requiring recipients of welfare benefits to work. Among other benefits, a work requirement can help a welfare recipient obtain useful job skills and thus increase the likelihood that they will find productive employment. However, forcing welfare recipients to work does raise valid concerns regarding how much control over one's life should be ceded to the government in exchange for government benefits.

In addition, Mr. Chairman, it is highly unlikely that a ''one-size-fits-all'' approach dictated from Washington will meet the diverse needs of every welfare recipient in every State and locality in the Nation. Proponents of this bill claim to support allowing States, localities, and private charities the flexibility to design welfare-to-work programs that fit their particular circumstances. Yet, this proposal constricts the ability of the States to design welfare-to-work programs that meet the unique needs of their citizens. I also question the wisdom of imposing as much as $11 billion in unfunded mandates on the States at a time when many States are facing a fiscal crisis.

As former Minnesota Governor, Jesse Ventura pointed out, in reference to this proposal's effects on Minnesota's welfare-to-welfare work program, ''We know what we are doing in Minnesota works. We have evidence. And our way of doing things has broad support in the State. Why should we be forced by the Federal Government to put our system at risk?'' Why indeed, Mr. Speaker, should any State be forced to abandon its individual welfare programs because a group of self-appointed experts in Congress, the Federal bureaucracy, and inside-the-beltway think tanks have decided there is only one correct way to transition people from welfare to work?

Mr. Chairman, H.R. 4 further expands the reach of the Federal Government by authorizing approximately $10 million for new ''marriage promotion'' programs. I certainly recognize how the welfare state has contributed to the decline of the institution of marriage. As an ob-gyn with over 30 years of private practice, I know better than most the importance of stable, two parent families to a healthy society. However, I am skeptical, to say the least, of claims that government education programs can fix the deep-rooted cultural problems responsible for the decline of the American family.

Furthermore, Mr. Chairman, Federal promotion of marriage opens the door for a level of social engineering that should worry all those concerned with preserving a free society. The Federal Government has no constitutional authority to promote any particular social arrangement; instead, the founders recognized that people are better off when they form their own social arrangements free from Federal interference. The history of the failed experiments with welfarism and socialism shows that government can only destroy a culture; when a government tries to build a culture, it only further erodes the people's liberty.

H.R. 4 further raises serious privacy concerns by expanding the use of the ''New Hires Database'' to allow States to use the database to verify unemployment claims. The New Hires Database contains the name and social security number of everyone lawfully employed in the United States. Increasing the States' ability to identify fraudulent unemployment claims is a worthwhile public policy goal. However, every time Congress authorizes a new use for the New Hires Database it takes a step toward transforming it into a universal national database that can be used by government officials to monitor the lives of American citizens.

As with all proponents of welfare programs, the supporters of H.R. 4 show a remarkable lack of trust in the American people. They would have us believe that without the Federal Government, the lives of the poor would be ''nasty, brutish and short.'' However, as scholar Sheldon Richman of the Future of Freedom Foundation and others have shown, voluntary charities and organizations, such as friendly societies that devoted themselves to helping those in need, flourished in the days before the welfare state turned charity into a government function.

Today, government welfare programs have supplemented the old-style private programs. One major reason for this is that the policy of high taxes and the inflationary monetary policy imposed on the American people in order to finance the welfare state have reduced the income available for charitable giving. Many over-taxed Americans take the attitude toward private charity that ''I give at the (tax) office.''

Releasing the charitable impulses of the American people by freeing them from the excessive tax burden so they can devote more of their resources to charity, is a moral and constitutional means of helping the needy. By contract, the Federal welfare state is neither moral or constitutional. Nowhere in the Constitution is the Federal Government given the power to level excessive taxes on one group of citizens for the benefit of another group of citizens. Many of the founders would have been horrified to see modern politicians define compassion as giving away other people's money stolen through confiscatory taxation. In the words of the famous essay by former Congressman Davy Crockett, this money is ''Not Yours to Give.''

Voluntary charities also promote self-reliance, but government welfare programs foster dependency. In fact, it is the self-interests of the bureaucrats and politicians who control the welfare state that encourage dependency. After all, when a private organization moves a person off welfare, the organization has fulfilled its mission and proved its worth to donors. In contrast, when people leave government welfare programs, they have deprived Federal bureaucrats of power and of a justification for a larger amount of taxpayer funding.

In conclusion, H.R. 4 furthers Federal control over welfare programs by imposing new mandates on the States which furthers unconstitutional interference in matters best left to State, local governments, and individuals. Therefore, I urge my colleagues to oppose it. Instead, I hope my colleagues will learn the lessons of the failure of the welfare state and embrace a constitutional and compassionate agenda of returning control over the welfare programs to the American people through large tax cuts.

Mr. HONDA. Mr. Chairman, I rise today to express my strong opposition to H.R. 4, the Republican Welfare Reform bill that would push millions of American families deeper into a life of poverty.

I represent Santa Clara County, California, which has an unemployment rate of 8.2 percent. In a shrinking job market with an intensely competitive workforce, it makes no sense for H.R. 4 to require an increase to a 40-hour workweek. Many welfare recipients are already working two to three jobs trying to make ends meet.

Santa Clara County has one of the most diverse immigrant populations in the Nation. A third of current welfare recipients in the county lack basic education, and almost half lack vocational skills. Over 60 percent of current recipients have difficulty speaking and reading English.

While employers demand basic language training for these individuals, H.R. 4 eliminates any vocational education as a primary work activity. In effect, this change penalizes non-English speaking immigrants all across our Nation. I find it untenable that under H.R. 4, the road to self-sufficiency will not be paved with education and training.

H.R. 4 unreasonably increases work requirements and irrationally restricts training. It undermines TANF's goal of self-sufficiency and, most disturbingly, places harsh burdens on American families in a time of economic uncertainty.

It is even more distressing that on such a crucial issue, House Members will not be given a chance to offer amendments that would improve upon the bill. It is apparent that there are legitimate concerns with several provisions of H.R. 4—concerns that translate into

real consequences for our constituents. Now should not be the time to disregard the families and children who need our leadership the most.

Mr. Chairman, in substance and in process, I adamantly oppose H.R. 4 and I urge my colleagues to support a Democratic substitute.

Mr. KIND. Mr. Chairman, I rise today in support of the Democratic substitute to H.R. 4, which reauthorizes welfare reform. H.R. 4 is a step in the wrong direction. It replaces State flexibility with unfunded mandates, it promotes make-work at the expense of wage-paying employment, and does nothing to help families escape poverty when they leave welfare for work. I worked closely, however, with representatives CARDIN, and WOOLSAY, in crafting a Democratic substitute that better assists the States in moving families from welfare to work and I am pleased to be a lead sponsor of this legislation.

Furthermore, as co-chair of the New Democratic Coalition, I am satisfied that our substitute incorporated many of the new Democrats' suggestions based on the principle of ''work first.''

The successful welfare legislation passed in 1996 was one of the signature New Democrat initiatives and succeeded where previous attempts to reform welfare failed.

Welfare reform, however, now faces its stiffest test since its enactment. The roaring 90's—the decade during which more than 22 million new jobs were created—are long gone. Our economy today is stagnating. The unemployment rate and welfare rolls are up. An estimated 8.6 million Americans are out of work, including 166,000 in my home State Wisconsin.

Adding insult to injury, the States, which took responsibility under the 1996 law for administering assistance programs, are in the grips of their worst fiscal crisis in 50 years. They are being forced to cut back services—services that provided critical supports for welfare recipients and the working poor and, as many recipients reach the five-year benefits limit, States increasingly will find themselves providing very basic supports for their citizens through food programs and homeless shelters.

Unfortunately, our changing economic fortune has not stopped the House leadership from pushing welfare reform legislation that fails to help those who are struggling to make end meets and imposes even more unfunded mandates on the States.

The GOP plan, for example, would drastically increase the number of house that mothers with young children will be required to work, without a corresponding increase in child care funds. In fact, House leadership would freeze funding for welfare and child care at current levels, even though the Congressional Budget Office estimates that implementing the new work requirements will cost the States an additional $8 billion to $11 billion over five years. In Wisconsin alone, this would add another $89 million to our State's projected $3.2 billion budget deficit.

Thus, the Democratic substitute is a better alternative that places welfare recipients on the path to independence from public assistance by preparing them for good paying, private-sector jobs. Our alternative reform provides the States with flexibility and freedom to be innovative in moving families from welfare to work and empowering individuals to become self-sufficient.

Currently, the most promising State programs that help welfare recipients obtain and advance in a job, combine a ''work first'' approach with supplements training and education. Our plan helps these States by providing employment credits and allowing them to count education and training towards their participation rate for up to 24 months. Finally, our plan combines heightened work requirements with an addition $2.2 billion per year in childcare funding to ensure that families transitioning off of welfare can afford to work.

In addition to the Democratic Substitute, I offered two amendments during Rules Committee yesterday, which, unfortunately, were not accepted by the House leadership and were kept from being debated on the floor today.

The first amendment was an employment credit that I offered with Congressman LEVIN. Currently, States have the option of taking advantage of the caseload reduction credit that rewards States with credit against its participation rate just for moving people off welfare. Our amendment, however, would have replaced the caseload reduction credit with an employment credit, thus, rewarding States for moving people into jobs, with a bonus for moving them into high paying jobs. Last year, even the Administration's plan eliminated the caseload reduction credit and replaced it with its own employment credit.

The second amendment I offered gave States incentives to put fathers to work. It rewarded States with a credit towards its worker participation rate if they worked with fathers to increase their employment and pay child support. While very little research exists about marriage and its direct benefit to children, substantial research shows a working father most effectively improves children's emotional and financial well-being.

Again, I am pleased to have sponsored the Democratic substitute with Representatives CARDIN and WOOLSEY. Our alternative is a step forward in the right direction. Today, while facing a stagnant economy coupled with unprecedented budget deficits, our welfare reform legislation ensures that families are strengthened, companies well served, and individual futures improved. By building on our past success, we can continue to help millions of Americans once and for all gain a foothold on the first rung of the career ladder.

Mr. Chairman, I urge my colleagues to oppose H.R. 4 and support the Democratic substitute offered by Representatives CARDIN, WOOLSEY and myself. Finally, I regret that this legislation was pushed through the House so quickly without any consideration from the committees of jurisdiction. Acting with such haste completely ignored the process and shut out all our new Members. Such an important issue should have received more thought and consideration.

Mr. OXLEY. Mr. Chairman, I rise in support of H.R. 4—the ''Personal Responsibility, Work, and Family Promotion Act of 2003.''

The Committee on Financial Services approves H.R. 4's State flexibility authority that would cut across jurisdictional lines, both statutory and regulatory, to allow States and/or local governments to conduct demonstration projects to integrate Federal programs and funds. Under the plan, entities, such as the public housing authority, and the local and State governments would petition a Federal review board for this broadened waiver, with the appropriate Secretary exercising veto authority over the plan.

An example of this waiver could be a childcare center and a local public housing agency jointly petitioning the Federal Review Board to waive the regulations and requirements of their applicable programs to achieve a certain purpose. H.R. 4 will knock down firewalls and bureaucratic obstacles that many housing organizations complain about when attempting to blend programs from different agencies.

This proposal is an opportunity to allow some demonstration programs to see different ways of tackling the problem of service delivery, poverty, and a permanent underclass that should have the opportunity to move beyond public housing and homeless shelters to fully integrate in the private sector through rental and homeownership opportunities. We have heard time and time again that we need to blend more of the programs from HHS and HUD, for example, to tackle homelessness. H.R. 4 gives us that opportunity.

Moreover, to ensure that residents in public housing have an opportunity to comment and participate in the development's strategic plan, H.R. 4 requires that the concerns of the residents be incorporated into not only the annual strategic plan submitted by the Public Housing Authority, but also the application for State flexibility. This will provide a significant opportunity for collaboration between the public housing authority management, residents and the administrators of other entities to craft demonstrations that will achieve meaningful results, as opposed to a dictate from top-management only. I can't underscore the importance of resident/tenant participation to the eventual success of these applications and demonstrations. For that purpose, H.R. 4 is noteworthy.

One of the reasons the '96 welfare reforms were so successful is that States had the flexibility and leeway to shape their welfare programs in innovative ways. This bill enhances that flexibility, offering ''flexibility'' to allow States to integrate funding to improve services. As Health & Human Services Secretary and former Wisconsin Gov. Tommy Thompson said, flexibility is ''what the governors need and that's what the governors will have.''

This new flexibility will help States create broad, comprehensive assistance programs for needy families—as long as they achieve the purpose of the underlying program and continue to target those in need. This new flexibility will help States design fully integrated assistance programs that could revolutionize service delivery. The exemptions included in H.R. 4 should alleviate any concerns that fundamental rights and protections are jeopardized. Those exemptions are: (1) civil rights; (2) purposes or goals of any program; (3) maintenance of effort requirements; (4) health and safety; (5) labor standards under the Fair Labor Standards Act of 1938; or (6) environmental protection.

I urge my colleagues to support H.R. 4.

Mr. TERRY. Mr. Chairman, I rise in strong support of H.R. 4, the Personal Responsibility, Work, and Family Promotion Act of 2003.

The welfare reform law of 1996 is a resounding success. The welfare rolls have been cut in half, the number of welfare recipients working for pay has more than doubled, the employment rate of single mothers has nearly doubled, and child poverty has reached a 25-year low. Millions of families have been freed from the shackles of government dependency. They are holding their heads up high as they earn a living, care for themselves and their families, and improve the future for their children.

Today we have the opportunity to help more families escape from the vicious cycles of poverty and despair. I am a proud cosponsor of H.R. 4, which continues the truly compassionate policy of providing a hand-up instead of just a hand-out. By coupling temporary financial assistance with opportunities for higher education and vocational skills training, more families will achieve financial independence and improve their quality of life. As the saying goes, you can give a man a fish and feed him for a day, or teach a man to fish and feed him for a lifetime.

H.R. 4 also continues the landmark program which has dramatically lowered teenage pregnancies in our nation. This program provided $250 million over five years for states to educate teenagers about abstaining from sex until marriage and remaining faithful afterwards. From 1994 to 2000, the number of unwed teenagers who became pregnant fell from 46.6 to 39.6 per thousand. The abstinence movement profoundly influenced this trend.

Newsweek magazine recently reported that ''more than one-third of U.S. high schools teach abstinence until marriage and 700 abstinence programs spread the sex-can-wait gospel in all 50 states.'' The majority of these programs are a result of the 1996 welfare reform law. Their success can be measured by new Federal data revealing that virginal teenagers now outnumber sexually-active ones. The Youth Risk Behavior survey found that the number of teenagers who say they have never had sexual intercourse rose by 10 percent between 1991 and 2001. We must improve upon this success to give more teenagers the positive message of abstinence until marriage.

There is a great need for this message. According to the Centers for Disease Control and Prevention, three million teenagers contract a sexually-transmitted disease each year, and over half of high-school seniors lose their virginity before graduation. This is a tragedy of epic proportions. Thousands of young women are sterile for life after contracting the sexually-transmitted disease Chlamydia. Many will enter marriage without knowing they cannot conceive children.

Abstinence until marriage education will save millions of teenagers from the heartache of infertility, the pain of having an incurable STD, the regret of giving too much of themselves too soon, and the anguish of being sexually abused. Many abstinence programs help teenagers protect themselves from sexual abuse by teaching them to recognize emotional blackmail and inappropriate sexual pressure.

Failed ''comprehensive sex education'' and misleading ''abstinence plus'' programs have for too long given teenagers the message that ''anything goes'' as long as a contraceptive is used. These destructive programs have done incalculable damage by failing to inform teenagers about the full risks of STDs, the failure rates of contraceptives, and the strong emotional bonds formed during intercourse. Authentic abstinence education programs give teenagers the full truth: there is no contraceptive for a broken heart, and no guaranteed protection against pregnancy or STDs except abstinence until marriage and fidelity afterwards.

Presdient Bush has rightly said that ''for children to realize their dreams, they must learn the value of abstinence. We must send them the message that of the many decisions they will make in their lives, choosing to avoid early sex is one of the most important. We must stress that abstinence isn't just about saying no to sex; it's about saying yes to a happier, healthier future.''

I am proud that H.R. 4 continues this commitment to our children. I urge my colleagues to join me in supporting this legislation to help lift more families out of poverty and protect more teenagers from the dangers of sexual activity outside of marriage.

Mr. LANGEVIN. Mr. Chairman, I rise today in opposition to H.R. 4, the welfare reauthorization bill.

H.R. 4 is much the same as the legislation opposed by 197 Members last year. It imposes enormous unfunded mandates on State governments, while requiring States to make fundamental changes to their welfare systems. It caps the amount of rehabilitative services a State can provide and imposes inflexible work requirements that restrict States' ability to respond effectively to their populations.

A little known fact about TANF is that 44 percent of families in the program include a person with a physical or mental impairment. Not surprisingly, studies show that families including a person with a disability disproportionately lose TANF assistance through sanctions. Increased demands on States and families of the disabled heighten their already extraordinary risk of inappropriate sanctions.

It is our responsibility to incorporate safeguards for families caring for individuals with special needs. I urge my colleagues to act responsibly by supporting the alternative, Democratic substitute, which allows for State flexibility in meeting the needs of people with disabilities by leaving in place mechanisms for a real chance at rehabilitation.

Mr. STARK. Mr. Chairman, I rise today to insert into the CONGRESSIONAL RECORD this letter from the Consortium for Citizens with Disabilities.

I urge my colleagues to read this letter, which provides important reasons why they should vote against H.R. 4, the Personal Responsibility, Work, and Family Promotion Act of 2003.

This letter suggests needed changes to the TANF law that would help many welfare recipients with barriers to work to get and maintain employment.

I urge my colleagues to vote for the Democratic alternative welfare reauthorization that includes many of these important changes.

CONSORTIUM FOR CITIZENS
WITH DISABILITIES,
February 11, 2003.

DEAR REPRESENTATIVE: The Consortium for Citizens with Disabilities (CCD) is a coalition of national consumer, advocacy, provider and professional organizations headquartered in Washington, DC. We work together to advocate for national public policy that ensures the self determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. The CCD TANF Task Force seeks to ensure that families that include persons with disabilities are afforded equal opportunities and appropriate accommodations under the Temporary Assistance for Needy Families block grant. We are very concerned that the provisions in H.R. 4 will greatly harm, rather than help, families in which there is an adult or a child with disabilities. We are writing to urge you to vote ''no'' on H.R. 4, the ''Personal Responsibility, Work, and Family Promotion Act of 2003.''

Some argue that those who are concerned about the needs of people with disabilities should welcome the emphasis in H.R. 4 upon higher work participation rates and increased hours of work, because then states will be required to work with parents with disabilities. Unfortunately, the exact opposite is true. It is important to understand that, without some flexibility, higher work requirements for states and for families will prevent states from helping move families with disabilities from welfare to work—at a pace that works best for the individual family and will have long-term benefits. If states face more rigid rules on rates and hours of participation, sanction rates will climb and people with disabilities and their families will continue to be heavily represented in their numbers.

Over 40 percent of TANF recipients have a disability, yet this important fact is largely unknown. In July 2002, GAO reported that overall, 44 percent of TANF recipients have impairments or are caring for a child with impairments, compared with 15 percent of the non-TANF population. Many face multiple barriers. GAO also reported that, in eight percent of TANF families, there is both a parent and a child with disabilities, compared to only one percent in non-TANF families. Also in July 2002, the HHS Office of the Inspector General agreed with GAO's findings.

What should this mean for TANF reauthorization? The problems facing TANF parents with disabilities are significant. But, just because a person has a disability which may be a barrier to work, this does not mean that she cannot work. With appropriate services and supports, including accommodations in state policies and procedures and in the work place, most parents with disabilities should be able to work and would very much like the opportunity to so. While their policies vary, many states have taken some steps to help families with disabilities. Comgress must encourage states to continue to develop their programs to serve people with disabilities—both adults and children—on TANF. We are very concerned that H.R. 4 does not do this.

Listed below are the key components that people with disabilities need in TANF reauthorization.

1. Permit states to determine how long a family will need rehab services and allow participation in rehab services to meet the full weekly work requirement for as long as the state determines the family needs. HR 4 provides that only three months of rehabilitative services can be counted as work activity. After three months, a person with a disability must climb a steep mountain of 24 hours of work before the state will get credit for providing her with any additional rehabilitative services. This is a formula for failure. To suggest that this will work because 16 hours of rehabilitative services can still be provided misses the point: people with disabilities and other barriers often are going to need intensive help—including mental health treatment, training that accommodates their learning disabilities, substance abuse treatment, services that address other

barriers—before any other work activity will be appropriate. Many times, this help will take in excess of a year to result in good, long-lasting outcomes. This will not be possible under HR 4.

2. Protect families with barriers from unnecessary and inappropriate sanctioning. The 1996 law requires states to impose sanctions where a parent ''refuses'' to comply with a state work requirement. Unfortunately, many of those who are being sanctioned cannot comply—they are not refusing to comply, they simply cannot because of a disability or other barrier, or may not even understand what is being required of them. Efforts to increase the number of hours of required work activity and states' overall work participation rates are likely to harm these same families. Without strong protections against inappropriate sanctioning, it is likely that the number of inappropriate sanctions will increase. States should be required to have procedures that review a family's circumstances prior to the imposition of a sanction and determine whether modifications are needed to the requirements so that the family is better able to comply. Fairness dictates that all states have such basic policies. HR 4 does not include this protection.

3. Permit states to exempt parents caring for a child with a disability from the work requirement and time limit. States should have the option to exempt from the work requirement and time limit parents caring for a child with a disability if caring for the child prevents the parent from meeting the state's work requirement. Some states already do this. Appropriate, safe child care for children with disabilities is very difficult to find. In many areas, it is non-existent. The medical needs of some children require frequent medical visits and care. If the need for such care becomes unnecessary, parents then can be brought more fully into the program with their allotted time for receipt of benefits still intact.

4. For the previous provisions to be effective in helping families move from welfare to work and avoid inappropriate sanctioning, states must have screening and assessment policies and procedures that identify a family's barriers and the steps needed to assist the family to move to greater independence. Assessments should be done by qualified personnel. Because all later decisions hinge on the quality of the assessments, it is important that they be done by qualified personnel. Family self-sufficiency plans developed without meaningful assessments are all too likely to be ineffective, wasting state and federal resources and preventing families from receiving the assistance needed to move successfully from welfare to work.

As a result of all of the concerns raised above, we urge you to vote ''NO'' on H.R. 4. We also urge you to raise concerns about how families with disabilities will fare under this bill and to suggest that changes be made before the bill leaves conference.

For further information, please contact members of the Consortium for Citizens with Disabilities (CCD) TANF Task Force, including any of the co-chairs: Laurel Stine, Bazelon Center for Mental Health Law, 202–467–5730, *laurels@bazelon.org;* Donna Meltzer, Association of University Centers on Disability, 301–593–8549, *dlmeltzer@aucd.org*; and Sharon McDonald, National Alliance to End Homelessness, 202–638–1526, ext. 109, *smcdonald@naeh.org.*

Thank you for considering our concerns.

Sincerely,

Adapted Physical Activity Council.

American Association on Mental Retardation.

American Association of People with Disabilities.

American Network of Community Options and Resources.

Association of Maternal and Child Health Programs.

Association for Persons in Supported Employment.

Association of University Centers on Disabilities.

Bazelon Center for Mental Health Law.

Brain Injury Association of America.

Council for Exceptional Children.

Council of State Administrators of Vocational Rehabilitation.

Learning Disabilities Association of America.

National Alliance to End Homelessness.

National Association of Developmental Disabilities Councils.

National Association of Protection and Advocacy Systems.

National Association of School Psychologists.

National Association of Social Workers.

National Mental Health Association.

National Respite Coalition.

NISH—creating employment opportunities for people with severe disabilities.

Research Institute for Independent Living.

Spina Bifida Association of America.

The Arc of the United States.

United Cerebral Palsy.

Mr. SPRATT. Mr. Chairman, I rise today to voice grave concerns about this bill. This bill reflects a steady erosion of the federal government's commitment to provide a safety net for low-income working families.

States now face a severe fiscal crisis due to the slack economy. This bill imposes expensive new requirements on states, without providing sufficient funding to help states meet these requirements. The Congressional Budget Office estimated that the additional costs to states of meeting the increased work requirements in this bill are between eight billion and eleven billion dollars over five years.

This bill largely mirrors the welfare plan that President Bush first put forth last year and proposed again this year. The President's 2004 budget makes clear that the President's welfare plan is just one part of a larger drive to abandon the Federal government's traditional role of providing a safety net for society's most vulnerable members. The budget also includes plans to recast several other major federal programs for low-income individuals and families as block grants to states. The President offers states increased program flexibility and administrative streamlining, but requires in exchange that states give up the traditional assurance that future federal funding will keep pace with the estimated need for these programs. The programs affected by these policies provide health care and housing to low-income children, elderly, persons with disabilities, and low-wage workers.

If the President's proposal for welfare reform is any indication, these other block grant proposals point the way toward a shrinking federal financial commitment to the poor. States will be left to figure out how to fill the fiscal hole. This raises very serious concerns that I encourage my colleagues to consider long and hard before heading down this path.

The President's block grant proposals are likely to lead to enormous inequities across states as to who gets assistance and who does not. A major role of federal income security policy is to provide a level playing field by offering a safety net to all citizens. Under the president's plan, low-income individuals and families will be the mercy of geography.

Income security programs are sensitive to economic conditions. Need increases disproportionately when the economy is slack and state budgets are tight. Only the federal government has the ability to borrow when times are bad. Block grant funding will give states the incentive to respond to hard times by cutting low-income benefits more than they would choose to do otherwise.

I voted for welfare reform, and I along with Members of both parties have cheered the progress of former AFDC beneficiaries into work during the prosperous 1990s. But that progress requires support in the form of child care and other vital services. Penny-wise but pound-foolish policies now threaten that vital underpinning and they risk all our recent progress against dependence.

Finally, I believe the President's overall priorities deserve serious questioning. At the same time he proposes to shrink the federal commitment to the poor, he proposes $1.5 trillion in new tax cuts that largely benefit our nation's most prosperous, create record deficits, and burden working families with a growing debt tax. The Administration now argues that its tax-cut plan is really an anti-poverty plan because it will stimulate growth and create jobs. This is the old theory of trickle-down economics that has been discredited time and time again. Tax policy does not exist in a vacuum. The point of safety-net programs is to support people when the economy falters, or when circumstances in their own lives make it difficult or impossible for them to participate fully in the economy.

Mr. DINGELL. Mr. Chairman, today, we are debating the re-authorization of the welfare program. It is a repeat of the debate we had last Congress, when Republican ideology prevented a common-sense reauthorization. I believe that we have a responsibility to help families transition into the workforce and provide essential support to make work play. The Cardin substitute will do that. Regrettably, the Republican bill will not.

Two provisions within this re-authorization are in the jurisdiction of the Committee on Energy and Commerce: transitional medical assistance (TMA) and abstinence-only education. The Republican versions are inadequate; the Cardin substitute fixes both.

First, TMA is a program that provides health insurance coverage for families leaving welfare to go back to work. It is a program that makes good sense. Individuals moving off welfare often wind up in jobs that do not offer health insurance coverage or find that employer-sponsored coverage is too costly on the family's limited budget. TMA allows these families to keep their health insurance coverage in Medicaid so that getting a job doesn't mean losing health coverage. The Republican bill, however, only extends this program for one year; many of us prefer making this common-sense program permanent, as the Cardin substitute provides. In addition, the Republican bill does not include the simplifications that would help families get coverage and keep coverage. These provisions were in the President's budget this year, and are in the Cardin substitute. They should also be in H.R. 4, but they are not.

Of added concern, Republicans would cut other parts of the Medicaid program in order to pay for this extension. For some reason, Republicans believe the only way they can afford to help working families is if they cut other

parts of safety net programs that truly allow the poor to work. This is illogical and I oppose it.

Second, the bill extends the Title V abstinence-only sex education program, but locks states into an inflexible curriculum; it is controversial, and rights to. The Cardin substitute to this bill provides states with the flexibility to offer programs that are best suited to the needs and desires of their citizens and to ensure that Federal funds are spent on effective programs that provide medically accurate information. State flexibility allows each state to use Federal funds to support the abstinence-based comprehensive sex education program it determines will be most effective in protecting its young people's health. Many leading public and private sector health experts, including the National Institutes of Health, the American Medical Association, the American Academy of Pediatrics, and the American Public Health Association, recommend school-based comprehensive sex education programs, yet states are unable to fund these types of programs with Federal dollars.

The Cardin substitute also contains a requirement that Title V programs provide information that is determined to be ''medically accurate'' by leading medical, psychological, psychiatric, and public health organizations. Some abstinence-only programs are actually harmful to teenagers because they provide incomplete, inaccurate, and misleading information with regard to contraceptives, pregnancy, and sexually transmitted diseases. Depriving teens of medically accurate information will not protect them; it will only make them more vulnerable.

The Cardin substitute also requires Title V programs be based on models that have demonstrated effectiveness in reducing teen pregnancies or the transmission of sexually transmitted diseases or HIV/AIDS, and calls for a comparative evaluation of programs so policymakers can determine the relative merits of abstinence-only programs versus comprehensive school-based, age-appropriate, sex education curricula. Advocates of abstinence-only programs oppose any realistic and objective look at those programs, apparently content to waste Federal dollars in the name of ideology.

The Cardin substitute maintains state flexibility, helps welfare recipients to find real work, helps families escape poverty, removes the sunset on TMA, and makes important changes in the abstinence education provisions. I support it.

Mr. PETRI. Mr. Chairman, I rise today in support of this bill, which will build upon the tremendous successes of the 1996 welfare reforms. When those reforms were enacted, opponents predicted apocalyptic scenes of poverty and suffering among America's low-income families. Time has proven, however, that those reforms were right. Child poverty is at its lowest level in 25 years and poverty among African-American children is at its lowest level in history. By requiring welfare beneficiaries to work and engage in productive activities, Congress helped change society. Former welfare beneficiaries now testify that by being pushed into work activities, they are now better members of society and better parents to their children.

Although we have moved millions of families off welfare and into work, the road to advancement and self-sufficiency remains a difficult challenge. For a long time I have been concerned by the disincentives to working hard, earning more money, and getting married that we have created over time. The lack of coordination between federal programs directed toward low-income families has resulted in what I call the ''Poverty Trap.'' As the earnings of low-income families increase, most of their benefits, such as housing, food stamps, child-care co-payments, and the Earned Income Tax Credit, phase-out in a manner that discourages working harder and advancing in a job. In some cases a pay raise of a dollar an hour can mean the loss of benefits at a rate that exceeds that raise. This effective marginal tax can exceed 100 percent and trap families in poverty. I am pleased that this bill requires the General Accounting Office to undertake a comprehensive study of the obstacles created by the combined phase-outs of low-income support programs and recommend ways to coordinate and reform these programs.

Because of this ''Poverty Trap,'' I also enthusiastically support provisions within this bill which provide states and local governments with the flexibility to implement demonstration projects that coordinate multiple low-income support programs. Under these provisions states can integrate eligible programs as long as those projects serve the populations and achieve the purposes of the underlying programs. This requirement further ensures that beneficiaries of these underlying programs are going to gain, not lose, as a result of these demonstration projects. While I wish these flexibility provisions went further, they are an important step that will enable needed innovation at the state and local level to help families escape poverty. The states have proven to be laboratories for successful change in our welfare system, and this flexibility will enhance their capabilities.

I urge all my colleagues who want to help low-income families leave welfare and achieve self-sufficiency to support this bill and the state and local flexibility provisions within it.

Mr. DEMINT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, this bill is considered read for amendment under the 5-minute rule.

The text of H.R. 4 is as follows:

H.R. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Personal Responsibility, Work, and Family Promotion Act of 2003''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Findings.

TITLE I—TANF

Sec. 101. Purposes.
Sec. 102. Family assistance grants.
Sec. 103. Promotion of family formation and healthy marriage.
Sec. 104. Supplemental grant for population increases in certain States.
Sec. 105. Bonus to reward employment achievement.
Sec. 106. Contingency fund.
Sec. 107. Use of funds.
Sec. 108. Repeal of Federal loan for State welfare programs.
Sec. 109. Universal engagement and family self-sufficiency plan requirements.
Sec. 110. Work participation requirements.
Sec. 111. Maintenance of effort.
Sec. 112. Performance improvement.
Sec. 113. Data collection and reporting.
Sec. 114. Direct funding and administration by Indian tribes.
Sec. 115. Research, evaluations, and national studies.
Sec. 116. Studies by the Census Bureau and the General Accounting Office.
Sec. 117. Definition of assistance.
Sec. 118. Technical corrections.
Sec. 119. Fatherhood program.
Sec. 120. State option to make TANF programs mandatory partners with one-stop employment training centers.
Sec. 121. Sense of the Congress.
Sec. 122. Extension through fiscal year 2003.

TITLE II—CHILD CARE

Sec. 201. Short title.
Sec. 202. Goals.
Sec. 203. Authorization of appropriations.
Sec. 204. Application and plan.
Sec. 205. Activities to improve the quality of child care.
Sec. 206. Report by secretary.
Sec. 207. Definitions.
Sec. 208. Entitlement funding.

TITLE III—CHILD SUPPORT

Sec. 301. Federal matching funds for limited pass through of child support payments to families receiving TANF.
Sec. 302. State option to pass through all child support payments to families that formerly received TANF.
Sec. 303. Mandatory review and adjustment of child support orders for families receiving TANF.
Sec. 304. Mandatory fee for successful child support collection for family that has never received TANF.
Sec. 305. Report on undistributed child support payments.
Sec. 306. Use of new hire information to assist in administration of unemployment compensation programs.
Sec. 307. Decrease in amount of child support arrearage triggering passport denial.
Sec. 308. Use of tax refund intercept program to collect past-due child support on behalf of children who are not minors.
Sec. 309. Garnishment of compensation paid to veterans for service-connected disabilities in order to enforce child support obligations.
Sec. 310. Improving Federal debt collection practices.
Sec. 311. Maintenance of technical assistance funding.
Sec. 312. Maintenance of Federal Parent Locator Service funding.

TITLE IV—CHILD WELFARE

Sec. 401. Extension of authority to approve demonstration projects.
Sec. 402. Elimination of limitation on number of waivers.
Sec. 403. Elimination of limitation on number of States that may be granted waivers to conduct demonstration projects on same topic.
Sec. 404. Elimination of limitation on number of waivers that may be granted to a single State for demonstration projects.

Sec. 405. Streamlined process for consideration of amendments to and extensions of demonstration projects requiring waivers.
Sec. 406. Availability of reports.
Sec. 407. Technical correction.
TITLE V—SUPPLEMENTAL SECURITY INCOME
Sec. 501. Review of State agency blindness and disability determinations.
TITLE VI—STATE AND LOCAL FLEXIBILITY
Sec. 601. Program coordination demonstration projects.
Sec. 602. State food assistance block grant demonstration project.
TITLE VII—ABSTINENCE EDUCATION
Sec. 701. Extension of abstinence education program.
TITLE VIII—TRANSITIONAL MEDICAL ASSISTANCE
Sec. 801. Extension of medicaid transitional medical assistance program through fiscal year 2004.
Sec. 802. Adjustment to payments for medicaid administrative costs to prevent duplicative payments and to fund extension of transitional medical assistance.
TITLE IX—EFFECTIVE DATE
Sec. 901. Effective date.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

SEC. 4. FINDINGS.

The Congress makes the following findings:

(1) The Temporary Assistance for Needy Families (TANF) Program established by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) has succeeded in moving families from welfare to work and reducing child poverty.

(A) There has been a dramatic increase in the employment of current and former welfare recipients. The percentage of working recipients reached an all-time high in fiscal year 1999 and continued steady in fiscal years 2000 and 2001. In fiscal year 2001, 33 percent of adult recipients were working, compared to less than 7 percent in fiscal year 1992, and 11 percent in fiscal year 1996. All States met the overall participation rate standard in fiscal year 2001, as did the District of Columbia and Puerto Rico.

(B) Earnings for welfare recipients remaining on the rolls have also increased significantly, as have earnings for female-headed households. The increases have been particularly large for the bottom 2 income quintiles, that is, those women who are most likely to be former or present welfare recipients.

(C) Welfare dependency has plummeted. As of June 2002, 2,025,000 families and 5,008,000 individuals were receiving assistance. Accordingly, the number of families in the welfare caseload and the number of individuals receiving cash assistance declined 54 percent and 58 percent, respectively, since the enactment of TANF. These declines have persisted even as unemployment rates have increased: unemployment rates nationwide rose 50 percent, from 3.9 percent in September 2000 to 6 percent in November 2002, while welfare caseloads continued to decline.

(D) The child poverty rate continued to decline between 1996 and 2001, falling 20 percent from 20.5 to 16.3 percent. The 2001 child poverty rate remains at the lowest level since 1979. Child poverty rates for African-American and Hispanic children have also fallen dramatically during the past 6 years. African-American child poverty is at the lowest rate on record and Hispanic child poverty is at the lowest level reported in over 20 years.

(E) Despite these gains, States have had mixed success in fully engaging welfare recipients in work activities. While all States have met the overall work participation rates required by law, in 2001, in an average month, only just over ⅓ of all families with an adult participated in work activities that were countable toward the State's participation rate. Five jurisdictions failed to meet the more rigorous 2-parent work requirements, and 19 jurisdictions (States and territories) are not subject to the 2-parent requirements, most because they moved their 2-parent cases to separate State programs where they are not subject to a penalty for failing the 2-parent rates.

(2) As a Nation, we have made substantial progress in reducing teen pregnancies and births, slowing increases in nonmarital childbearing, and improving child support collections and paternity establishment.

(A) The teen birth rate has fallen continuously since 1991, down a dramatic 22 percent by 2000. During the period of 1991–2000, teenage birth rates fell in all States and the District of Columbia, Puerto Rico, and the Virgin Islands. Declines also have spanned age, racial, and ethnic groups. There has been success in lowering the birth rate for both younger and older teens. The birth rate for those 15–17 years of age is down 29 percent since 1991, and the rate for those 18 and 19 is down 16 percent. Between 1991 and 2000, teen birth rates declined for all women ages 15–19—white, African American, American Indian, Asian or Pacific Islander, and Hispanic women ages 15–19. The rate for African American teens—until recently the highest—experienced the largest decline, down 31 percent from 1991 to 2000, to reach the lowest rate ever reported for this group. Most births to teens are nonmarital; in 2000, about 73 percent of the births to teens aged 15–19 occurred outside of marriage.

(B) Nonmarital childbearing continued to increase slightly in 2001, however not at the sharp rates of increase seen in recent decades. The birth rate among unmarried women in 2001 was 4 percent lower than its peak reached in 1994, while the proportion of births occurring outside of marriage has remained at approximately 33 percent since 1998.

(C) The negative consequences of out-of-wedlock birth on the mother, the child, the family, and society are well documented. These include increased likelihood of welfare dependency, increased risks of low birth weight, poor cognitive development, child abuse and neglect, and teen parenthood, and decreased likelihood of having an intact marriage during adulthood.

(D) An estimated 24,500,000 children do not live with their biological fathers, and 7,100,000 children do not live with their biological mothers. These facts are attributable largely to declining marriage rates, increasing divorce rates, and increasing rates of nonmarital births during the latter part of the 20th century.

(E) There has been a dramatic rise in cohabitation as marriages have declined. Only 40 percent of children of cohabiting couples will see their parents marry. Those who do marry experience a 50 percent higher divorce rate. Children in single-parent households and cohabiting households are at much higher risk of child abuse than children in intact married and stepparent families.

(F) Children who live apart from their biological fathers, on average, are more likely to be poor, experience educational, health, emotional, and psychological problems, be victims of child abuse, engage in criminal behavior, and become involved with the juvenile justice system than their peers who live with their married, biological mother and father. A child living in a single-parent family is nearly 5 times as likely to be poor as a child living in a married-couple family. In 2001, in married-couple families, the child poverty rate was 8 percent, and in households headed by a single mother, the poverty rate was 39.3 percent.

(G) Since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, child support collections within the child support enforcement system have grown every year, increasing from $12,000,000,000 in fiscal year 1996 to nearly $19,000,000,000 in fiscal year 2001. The number of paternities established or acknowledged in fiscal year 2002 reached an historic high of over 1,500,000—which includes more than a 100 percent increase through in-hospital acknowledgement programs to 790,595 in 2001 from 324,652 in 1996. Child support collections were made in well over 7,000,000 cases in fiscal year 2000, significantly more than the almost 4,000,000 cases having a collection in 1996.

(3) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 gave States great flexibility in the use of Federal funds to develop innovative programs to help families leave welfare and begin employment and to encourage the formation of 2-parent families.

(A) Total Federal and State TANF expenditures in fiscal year 2001 were $25,500,000,000, up from $24,000,000,000 in fiscal year 2000 and $22,600,000,000 in fiscal year 1999. This increased spending is attributable to significant new investments in supportive services in the TANF program, such as child care and activities to support work.

(B) Since the welfare reform effort began there has been a dramatic increase in work participation (including employment, community service, and work experience) among welfare recipients, as well as an unprecedented reduction in the caseload because recipients have left welfare for work.

(C) States are making policy choices and investment decisions best suited to the needs of their citizens.

(i) To expand aid to working families, all States disregard a portion of a family's earned income when determining benefit levels.

(ii) Most States increased the limits on countable assets above the former Aid to Families with Dependent Children (AFDC) program. Every State has increased the vehicle asset level above the prior AFDC limit for a family's primary automobile.

(iii) States are experimenting with programs to promote marriage and father involvement. Over half the States have eliminated restrictions on 2-parent families. Many States use TANF, child support, or State funds to support community-based activities to help fathers become more involved in their children's lives or strengthen relationships between mothers and fathers.

(4) Therefore, it is the sense of the Congress that increasing success in moving families from welfare to work, as well as in promoting healthy marriage and other means of improving child well-being, are very important Government interests and the policy contained in part A of title IV of the Social Security Act (as amended by this Act) is intended to serve these ends.

TITLE I—TANF

SEC. 101. PURPOSES.

Section 401(a) (42 U.S.C. 601(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''increase'' and inserting ''improve child well-being by increasing'';

(2) in paragraph (1), by inserting ''and services'' after ''assistance'';

(3) in paragraph (2), by striking ''parents on government benefits'' and inserting ''families on government benefits and reduce poverty''; and

(4) in paragraph (4), by striking ''two-parent families'' and inserting ''healthy, 2-parent married families, and encourage responsible fatherhood''.

SEC. 102. FAMILY ASSISTANCE GRANTS.

(a) EXTENSION OF AUTHORITY.—Section 403(a)(1)(A) (42 U.S.C. 603(a)(1)(A)) is amended—

(1) by striking ''1996, 1997, 1998, 1999, 2000, 2001, and 2002'' and inserting ''2004 through 2008''; and

(2) by inserting ''payable to the State for the fiscal year'' before the period.

(b) STATE FAMILY ASSISTANCE GRANT.—Section 403(a)(1) (42 U.S.C. 603(a)(1)) is amended by striking subparagraphs (B) through (E) and inserting the following:

''(B) STATE FAMILY ASSISTANCE GRANT.—The State family assistance grant payable to a State for a fiscal year shall be the amount that bears the same ratio to the amount specified in subparagraph (C) of this paragraph as the amount required to be paid to the State under this paragraph for fiscal year 2002 (determined without regard to any reduction pursuant to section 409 or 412(a)(1)) bears to the total amount required to be paid under this paragraph for fiscal year 2002 (as so determined).

''(C) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2004 through 2008 $16,566,542,000 for grants under this paragraph.''.

(c) MATCHING GRANTS FOR THE TERRITORIES.—Section 1108(b)(2) (42 U.S.C. 1308(b)(2)) is amended by striking ''1997 through 2002'' and inserting ''2004 through 2008''.

SEC. 103. PROMOTION OF FAMILY FORMATION AND HEALTHY MARRIAGE.

(a) STATE PLANS.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

''(vii) Encourage equitable treatment of married, 2-parent families under the program referred to in clause (i).''.

(b) HEALTHY MARRIAGE PROMOTION GRANTS; REPEAL OF BONUS FOR REDUCTION OF ILLEGITIMACY RATIO.—Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended to read as follows:

''(2) HEALTHY MARRIAGE PROMOTION GRANTS.—

''(A) AUTHORITY.—The Secretary shall award competitive grants to States, territories, and tribal organizations for not more than 50 percent of the cost of developing and implementing innovative programs to promote and support healthy, married, 2-parent families.

''(B) HEALTHY MARRIAGE PROMOTION ACTIVITIES.—Funds provided under subparagraph (A) shall be used to support any of the following programs or activities:

''(i) Public advertising campaigns on the value of marriage and the skills needed to increase marital stability and health.

''(ii) Education in high schools on the value of marriage, relationship skills, and budgeting.

''(iii) Marriage education, marriage skills, and relationship skills programs, that may include parenting skills, financial management, conflict resolution, and job and career advancement, for non-married pregnant women and non-married expectant fathers.

''(iv) Pre-marital education and marriage skills training for engaged couples and for couples or individuals interested in marriage.

''(v) Marriage enhancement and marriage skills training programs for married couples.

''(vi) Divorce reduction programs that teach relationship skills.

''(vii) Marriage mentoring programs which use married couples as role models and mentors in at-risk communities.

''(viii) Programs to reduce the disincentives to marriage in means-tested aid programs, if offered in conjunction with any activity described in this subparagraph.

''(C) APPROPRIATION.—

''(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2003 through 2008 $100,000,000 for grants under this paragraph.

''(ii) EXTENDED AVAILABILITY OF FY2003 FUNDS.—Funds appropriated under clause (i) for fiscal year 2003 shall remain available to the Secretary through fiscal year 2004, for grants under this paragraph for fiscal year 2003.''.

(c) COUNTING OF SPENDING ON NON-ELIGIBLE FAMILIES TO PREVENT AND REDUCE INCIDENCE OF OUT-OF-WEDLOCK BIRTHS, ENCOURAGE FORMATION AND MAINTENANCE OF HEALTHY, 2-PARENT MARRIED FAMILIES, OR ENCOURAGE RESPONSIBLE FATHERHOOD.—Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

''(V) COUNTING OF SPENDING ON NON-ELIGIBLE FAMILIES TO PREVENT AND REDUCE INCIDENCE OF OUT-OF-WEDLOCK BIRTHS, ENCOURAGE FORMATION AND MAINTENANCE OF HEALTHY, 2-PARENT MARRIED FAMILIES, OR ENCOURAGE RESPONSIBLE FATHERHOOD.—The term 'qualified State expenditures' includes the total expenditures by the State during the fiscal year under all State programs for a purpose described in paragraph (3) or (4) of section 401(a).''.

SEC. 104. SUPPLEMENTAL GRANT FOR POPULATION INCREASES IN CERTAIN STATES.

Section 403(a)(3)(H) (42 U.S.C. 603(a)(3)(H)) is amended—

(1) in the subparagraph heading, by striking ''OF GRANTS FOR FISCAL YEAR 2002'';

(2) in clause (i), by striking ''fiscal year 2002'' and inserting ''each of fiscal years 2004 through 2007'';

(3) in clause (ii), by striking ''2002'' and inserting ''2007''; and

(4) in clause (iii), by striking ''fiscal year 2002'' and inserting ''each of fiscal years 2004 through 2007''.

SEC. 105. BONUS TO REWARD EMPLOYMENT ACHIEVEMENT.

(a) REALLOCATION OF FUNDING.—

(1) IN GENERAL.—Section 403(a)(4) (42 U.S.C. 603(a)(4)) is amended—

(A) in the paragraph heading, by striking ''HIGH PERFORMANCE STATES'' and inserting ''EMPLOYMENT ACHIEVEMENT'';

(B) in subparagraph (D)(ii)—

(i) in subclause (I), by striking ''equals $200,000,000'' and inserting ''(other than 2003) equals $200,000,000, and for bonus year 2003 equals $100,000,000''; and

(ii) in subclause (II), by striking ''$1,000,000,000'' and inserting ''$900,000,000''; and

(C) in subparagraph (F), by striking ''$1,000,000,000'' and inserting ''$900,000,000''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act, or September 30, 2003, whichever is earlier.

(b) BONUS TO REWARD EMPLOYMENT ACHIEVEMENT.—

(1) IN GENERAL.—Section 403(a)(4) (42 U.S.C. 603(a)(4)) is amended by striking subparagraphs (A) through (F) and inserting the following:

''(A) IN GENERAL.—The Secretary shall make a grant pursuant to this paragraph to each State for each bonus year for which the State is an employment achievement State.

''(B) AMOUNT OF GRANT.—

''(i) IN GENERAL.—Subject to clause (ii) of this subparagraph, the Secretary shall determine the amount of the grant payable under this paragraph to an employment achievement State for a bonus year, which shall be based on the performance of the State as determined under subparagraph (D)(i) for the fiscal year that immediately precedes the bonus year.

''(ii) LIMITATION.—The amount payable to a State under this paragraph for a bonus year shall not exceed 5 percent of the State family assistance grant.

''(C) FORMULA FOR MEASURING STATE PERFORMANCE.—

''(i) IN GENERAL.—Subject to clause (ii), not later than October 1, 2003, the Secretary, in consultation with the States, shall develop a formula for measuring State performance in operating the State program funded under this part so as to achieve the goals of employment entry, job retention, and increased earnings from employment for families receiving assistance under the program, as measured on an absolute basis and on the basis of improvement in State performance.

''(ii) SPECIAL RULE FOR BONUS YEAR 2004.—For the purposes of awarding a bonus under this paragraph for bonus year 2004, the Secretary may measure the performance of a State in fiscal year 2003 using the job entry rate, job retention rate, and earnings gain rate components of the formula developed under section 403(a)(4)(C) as in effect immediately before the effective date of this paragraph.

''(D) DETERMINATION OF STATE PERFORMANCE.—For each bonus year, the Secretary shall—

''(i) use the formula developed under subparagraph (C) to determine the performance of each eligible State for the fiscal year that precedes the bonus year; and

''(ii) prescribe performance standards in such a manner so as to ensure that—

''(I) the average annual total amount of grants to be made under this paragraph for each bonus year equals $100,000,000; and

''(II) the total amount of grants to be made under this paragraph for all bonus years equals $600,000,000.

''(E) DEFINITIONS.—In this paragraph:

''(i) BONUS YEAR.—The term 'bonus year' means each of fiscal years 2004 through 2009.

''(ii) EMPLOYMENT ACHIEVEMENT STATE.—The term 'employment achievement State' means, with respect to a bonus year, an eligible State whose performance determined pursuant to subparagraph (D)(i) for the fiscal year preceding the bonus year equals or exceeds the performance standards prescribed under subparagraph (D)(ii) for such preceding fiscal year.

''(F) APPROPRIATION.—

''(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal years 2004 through 2009 $600,000,000 for grants under this paragraph.

''(ii) EXTENDED AVAILABILITY OF PRIOR APPROPRIATION.—Amounts appropriated under section 403(a)(4)(F) of the Social Security Act (as in effect before the date of the enactment of this clause) that have not been expended as of such date of enactment shall remain available through fiscal year 2004 for grants under section 403(a)(4) of such Act (as in effect before such date of enactment) for bonus year 2003.

''(G) GRANTS FOR TRIBAL ORGANIZATIONS.—This paragraph shall apply with respect to tribal organizations in the same manner in which this paragraph applies with respect to

States. In determining the criteria under which to make grants to tribal organizations under this paragraph, the Secretary shall consult with tribal organizations.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1), except for section 403(a)(4)(F)(ii) of the Social Security Act as inserted by the amendment, shall take effect on October 1, 2003.

SEC. 106. CONTINGENCY FUND.

(a) DEPOSITS INTO FUND.—Section 403(b)(2) (42 U.S.C. 603(b)(2)) is amended—

(1) by striking ''1997, 1998, 1999, 2000, 2001, and 2002'' and inserting ''2004 through 2008''; and

(2) by striking all that follows ''$2,000,000,000'' and inserting a period.

(b) GRANTS.—Section 403(b)(3)(C)(ii) (42 U.S.C. 603(b)(3)(C)(ii)) is amended by striking ''fiscal years 1997 through 2002'' and inserting ''fiscal years 2004 through 2008''.

(c) DEFINITION OF NEEDY STATE.—Clauses (i) and (ii) of section 403(b)(5)(B) (42 U.S.C. 603(b)(5)(B)) are amended by inserting after ''1996'' the following: '', and the Food Stamp Act of 1977 as in effect during the corresponding 3-month period in the fiscal year preceding such most recently concluded 3-month period,''.

(d) ANNUAL RECONCILIATION: FEDERAL MATCHING OF STATE EXPENDITURES ABOVE ''MAINTENANCE OF EFFORT'' LEVEL.—Section 403(b)(6) (42 U.S.C. 603(b)(6)) is amended—

(1) in subparagraph (A)(ii)—

(A) by adding ''and'' at the end of subclause (I);

(B) by striking ''; and'' at the end of subclause (II) and inserting a period; and

(C) by striking subclause (III);

(2) in subparagraph (B)(i)(II), by striking all that follows ''section 409(a)(7)(B)(iii))'' and inserting a period;

(3) by amending subparagraph (B)(ii)(I) to read as follows:

''(I) the qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for the fiscal year; plus''; and

(4) by striking subparagraph (C).

(e) CONSIDERATION OF CERTAIN CHILD CARE EXPENDITURES IN DETERMINING STATE COMPLIANCE WITH CONTINGENCY FUND MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(10) (42 U.S.C. 609(a)(10)) is amended—

(1) by striking ''(other than the expenditures described in subclause (I)(bb) of that paragraph)) under the State program funded under this part'' and inserting a close parenthesis; and

(2) by striking ''excluding any amount expended by the State for child care under subsection (g) or (i) of section 402 (as in effect during fiscal year 1994) for fiscal year 1994,''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003.

SEC. 107. USE OF FUNDS.

(a) GENERAL RULES.—Section 404(a)(2) (42 U.S.C. 604(a)(2)) is amended by striking ''in any manner that'' and inserting ''for any purposes or activities for which''.

(b) TREATMENT OF INTERSTATE IMMIGRANTS.—

(1) STATE PLAN PROVISION.—Section 402(a)(1)(B) (42 U.S.C. 602(a)(1)(B)) is amended by striking clause (i) and redesignating clauses (ii) through (iv) as clauses (i) through (iii), respectively.

(2) USE OF FUNDS.—Section 404 (42 U.S.C. 604) is amended by striking subsection (c).

(c) INCREASE IN AMOUNT TRANSFERABLE TO CHILD CARE.—Section 404(d)(1) (42 U.S.C. 604(d)(1)) is amended by striking ''30'' and inserting ''50''.

(d) INCREASE IN AMOUNT TRANSFERABLE TO TITLE XX PROGRAMS.—Section 404(d)(2)(B) (42 U.S.C. 604(d)(2)(B)) is amended to read as follows:

''(B) APPLICABLE PERCENT.—For purposes of subparagraph (A), the applicable percent is 10 percent for fiscal year 2004 and each succeeding fiscal year.''.

(e) CLARIFICATION OF AUTHORITY OF STATES TO USE TANF FUNDS CARRIED OVER FROM PRIOR YEARS TO PROVIDE TANF BENEFITS AND SERVICES.—Section 404(e) (42 U.S.C. 604(e)) is amended to read as follows:

''(e) AUTHORITY TO CARRYOVER OR RESERVE CERTAIN AMOUNTS FOR BENEFITS OR SERVICES OR FOR FUTURE CONTINGENCIES.—

''(1) CARRYOVER.—A State or tribe may use a grant made to the State or tribe under this part for any fiscal year to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under this part.

''(2) CONTINGENCY RESERVE.—A State or tribe may designate any portion of a grant made to the State or tribe under this part as a contingency reserve for future needs, and may use any amount so designated to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under this part. If a State or tribe so designates a portion of such a grant, the State shall, on an annual basis, include in its report under section 411(a) the amount so designated.''.

SEC. 108. REPEAL OF FEDERAL LOAN FOR STATE WELFARE PROGRAMS.

(a) REPEAL.—Section 406 (42 U.S.C. 606) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 409(a) (42 U.S.C. 609(a)) is amended by striking paragraph (6).

(2) Section 412 (42 U.S.C. 612) is amended by striking subsection (f) and redesignating subsections (g) through (i) as subsections (f) through (h), respectively.

(3) Section 1108(a)(2) (42 U.S.C. 1308(a)(2)) is amended by striking ''406,''.

SEC. 109. UNIVERSAL ENGAGEMENT AND FAMILY SELF-SUFFICIENCY PLAN REQUIREMENTS.

(a) MODIFICATION OF STATE PLAN REQUIREMENTS.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by striking clauses (ii) and (iii) and inserting the following:

''(ii) Require a parent or caretaker receiving assistance under the program to engage in work or alternative self-sufficiency activities (as defined by the State), consistent with section 407(e)(2).

''(iii) Require families receiving assistance under the program to engage in activities in accordance with family self-sufficiency plans developed pursuant to section 408(b).''.

(b) ESTABLISHMENT OF FAMILY SELF-SUFFICIENCY PLANS.—

(1) IN GENERAL.—Section 408(b) (42 U.S.C. 608(b)) is amended to read as follows:

''(b) FAMILY SELF-SUFFICIENCY PLANS.—

''(1) IN GENERAL.—A State to which a grant is made under section 403 shall—

''(A) assess, in the manner deemed appropriate by the State, the skills, prior work experience, and employability of each work-eligible individual (as defined in section 407(b)(2)(C)) receiving assistance under the State program funded under this part;

''(B) establish for each family that includes such an individual, in consultation as the State deems appropriate with the individual, a self-sufficiency plan that specifies appropriate activities described in the State plan submitted pursuant to section 402, including direct work activities as appropriate designed to assist the family in achieving their maximum degree of self-sufficiency, and that provides for the ongoing participation of the individual in the activities;

''(C) require, at a minimum, each such individual to participate in activities in accordance with the self-sufficiency plan;

''(D) monitor the participation of each such individual in the activities specified in the self sufficiency plan, and regularly review the progress of the family toward self-sufficiency;

''(E) upon such a review, revise the self-sufficiency plan and activities as the State deems appropriate.

''(2) TIMING.—The State shall comply with paragraph (1) with respect to a family—

''(A) in the case of a family that, as of October 1, 2003, is not receiving assistance from the State program funded under this part, not later than 60 days after the family first receives assistance on the basis of the most recent application for the assistance; or

''(B) in the case of a family that, as of such date, is receiving the assistance, not later than 12 months after the date of enactment of this subsection.

''(3) STATE DISCRETION.—A State shall have sole discretion, consistent with section 407, to define and design activities for families for purposes of this subsection, to develop methods for monitoring and reviewing progress pursuant to this subsection, and to make modifications to the plan as the State deems appropriate to assist the individual in increasing their degree of self-sufficiency.

''(4) RULE OF INTERPRETATION.—Nothing in this part shall preclude a State from requiring participation in work and any other activities the State deems appropriate for helping families achieve self-sufficiency and improving child well-being.''.

(2) PENALTY FOR FAILURE TO ESTABLISH FAMILY SELF-SUFFICIENCY PLAN.—Section 409(a)(3) (42 U.S.C. 609(a)(3)) is amended—

(A) in the paragraph heading, by inserting ''OR ESTABLISH FAMILY SELF-SUFFICIENCY PLAN'' after ''RATES''; and

(B) in subparagraph (A), by inserting ''or 408(b)'' after ''407(a)''.

SEC. 110. WORK PARTICIPATION REQUIREMENTS.

(a) ELIMINATION OF SEPARATE PARTICIPATION RATE REQUIREMENTS FOR 2-PARENT FAMILIES.—

(1) IN GENERAL.—

(A) Section 407 (42 U.S.C. 607) is amended in each of subsections (a) and (b) by striking paragraph (2).

(B) Section 407(b)(4) (42 U.S.C. 607(b)(4)) is amended by striking ''paragraphs (1)(B) and (2)(B)'' and inserting ''paragraph (1)(B)''.

(C) Section 407(c)(1) (42 U.S.C. 607(c)(1)) is amended by striking subparagraph (B).

(D) Section 407(c)(2)(D) (42 U.S.C. 607(c)(2)(D)) is amended by striking ''paragraphs (1)(B)(i) and (2)(B) of subsection (b)'' and inserting ''subsection (b)(1)(B)(i)''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2002.

(b) WORK PARTICIPATION REQUIREMENTS.—Section 407 (42 U.S.C. 607) is amended by striking all that precedes subsection (b)(3) and inserting the following:

''SEC. 407. WORK PARTICIPATION REQUIREMENTS.

''(a) PARTICIPATION RATE REQUIREMENTS.—A State to which a grant is made under section 403 for a fiscal year shall achieve a minimum participation rate equal to not less than—

''(1) 50 percent for fiscal year 2004;

''(2) 55 percent for fiscal year 2005;

''(3) 60 percent for fiscal year 2006;

''(4) 65 percent for fiscal year 2007; and

''(5) 70 percent for fiscal year 2008 and each succeeding fiscal year.

''(b) CALCULATION OF PARTICIPATION RATES.—

''(1) AVERAGE MONTHLY RATE.—For purposes of subsection (a), the participation rate of a State for a fiscal year is the average of the participation rates of the State for each month in the fiscal year.

''(2) MONTHLY PARTICIPATION RATES; INCORPORATION OF 40-HOUR WORK WEEK STANDARD.—

''(A) IN GENERAL.—For purposes of paragraph (1), the participation rate of a State for a month is—

''(i) the total number of countable hours (as defined in subsection (c)) with respect to the counted families for the State for the month; divided by

''(ii) 160 multiplied by the number of counted families for the State for the month.

''(B) COUNTED FAMILIES DEFINED.—

''(i) IN GENERAL.—In subparagraph (A), the term 'counted family' means, with respect to a State and a month, a family that includes a work-eligible individual and that receives assistance in the month under the State program funded under this part, subject to clause (ii).

''(ii) STATE OPTION TO EXCLUDE CERTAIN FAMILIES.—At the option of a State, the term 'counted family' shall not include—

''(I) a family in the first month for which the family receives assistance from a State program funded under this part on the basis of the most recent application for such assistance; or

''(II) on a case-by-case basis, a family in which the youngest child has not attained 12 months of age.

''(iii) STATE OPTION TO INCLUDE INDIVIDUALS RECEIVING ASSISTANCE UNDER A TRIBAL FAMILY ASSISTANCE PLAN OR TRIBAL WORK PROGRAM.—At the option of a State, the term 'counted family' may include families in the State that are receiving assistance under a tribal family assistance plan approved under section 412 or under a tribal work program to which funds are provided under this part.

''(C) WORK-ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term 'work-eligible individual' means an individual—

''(i) who is married or a single head of household; and

''(ii) whose needs are (or, but for sanctions under this part that have been in effect for more than 3 months (whether or not consecutive) in the preceding 12 months or under part D, would be) included in determining the amount of cash assistance to be provided to the family under the State program funded under this part.''.

(c) RECALIBRATION OF CASELOAD REDUCTION CREDIT.—

(1) IN GENERAL.—Section 407(b)(3)(A)(ii) (42 U.S.C. 607(b)(3)(A)(ii)) is amended to read as follows:

''(ii) the average monthly number of families that received assistance under the State program funded under this part during the base year.''.

(2) CONFORMING AMENDMENT.—Section 407(b)(3)(B) (42 U.S.C. 607(b)(3)(B)) is amended by striking ''and eligibility criteria'' and all that follows through the close parenthesis and inserting ''and the eligibility criteria in effect during the then applicable base year''.

(3) BASE YEAR DEFINED.—Section 407(b)(3) (42 U.S.C. 607(b)(3)) is amended by adding at the end the following:

''(C) BASE YEAR DEFINED.—In this paragraph, the term 'base year' means, with respect to a fiscal year—

''(I) if the fiscal year is fiscal year 2004, fiscal year 1996;

''(II) if the fiscal year is fiscal year 2005, fiscal year 1998;

''(III) if the fiscal year is fiscal year 2006, fiscal year 2001; or

''(IV) if the fiscal year is fiscal year 2007 or any succeeding fiscal year, the then 4th preceding fiscal year.''.

(d) SUPERACHIEVER CREDIT.—Section 407(b) (42 U.S.C. 607(b)) is amended by striking paragraphs (4) and (5) and inserting the following:

''(4) SUPERACHIEVER CREDIT.—

''(A) IN GENERAL.—The participation rate, determined under paragraphs (1) and (2) of this subsection, of a superachiever State for a fiscal year shall be increased by the lesser of—

''(i) the amount (if any) of the superachiever credit applicable to the State; or

''(ii) the number of percentage points (if any) by which the minimum participation rate required by subsection (a) for the fiscal year exceeds 50 percent.

''(B) SUPERACHIEVER STATE.—For purposes of subparagraph (A), a State is a superachiever State if the State caseload for fiscal year 2001 has declined by at least 60 percent from the State caseload for fiscal year 1995.

''(C) AMOUNT OF CREDIT.—The superachiever credit applicable to a State is the number of percentage points (if any) by which the decline referred to in subparagraph (B) exceeds 60 percent.

''(D) DEFINITIONS.—In this paragraph:

''(i) STATE CASELOAD FOR FISCAL YEAR 2001.—The term 'State caseload for fiscal year 2001' means the average monthly number of families that received assistance during fiscal year 2001 under the State program funded under this part.

''(ii) STATE CASELOAD FOR FISCAL YEAR 1995.—The term 'State caseload for fiscal year 1995' means the average monthly number of families that received aid under the State plan approved under part A (as in effect on September 30, 1995) during fiscal year 1995.''.

(e) COUNTABLE HOURS.—Section 407 of such Act (42 U.S.C. 607) is amended by striking subsections (c) and (d) and inserting the following:

''(c) COUNTABLE HOURS.—

''(1) DEFINITION.—In subsection (b)(2), the term 'countable hours' means, with respect to a family for a month, the total number of hours in the month in which any member of the family who is a work-eligible individual is engaged in a direct work activity or other activities specified by the State (excluding an activity that does not address a purpose specified in section 401(a)), subject to the other provisions of this subsection.

''(2) LIMITATIONS.—Subject to such regulations as the Secretary may prescribe:

''(A) MINIMUM WEEKLY AVERAGE OF 24 HOURS OF DIRECT WORK ACTIVITIES REQUIRED.—If the work-eligible individuals in a family are engaged in a direct work activity for an average total of fewer than 24 hours per week in a month, then the number of countable hours with respect to the family for the month shall be zero.

''(B) MAXIMUM WEEKLY AVERAGE OF 16 HOURS OF OTHER ACTIVITIES.—An average of not more than 16 hours per week of activities specified by the State (subject to the exclusion described in paragraph (1)) may be considered countable hours in a month with respect to a family.

''(3) SPECIAL RULES.—For purposes of paragraph (1):

''(A) PARTICIPATION IN QUALIFIED ACTIVITIES.—

''(i) IN GENERAL.—If, with the approval of the State, the work-eligible individuals in a family are engaged in 1 or more qualified activities for an average total of at least 24 hours per week in a month, then all such engagement in the month shall be considered engagement in a direct work activity, subject to clause (iii).

''(ii) QUALIFIED ACTIVITY DEFINED.—The term 'qualified activity' means an activity specified by the State (subject to the exclusion described in paragraph (1)) that meets such standards and criteria as the State may specify, including—

''(I) substance abuse counseling or treatment;

''(II) rehabilitation treatment and services;

''(III) work-related education or training directed at enabling the family member to work;

''(IV) job search or job readiness assistance; and

''(V) any other activity that addresses a purpose specified in section 401(a).

''(iii) LIMITATION.—

''(I) IN GENERAL.—Except as provided in subclause (II), clause (i) shall not apply to a family for more than 3 months in any period of 24 consecutive months.

''(II) SPECIAL RULE APPLICABLE TO EDUCATION AND TRAINING.—A State may, on a case-by-case basis, apply clause (i) to a work-eligible individual so that participation by the individual in education or training, if needed to permit the individual to complete a certificate program or other work-related education or training directed at enabling the individual to fill a known job need in a local area, may be considered countable hours with respect to the family of the individual for not more than 4 months in any period of 24 consecutive months.

''(B) SCHOOL ATTENDANCE BY TEEN HEAD OF HOUSEHOLD.—The work-eligible members of a family shall be considered to be engaged in a direct work activity for an average of 40 hours per week in a month if the family includes an individual who is married, or is a single head of household, who has not attained 20 years of age, and the individual—

''(i) maintains satisfactory attendance at secondary school or the equivalent in the month; or

''(ii) participates in education directly related to employment for an average of at least 20 hours per week in the month.

''(d) DIRECT WORK ACTIVITY.—In this section, the term 'direct work activity' means—

''(1) unsubsidized employment;

''(2) subsidized private sector employment;

''(3) subsidized public sector employment;

''(4) on-the-job training;

''(5) supervised work experience; or

''(6) supervised community service.''.

(f) PENALTIES AGAINST INDIVIDUALS.—Section 407(e)(1) (42 U.S.C. 607(e)(1)) is amended to read as follows:

''(1) REDUCTION OR TERMINATION OF ASSISTANCE.—

''(A) IN GENERAL.—Except as provided in paragraph (2), if an individual in a family receiving assistance under a State program funded under this part fails to engage in activities required in accordance with this section, or other activities required by the State under the program, and the family does not otherwise engage in activities in accordance with the self-sufficiency plan established for the family pursuant to section 408(b), the State shall—

''(i) if the failure is partial or persists for not more than 1 month—

''(I) reduce the amount of assistance otherwise payable to the family pro rata (or more, at the option of the State) with respect to any period during a month in which the failure occurs; or

''(II) terminate all assistance to the family, subject to such good cause exceptions as the State may establish; or

''(ii) if the failure is total and persists for at least 2 consecutive months, terminate all cash payments to the family including qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for at least 1 month and thereafter until the State determines that the individual has resumed full participation in the activities, subject to such good cause exceptions as the State may establish.

''(B) SPECIAL RULE.—

''(i) IN GENERAL.—In the event of a conflict between a requirement of clause (i)(II) or (ii) of subparagraph (A) and a requirement of a State constitution, or of a State statute that, before 1966, obligated local government to provide assistance to needy parents and children, the State constitutional or statutory requirement shall control.

''(ii) LIMITATION.—Clause (i) of this subparagraph shall not apply after the 1-year period that begins with the date of the enactment of this subparagraph.''.

(g) CONFORMING AMENDMENTS.—

(1) Section 407(f) (42 U.S.C. 607(f)) is amended in each of paragraphs (1) and (2) by striking ''work activity described in subsection (d)'' and inserting ''direct work activity''.

(2) The heading of section 409(a)(14) (42 U.S.C. 609(a)(14)) is amended by inserting ''OR REFUSING TO ENGAGE IN ACTIVITIES UNDER A FAMILY SELF-SUFFICIENCY PLAN'' after ''WORK''.

(h) EFFECTIVE DATE.—The amendments made by this section (other than subsection (a)) shall take effect on October 1, 2003.

SEC. 111. MAINTENANCE OF EFFORT.

(a) IN GENERAL.—Section 409(a)(7) (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A) by striking ''fiscal year 1998, 1999, 2000, 2001, 2002, or 2003'' and inserting ''fiscal year 2003, 2004, 2005, 2006, 2007, 2008, or 2009''; and

(2) in subparagraph (B)(ii)—

(A) by inserting ''preceding'' before ''fiscal year''; and

(B) by striking ''for fiscal years 1997 through 2002,''.

(b) STATE SPENDING ON PROMOTING HEALTHY MARRIAGE.—

(1) IN GENERAL.—Section 404 (42 U.S.C. 604) is amended by adding at the end the following:

''(l) MARRIAGE PROMOTION.—A State, territory, or tribal organization to which a grant is made under section 403(a)(2) may use a grant made to the State, territory, or tribal organization under any other provision of section 403 for marriage promotion activities, and the amount of any such grant so used shall be considered State funds for purposes of section 403(a)(2).''.

(2) FEDERAL TANF FUNDS USED FOR MARRIAGE PROMOTION DISREGARDED FOR PURPOSES OF MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)), as amended by section 103(c) of this Act, is amended by adding at the end the following:

''(VI) EXCLUSION OF FEDERAL TANF FUNDS USED FOR MARRIAGE PROMOTION ACTIVITIES.—Such term does not include the amount of any grant made to the State under section 403 that is expended for a marriage promotion activity.''.

SEC. 112. PERFORMANCE IMPROVEMENT.

(a) STATE PLANS.—Section 402(a) (42 U.S.C. 602(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by redesignating clause (vi) and clause (vii) (as added by section 103(a) of this Act) as clauses (vii) and (viii), respectively; and

(ii) by striking clause (v) and inserting the following:

''(v) The document shall—

''(I) describe how the State will pursue ending dependence of needy families on government benefits and reducing poverty by promoting job preparation and work;

''(II) describe how the State will encourage the formation and maintenance of healthy 2-parent married families, encourage responsible fatherhood, and prevent and reduce the incidence of out-of-wedlock pregnancies;

''(III) include specific, numerical, and measurable performance objectives for accomplishing subclauses (I) and (II), and with respect to subclause (I), include objectives consistent with the criteria used by the Secretary in establishing performance targets under section 403(a)(4)(B) if available; and

''(IV) describe the methodology that the State will use to measure State performance in relation to each such objective.

''(vi) Describe any strategies and programs the State may be undertaking to address—

''(I) employment retention and advancement for recipients of assistance under the program, including placement into high-demand jobs, and whether the jobs are identified using labor market information;

''(II) efforts to reduce teen pregnancy;

''(III) services for struggling and noncompliant families, and for clients with special problems; and

''(IV) program integration, including the extent to which employment and training services under the program are provided through the One-Stop delivery system created under the Workforce Investment Act of 1998, and the extent to which former recipients of such assistance have access to additional core, intensive, or training services funded through such Act.''; and

(B) in subparagraph (B), by striking clause (iii) (as so redesignated by section 107(b)(1) of this Act) and inserting the following:

''(iii) The document shall describe strategies and programs the State is undertaking to engage religious organizations in the provision of services funded under this part and efforts related to section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

''(iv) The document shall describe strategies to improve program management and performance.''; and

(2) in paragraph (4), by inserting ''and tribal'' after ''that local''.

(b) CONSULTATION WITH STATE REGARDING PLAN AND DESIGN OF TRIBAL PROGRAMS.—Section 412(b)(1) (42 U.S.C. 612(b)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(3) by adding at the end the following:

''(G) provides an assurance that the State in which the tribe is located has been consulted regarding the plan and its design.''.

(c) PERFORMANCE MEASURES.—Section 413 (42 U.S.C. 613) is amended by adding at the end the following:

''(k) PERFORMANCE IMPROVEMENT.—The Secretary, in consultation with the States, shall develop uniform performance measures designed to assess the degree of effectiveness, and the degree of improvement, of State programs funded under this part in accomplishing the purposes of this part.''.

(d) ANNUAL RANKING OF STATES.—Section 413(d)(1) (42 U.S.C. 613(d)(1)) is amended by striking ''long-term private sector jobs'' and inserting ''private sector jobs, the success of the recipients in retaining employment, the ability of the recipients to increase their wages''.

SEC. 113. DATA COLLECTION AND REPORTING.

(a) CONTENTS OF REPORT.—Section 411(a)(1)(A) (42 U.S.C. 611(a)(1)(A)) is amended—

(1) in the matter preceding clause (i), by inserting ''and on families receiving assistance under State programs funded with other qualified State expenditures (as defined in section 409(a)(7)(B))'' before the colon;

(2) in clause (vii), by inserting ''and minor parent'' after ''of each adult'';

(3) in clause (viii), by striking ''and educational level'';

(4) in clause (ix), by striking '', and if the latter 2, the amount received'';

(5) in clause (x)—

(A) by striking ''each type of''; and

(B) by inserting before the period ''and, if applicable, the reason for receipt of the assistance for a total of more than 60 months'';

(6) in clause (xi), by striking the subclauses and inserting the following:

''(I) Subsidized private sector employment.

''(II) Unsubsidized employment.

''(III) Public sector employment, supervised work experience, or supervised community service.

''(IV) On-the-job training.

''(V) Job search and placement.

''(VI) Training.

''(VII) Education.

''(VIII) Other activities directed at the purposes of this part, as specified in the State plan submitted pursuant to section 402.'';

(7) in clause (xii), by inserting ''and progress toward universal engagement'' after ''participation rates'';

(8) in clause (xiii), by striking ''type and'' before ''amount of assistance'';

(9) in clause (xvi), by striking subclause (II) and redesignating subclauses (III) through (V) as subclauses (II) through (IV), respectively; and

(10) by adding at the end the following:

''(xviii) The date the family first received assistance from the State program on the basis of the most recent application for such assistance.

''(xix) Whether a self-sufficiency plan is established for the family in accordance with section 408(b).

''(xx) With respect to any child in the family, the marital status of the parents at the birth of the child, and if the parents were not then married, whether the paternity of the child has been established.''.

(b) USE OF SAMPLES.—Section 411(a)(1)(B) (42 U.S.C. 611(a)(1)(B)) is amended—

(1) in clause (i)—

(A) by striking ''a sample'' and inserting ''samples''; and

(B) by inserting before the period '', except that the Secretary may designate core data elements that must be reported on all families''; and

(2) in clause (ii), by striking ''funded under this part'' and inserting ''described in subparagraph (A)''.

(c) REPORT ON FAMILIES THAT BECOME INELIGIBLE TO RECEIVE ASSISTANCE.—Section 411(a) (42 U.S.C. 611(a)) is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraph (6) as paragraph (5); and

(3) by inserting after paragraph (5) (as so redesignated) the following:

''(6) REPORT ON FAMILIES THAT BECOME INELIGIBLE TO RECEIVE ASSISTANCE.—The report required by paragraph (1) for a fiscal quarter shall include for each month in the quarter the number of families and total number of individuals that, during the month, became ineligible to receive assistance under the State program funded under this part (broken down by the number of families that become so ineligible due to earnings, changes in family composition that result in increased earnings, sanctions, time limits, or other specified reasons).''.

(d) REGULATIONS.—Section 411(a)(7) (42 U.S.C. 611(a)(7)) is amended—

(1) by inserting ''and to collect the necessary data'' before ''with respect to which reports'';

(2) by striking ''subsection'' and inserting ''section''; and

(3) by striking ''in defining the data elements'' and all that follows and inserting '', the National Governors' Association, the American Public Human Services Association, the National Conference of State Legislatures, and others in defining the data elements.''.

(e) ADDITIONAL REPORTS BY STATES.—Section 411 (42 U.S.C. 611) is amended—

(1) by redesignating subsection (b) as subsection (e); and

(2) by inserting after subsection (a) the following:

''(b) ANNUAL REPORTS ON PROGRAM CHARACTERISTICS.—Not later than 90 days after the end of fiscal year 2004 and each succeeding

fiscal year, each eligible State shall submit to the Secretary a report on the characteristics of the State program funded under this part and other State programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)). The report shall include, with respect to each such program, the program name, a description of program activities, the program purpose, the program eligibility criteria, the sources of program funding, the number of program beneficiaries, sanction policies, and any program work requirements.

''(c) MONTHLY REPORTS ON CASELOAD.—Not later than 3 months after the end of a calendar month that begins 1 year or more after the enactment of this subsection, each eligible State shall submit to the Secretary a report on the number of families and total number of individuals receiving assistance in the calendar month under the State program funded under this part.

''(d) ANNUAL REPORT ON PERFORMANCE IMPROVEMENT.—Beginning with fiscal year 2005, not later than January 1 of each fiscal year, each eligible State shall submit to the Secretary a report on achievement and improvement during the preceding fiscal year under the numerical performance goals and measures under the State program funded under this part with respect to each of the matters described in section 402(a)(1)(A)(v).''.

(f) ANNUAL REPORTS TO CONGRESS BY THE SECRETARY.—Section 411(e), as so redesignated by subsection (e) of this section, is amended—

(1) in the matter preceding paragraph (1), by striking ''and each fiscal year thereafter'' and inserting ''and by July 1 of each fiscal year thereafter'';

(2) in paragraph (2), by striking ''families applying for assistance,'' and by striking the last comma; and

(3) in paragraph (3), by inserting ''and other programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i))'' before the semicolon.

(g) INCREASED ANALYSIS OF STATE SINGLE AUDIT REPORTS.—Section 411 (42 U.S.C. 611) is amended by adding at the end the following:

''(f) INCREASED ANALYSIS OF STATE SINGLE AUDIT REPORTS.—

''(1) IN GENERAL.—Within 3 months after a State submits to the Secretary a report pursuant to section 7502(a)(1)(A) of title 31, United States Code, the Secretary shall analyze the report for the purpose of identifying the extent and nature of problems related to the oversight by the State of nongovernmental entities with respect to contracts entered into by such entities with the State program funded under this part, and determining what additional actions may be appropriate to help prevent and correct the problems.

''(2) INCLUSION OF PROGRAM OVERSIGHT SECTION IN ANNUAL REPORT TO THE CONGRESS.—The Secretary shall include in each report under subsection (e) a section on oversight of State programs funded under this part, including findings on the extent and nature of the problems referred to in paragraph (1), actions taken to resolve the problems, and to the extent the Secretary deems appropriate make recommendations on changes needed to resolve the problems.''.

SEC. 114. DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.

(a) TRIBAL FAMILY ASSISTANCE GRANT.—Section 412(a)(1)(A) (42 U.S.C. 612(a)(1)(A)) is amended by striking ''1997, 1998, 1999, 2000, 2001, and 2002'' and inserting ''2004 through 2008''.

(b) GRANTS FOR INDIAN TRIBES THAT RECEIVED JOBS FUNDS.—Section 412(a)(2)(A) (42 U.S.C. 612(a)(2)(A)) is amended by striking ''1997, 1998, 1999, 2000, 2001, and 2002'' and inserting ''2004 through 2008''.

SEC. 115. RESEARCH, EVALUATIONS, AND NATIONAL STUDIES.

(a) SECRETARY'S FUND FOR RESEARCH, DEMONSTRATIONS, AND TECHNICAL ASSISTANCE.—Section 413 (42 U.S.C. 613), as amended by section 112(c) of this Act, is further amended by adding at the end the following:

''(l) FUNDING FOR RESEARCH, DEMONSTRATIONS, AND TECHNICAL ASSISTANCE.—

''(1) APPROPRIATION.—

''(A) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $102,000,000 for each of fiscal years 2003 through 2008, which shall be available to the Secretary for the purpose of conducting and supporting research and demonstration projects by public or private entities, and providing technical assistance to States, Indian tribal organizations, and such other entities as the Secretary may specify that are receiving a grant under this part, which shall be expended primarily on activities described in section 403(a)(2)(B), and which shall be in addition to any other funds made available under this part.

''(B) EXTENDED AVAILABILITY OF FY 2003 FUNDS.—Funds appropriated under this paragraph for fiscal year 2003 shall remain available to the Secretary through fiscal year 2004, for use in accordance with this paragraph for fiscal year 2003.

''(2) SET ASIDE FOR DEMONSTRATION PROJECTS FOR COORDINATION OF PROVISION OF CHILD WELFARE AND TANF SERVICES TO TRIBAL FAMILIES AT RISK OF CHILD ABUSE OR NEGLECT.—

''(A) IN GENERAL.—Of the amounts made available under paragraph (1) for a fiscal year, $2,000,000 shall be awarded on a competitive basis to fund demonstration projects designed to test the effectiveness of tribal governments or tribal consortia in coordinating the provision to tribal families at risk of child abuse or neglect of child welfare services and services under tribal programs funded under this part.

''(B) USE OF FUNDS.—A grant made to such a project shall be used—

''(i) to improve case management for families eligible for assistance from such a tribal program;

''(ii) for supportive services and assistance to tribal children in out-of-home placements and the tribal families caring for such children, including families who adopt such children; and

''(iii) for prevention services and assistance to tribal families at risk of child abuse and neglect.

''(C) REPORTS.—The Secretary may require a recipient of funds awarded under this paragraph to provide the Secretary with such information as the Secretary deems relevant to enable the Secretary to facilitate and oversee the administration of any project for which funds are provided under this paragraph.''.

(b) FUNDING OF STUDIES AND DEMONSTRATIONS.—Section 413(h)(1) (42 U.S.C. 613(h)(1)) is amended in the matter preceding subparagraph (A) by striking ''1997 through 2002'' and inserting ''2004 through 2008''.

(c) REPORT ON ENFORCEMENT OF CERTAIN AFFIDAVITS OF SUPPORT AND SPONSOR DEEMING.—Not later than March 31, 2004, the Secretary of Health and Human Services, in consultation with the Attorney General, shall submit to the Congress a report on the enforcement of affidavits of support and sponsor deeming as required by section 421, 422, and 432 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(d) REPORT ON COORDINATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services and the Secretary of Labor shall jointly submit a report to the Congress describing common or conflicting data elements, definitions, performance measures, and reporting requirements in the Workforce Investment Act of 1998 and part A of title IV of the Social Security Act, and, to the degree each Secretary deems appropriate, at the discretion of either Secretary, any other program administered by the respective Secretary, to allow greater coordination between the welfare and workforce development systems.

SEC. 116. STUDIES BY THE CENSUS BUREAU AND THE GENERAL ACCOUNTING OFFICE.

(a) CENSUS BUREAU STUDY.—

(1) IN GENERAL.—Section 414(a) (42 U.S.C. 614(a)) is amended to read as follows:

''(a) IN GENERAL.—The Bureau of the Census shall implement or enhance a longitudinal survey of program participation, developed in consultation with the Secretary and made available to interested parties, to allow for the assessment of the outcomes of continued welfare reform on the economic and child well-being of low-income families with children, including those who received assistance or services from a State program funded under this part, and, to the extent possible, shall provide State representative samples. The content of the survey should include such information as may be necessary to examine the issues of out-of-wedlock childbearing, marriage, welfare dependency and compliance with work requirements, the beginning and ending of spells of assistance, work, earnings and employment stability, and the well-being of children.''.

(2) APPROPRIATION.—Section 414(b) (42 U.S.C. 614(b)) is amended—

(A) by striking ''1996,'' and all that follows through ''2002'' and inserting ''2004 through 2008''; and

(B) by adding at the end the following: ''Funds appropriated under this subsection shall remain available through fiscal year 2008 to carry out subsection (a).''.

(b) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine the combined effect of the phase-out rates for Federal programs and policies which provide support to low-income families and individuals as they move from welfare to work, at all earning levels up to $35,000 per year, for at least 5 States including Wisconsin and California, and any potential disincentives the combined phase-out rates create for families to achieve independence or to marry.

(2) REPORT.—Not later than 1 year after the date of the enactment of this subsection, the Comptroller General shall submit a report to Congress containing the results of the study conducted under this section and, as appropriate, any recommendations consistent with the results.

SEC. 117. DEFINITION OF ASSISTANCE.

(a) IN GENERAL.—Section 419 (42 U.S.C. 619) is amended by adding at the end the following:

''(6) ASSISTANCE.—

''(A) IN GENERAL.—The term 'assistance' means payment, by cash, voucher, or other means, to or for an individual or family for the purpose of meeting a subsistence need of the individual or family (including food, clothing, shelter, and related items, but not including costs of transportation or child care).

''(B) EXCEPTION.—The term 'assistance' does not include a payment described in subparagraph (A) to or for an individual or family on a short-term, nonrecurring basis (as defined by the State in accordance with regulations prescribed by the Secretary).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 404(a)(1) (42 U.S.C. 604(a)(1)) is amended by striking ''assistance'' and inserting ''aid''.

(2) Section 404(f) (42 U.S.C. 604(f)) is amended by striking ''assistance'' and inserting ''benefits or services''.

(3) Section 408(a)(5)(B)(i) (42 U.S.C. 608(a)(5)(B)(i)) is amended in the heading by striking ''ASSISTANCE'' and inserting ''AID''.

(4) Section 413(d)(2) (42 U.S.C. 613(d)(2)) is amended by striking ''assistance'' and inserting ''aid''.

SEC. 118. TECHNICAL CORRECTIONS.

(a) Section 409(c)(2) (42 U.S.C. 609(c)(2)) is amended by inserting a comma after ''appropriate''.

(b) Section 411(a)(1)(A)(ii)(III) (42 U.S.C. 611(a)(1)(A)(ii)(III)) is amended by striking the last close parenthesis.

(c) Section 413(j)(2)(A) (42 U.S.C. 613(j)(2)(A)) is amended by striking ''section'' and inserting ''sections''.

(d)(1) Section 413 (42 U.S.C. 613) is amended by striking subsection (g) and redesignating subsections (h) through (j) and subsections (k) and (l) (as added by sections 112(c) and 115(a) of this Act, respectively) as subsections (g) through (k), respectively.

(2) Each of the following provisions is amended by striking ''413(j)'' and inserting ''413(i)'':

(A) Section 403(a)(5)(A)(ii)(III) (42 U.S.C. 603(a)(5)(A)(ii)(III)).

(B) Section 403(a)(5)(F) (42 U.S.C. 603(a)(5)(F)).

(C) Section 403(a)(5)(G)(ii) (42 U.S.C. 603(a)(5)(G)(ii)).

(D) Section 412(a)(3)(B)(iv) (42 U.S.C. 612(a)(3)(B)(iv)).

SEC. 119. FATHERHOOD PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Promotion and Support of Responsible Fatherhood and Healthy Marriage Act of 2003''.

(b) FATHERHOOD PROGRAM.—

(1) IN GENERAL.—Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) is amended by adding at the end the following:

''SEC. 117. FATHERHOOD PROGRAM.

''(a) IN GENERAL.—Title IV (42 U.S.C. 601–679b) is amended by inserting after part B the following:

''PART C—FATHERHOOD PROGRAM

''SEC. 441. FINDINGS AND PURPOSES.

'''(a) FINDINGS.—The Congress finds that there is substantial evidence strongly indicating the urgent need to promote and support involved, committed, and responsible fatherhood, and to encourage and support healthy marriages between parents raising children, including data demonstrating the following:

'''(1) In approximately 90 percent of cases where a parent is absent, that parent is the father.

'''(2) By some estimates, 60 percent of children born in the 1990's will spend a significant portion of their childhood in a home without a father.

'''(3) Nearly 75 percent of children in single-parent homes will experience poverty before they are 11 years old, compared with only 20 percent of children in 2-parent families.

'''(4) Low income is positively correlated with children's difficulties with education, social adjustment, and delinquency, and single-parent households constitute a disproportionate share of low-income households.

'''(5) Where families (whether intact or with a parent absent) are living in poverty, a significant factor is the father's lack of job skills.

'''(6) Children raised in 2-parent married families, on average, fare better as a group in key areas, including better school performance, reduced rates of substance abuse, crime, and delinquency, fewer health, emotional, and behavioral problems, lower rates of teenage sexual activity, less risk of abuse or neglect, and lower risk of teen suicide.

'''(7) Committed and responsible fathering during infancy and early childhood contributes to the development of emotional security, curiosity, and math and verbal skills.

'''(8) An estimated 24,000,000 children (33.5 percent) live apart from their biological father.

'''(9) A recent national survey indicates that of children under age 18 not living with their biological father, 37 percent had not seen their father even once in the last 12 months.

'''(b) PURPOSES.—The purposes of this part are:

'''(1) To provide for projects and activities by public entities and by nonprofit community entities, including religious organizations, designed to test promising approaches to accomplishing the following objectives:

'''(A) Promoting responsible, caring, and effective parenting through counseling, mentoring, and parenting education, dissemination of educational materials and information on parenting skills, encouragement of positive father involvement, including the positive involvement of nonresident fathers, and other methods.

'''(B) Enhancing the abilities and commitment of unemployed or low-income fathers to provide material support for their families and to avoid or leave welfare programs by assisting them to take full advantage of education, job training, and job search programs, to improve work habits and work skills, to secure career advancement by activities such as outreach and information dissemination, coordination, as appropriate, with employment services and job training programs, including the One-Stop delivery system established under title I of the Workforce Investment Act of 1998, encouragement and support of timely payment of current child support and regular payment toward past due child support obligations in appropriate cases, and other methods.

'''(C) Improving fathers' ability to effectively manage family business affairs by means such as education, counseling, and mentoring in matters including household management, budgeting, banking, and handling of financial transactions, time management, and home maintenance.

'''(D) Encouraging and supporting healthy marriages and married fatherhood through such activities as premarital education, including the use of premarital inventories, marriage preparation programs, skills-based marriage education programs, marital therapy, couples counseling, divorce education and reduction programs, divorce mediation and counseling, relationship skills enhancement programs, including those designed to reduce child abuse and domestic violence, and dissemination of information about the benefits of marriage for both parents and children.

'''(2) Through the projects and activities described in paragraph (1), to improve outcomes for children with respect to measures such as increased family income and economic security, improved school performance, better health, improved emotional and behavioral stability and social adjustment, and reduced risk of delinquency, crime, substance abuse, child abuse and neglect, teen sexual activity, and teen suicide.

'''(3) To evaluate the effectiveness of various approaches and to disseminate findings concerning outcomes and other information in order to encourage and facilitate the replication of effective approaches to accomplishing these objectives.

''SEC. 442. DEFINITIONS.

'''In this part, the terms ''Indian tribe'' and ''tribal organization'' have the meanings given them in subsections (e) and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act.

''SEC. 443. COMPETITIVE GRANTS FOR SERVICE PROJECTS.

'''(a) IN GENERAL.—The Secretary may make grants for fiscal years 2004 through 2008 to public and nonprofit community entities, including religious organizations, and to Indian tribes and tribal organizations, for demonstration service projects and activities designed to test the effectiveness of various approaches to accomplish the objectives specified in section 441(b)(1).

'''(b) ELIGIBILITY CRITERIA FOR FULL SERVICE GRANTS.—In order to be eligible for a grant under this section, except as specified in subsection (c), an entity shall submit an application to the Secretary containing the following:

'''(1) PROJECT DESCRIPTION.—A statement including—

'''(A) a description of the project and how it will be carried out, including the geographical area to be covered and the number and characteristics of clients to be served, and how it will address each of the 4 objectives specified in section 441(b)(1); and

'''(B) a description of the methods to be used by the entity or its contractor to assess the extent to which the project was successful in accomplishing its specific objectives and the general objectives specified in section 441(b)(1).

'''(2) EXPERIENCE AND QUALIFICATIONS.—A demonstration of ability to carry out the project, by means such as demonstration of experience in successfully carrying out projects of similar design and scope, and such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the project, including the entity's ability to provide the non-Federal share of project resources.

'''(3) ADDRESSING CHILD ABUSE AND NEGLECT AND DOMESTIC VIOLENCE.—A description of how the entity will assess for the presence of, and intervene to resolve, domestic violence and child abuse and neglect, including how the entity will coordinate with State and local child protective service and domestic violence programs.

'''(4) ADDRESSING CONCERNS RELATING TO SUBSTANCE ABUSE AND SEXUAL ACTIVITY.—A commitment to make available to each individual participating in the project education about alcohol, tobacco, and other drugs, and about the health risks associated with abusing such substances, and information about diseases and conditions transmitted through substance abuse and sexual contact, including HIV/AIDS, and to coordinate with providers of services addressing such problems, as appropriate.

'''(5) COORDINATION WITH SPECIFIED PROGRAMS.—An undertaking to coordinate, as appropriate, with State and local entities responsible for the programs under parts A, B, and D of this title, including programs under title I of the Workforce Investment Act of 1998 (including the One-Stop delivery system), and such other programs as the Secretary may require.

'''(6) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

'''(7) SELF-INITIATED EVALUATION.—If the entity elects to contract for independent evaluation of the project (part or all of the cost of which may be paid for using grant funds), a commitment to submit to the Secretary a copy of the evaluation report within

30 days after completion of the report and not more than 1 year after completion of the project.

''(8) COOPERATION WITH SECRETARY'S OVERSIGHT AND EVALUATION.—An agreement to cooperate with the Secretary's evaluation of projects assisted under this section, by means including random assignment of clients to service recipient and control groups, if determined by the Secretary to be appropriate, and affording the Secretary access to the project and to project-related records and documents, staff, and clients.

''(c) ELIGIBILITY CRITERIA FOR LIMITED PURPOSE GRANTS.—In order to be eligible for a grant under this section in an amount under $25,000 per fiscal year, an entity shall submit an application to the Secretary containing the following:

''(1) PROJECT DESCRIPTION.—A description of the project and how it will be carried out, including the number and characteristics of clients to be served, the proposed duration of the project, and how it will address at least 1 of the 4 objectives specified in section 441(b)(1).

''(2) QUALIFICATIONS.—Such information as the Secretary may require as to the capacity of the entity to carry out the project, including any previous experience with similar activities.

''(3) COORDINATION WITH RELATED PROGRAMS.—As required by the Secretary in appropriate cases, an undertaking to coordinate and cooperate with State and local entities responsible for specific programs relating to the objectives of the project including, as appropriate, jobs programs and programs serving children and families.

''(4) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

''(5) COOPERATION WITH SECRETARY'S OVERSIGHT AND EVALUATION.—An agreement to cooperate with the Secretary's evaluation of projects assisted under this section, by means including affording the Secretary access to the project and to project-related records and documents, staff, and clients.

''(d) CONSIDERATIONS IN AWARDING GRANTS.—

''(1) DIVERSITY OF PROJECTS.—In awarding grants under this section, the Secretary shall seek to achieve a balance among entities of differing sizes, entities in differing geographic areas, entities in urban and in rural areas, and entities employing differing methods of achieving the purposes of this section, including working with the State agency responsible for the administration of part D to help fathers satisfy child support arrearage obligations.

''(2) PREFERENCE FOR PROJECTS SERVING LOW-INCOME FATHERS.—In awarding grants under this section, the Secretary may give preference to applications for projects in which a majority of the clients to be served are low-income fathers.

''(e) FEDERAL SHARE.—

''(1) IN GENERAL.—Grants for a project under this section for a fiscal year shall be available for a share of the cost of such project in such fiscal year equal to—

''(A) up to 80 percent (or up to 90 percent, if the entity demonstrates to the Secretary's satisfaction circumstances limiting the entity's ability to secure non-Federal resources) in the case of a project under subsection (b); and

''(B) up to 100 percent, in the case of a project under subsection (c).

''(2) NON-FEDERAL SHARE.—The non-Federal share may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

''SEC. 444. MULTICITY, MULTISTATE DEMONSTRATION PROJECTS.

''(a) IN GENERAL.—The Secretary may make grants under this section for fiscal years 2004 through 2008 to eligible entities (as specified in subsection (b)) for 2 multicity, multistate projects demonstrating approaches to achieving the objectives specified in section 441(b)(1). One of the projects shall test the use of married couples to deliver program services.

''(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under this section must be a national nonprofit fatherhood promotion organization that meets the following requirements:

''(1) EXPERIENCE WITH FATHERHOOD PROGRAMS.—The organization must have substantial experience in designing and successfully conducting programs that meet the purposes described in section 441.

''(2) EXPERIENCE WITH MULTICITY, MULTISTATE PROGRAMS AND GOVERNMENT COORDINATION.—The organization must have experience in simultaneously conducting such programs in more than 1 major metropolitan area in more than 1 State and in coordinating such programs, where appropriate, with State and local government agencies and private, nonprofit agencies (including community-based and religious organizations), including State or local agencies responsible for child support enforcement and workforce development.

''(c) APPLICATION REQUIREMENTS.—In order to be eligible for a grant under this section, an entity must submit to the Secretary an application that includes the following:

''(1) QUALIFICATIONS.—

''(A) ELIGIBLE ENTITY.—A demonstration that the entity meets the requirements of subsection (b).

''(B) OTHER.—Such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the project, including the entity's ability to provide the non-Federal share of project resources.

''(2) PROJECT DESCRIPTION.—A description of and commitments concerning the project design, including the following:

''(A) IN GENERAL.—A detailed description of the proposed project design and how it will be carried out, which shall—

''(i) provide for the project to be conducted in at least 3 major metropolitan areas;

''(ii) state how it will address each of the 4 objectives specified in section 441(b)(1);

''(iii) demonstrate that there is a sufficient number of potential clients to allow for the random selection of individuals to participate in the project and for comparisons with appropriate control groups composed of individuals who have not participated in such projects; and

''(iv) demonstrate that the project is designed to direct a majority of project resources to activities serving low-income fathers (but the project need not make services available on a means-tested basis).

''(B) OVERSIGHT, EVALUATION, AND ADJUSTMENT COMPONENT.—An agreement that the entity—

''(i) in consultation with the evaluator selected pursuant to section 445, and as required by the Secretary, will modify the project design, initially and (if necessary) subsequently throughout the duration of the project, in order to facilitate ongoing and final oversight and evaluation of project operation and outcomes (by means including, to the maximum extent feasible, random assignment of clients to service recipient and control groups), and to provide for mid-course adjustments in project design indicated by interim evaluations;

''(ii) will submit to the Secretary revised descriptions of the project design as modified in accordance with clause (i); and

''(iii) will cooperate fully with the Secretary's ongoing oversight and ongoing and final evaluation of the project, by means including affording the Secretary access to the project and to project-related records and documents, staff, and clients.

''(3) ADDRESSING CHILD ABUSE AND NEGLECT AND DOMESTIC VIOLENCE.—A description of how the entity will assess for the presence of, and intervene to resolve, domestic violence and child abuse and neglect, including how the entity will coordinate with State and local child protective service and domestic violence programs.

''(4) ADDRESSING CONCERNS RELATING TO SUBSTANCE ABUSE AND SEXUAL ACTIVITY.—A commitment to make available to each individual participating in the project education about alcohol, tobacco, and other drugs, and about the health risks associated with abusing such substances, and information about diseases and conditions transmitted through substance abuse and sexual contact, including HIV/AIDS, and to coordinate with providers of services addressing such problems, as appropriate.

''(5) COORDINATION WITH SPECIFIED PROGRAMS.—An undertaking to coordinate, as appropriate, with State and local entities responsible for the programs funded under parts A, B, and D of this title, programs under title I of the Workforce Investment Act of 1998 (including the One-Stop delivery system), and such other programs as the Secretary may require.

''(6) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits (in addition to those required under the preceding provisions of paragraph (2)) as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

''(d) FEDERAL SHARE.—

''(1) IN GENERAL.—Grants for a project under this section for a fiscal year shall be available for up to 80 percent of the cost of such project in such fiscal year.

''(2) NON-FEDERAL SHARE.—The non-Federal share may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

''SEC. 445. EVALUATION.

''(a) IN GENERAL.—The Secretary, directly or by contract or cooperative agreement, shall evaluate the effectiveness of service projects funded under sections 443 and 444 from the standpoint of the purposes specified in section 441(b)(1).

''(b) EVALUATION METHODOLOGY.—Evaluations under this section shall—

''(1) include, to the maximum extent feasible, random assignment of clients to service delivery and control groups and other appropriate comparisons of groups of individuals receiving and not receiving services;

''(2) describe and measure the effectiveness of the projects in achieving their specific project goals; and

''(3) describe and assess, as appropriate, the impact of such projects on marriage, parenting, domestic violence, child abuse and neglect, money management, employment and earnings, payment of child support, and child well-being, health, and education.

''(c) EVALUATION REPORTS.—The Secretary shall publish the following reports on the results of the evaluation:

''(1) An implementation evaluation report covering the first 24 months of the activities

under this part to be completed by 36 months after initiation of such activities.

''(2) A final report on the evaluation to be completed by September 30, 2011.

''SEC. 446. PROJECTS OF NATIONAL SIGNIFICANCE.

''The Secretary is authorized, by grant, contract, or cooperative agreement, to carry out projects and activities of national significance relating to fatherhood promotion, including—

''(1) COLLECTION AND DISSEMINATION OF INFORMATION.—Assisting States, communities, and private entities, including religious organizations, in efforts to promote and support marriage and responsible fatherhood by collecting, evaluating, developing, and making available (through the Internet and by other means) to all interested parties information regarding approaches to accomplishing the objectives specified in section 441(b)(1).

''(2) MEDIA CAMPAIGN.—Developing, promoting, and distributing to interested States, local governments, public agencies, and private nonprofit organizations, including charitable and religious organizations, a media campaign that promotes and encourages involved, committed, and responsible fatherhood and married fatherhood.

''(3) TECHNICAL ASSISTANCE.—Providing technical assistance, including consultation and training, to public and private entities, including community organizations and faith-based organizations, in the implementation of local fatherhood promotion programs.

''(4) RESEARCH.—Conducting research related to the purposes of this part.

''SEC. 447. NONDISCRIMINATION.

''The projects and activities assisted under this part shall be available on the same basis to all fathers and expectant fathers able to benefit from such projects and activities, including married and unmarried fathers and custodial and noncustodial fathers, with particular attention to low-income fathers, and to mothers and expectant mothers on the same basis as to fathers.

''SEC. 448. AUTHORIZATION OF APPROPRIATIONS; RESERVATION FOR CERTAIN PURPOSE.

''(a) AUTHORIZATION.—There are authorized to be appropriated $20,000,000 for each of fiscal years 2004 through 2008 to carry out the provisions of this part.

''(b) RESERVATION.—Of the amount appropriated under this section for each fiscal year, not more than 15 percent shall be available for the costs of the multicity, multicounty, multistate demonstration projects under section 444, evaluations under section 445, and projects of national significance under section 446.'.

''(b) INAPPLICABILITY OF EFFECTIVE DATE PROVISIONS.—Section 116 shall not apply to the amendment made by subsection (a) of this section.''.

(2) CLERICAL AMENDMENT.—Section 2 of such Act is amended in the table of contents by inserting after the item relating to section 116 the following new item:

''Sec. 117. Fatherhood program.''.

SEC. 120. STATE OPTION TO MAKE TANF PROGRAMS MANDATORY PARTNERS WITH ONE-STOP EMPLOYMENT TRAINING CENTERS.

Section 408 of the Social Security Act (42 U.S.C. 608) is amended by adding at the end the following:

''(h) STATE OPTION TO MAKE TANF PROGRAMS MANDATORY PARTNERS WITH ONE-STOP EMPLOYMENT TRAINING CENTERS.—For purposes of section 121(b) of the Workforce Investment Act of 1998, a State program funded under part A of title IV of the Social Security Act shall be considered a program referred to in paragraph (1)(B) of such section, unless, after the date of the enactment of this subsection, the Governor of the State notifies the Secretaries of Health and Human Services and Labor in writing of the decision of the Governor not to make the State program a mandatory partner.''.

SEC. 121. SENSE OF THE CONGRESS.

It is the sense of the Congress that a State welfare-to-work program should include a mentoring program.

SEC. 122. EXTENSION THROUGH FISCAL YEAR 2003.

Except as otherwise provided in this Act and the amendments made by this Act, activities authorized by part A of title IV of the Social Security Act, and by section 1108(b) of the Social Security Act, shall continue through September 30, 2003, in the manner authorized, and at the level provided, for fiscal year 2002.

TITLE II—CHILD CARE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Caring for Children Act of 2003''.

SEC. 202. GOALS.

(a) GOALS.—Section 658A(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 note) is amended—

(1) in paragraph (3) by striking ''encourage'' and inserting ''assist'',

(2) by amending paragraph (4) to read as follows:

''(4) to assist States to provide child care to low-income parents;'',

(3) by redesignating paragraph (5) as paragraph (7), and

(4) by inserting after paragraph (4) the following:

''(5) to encourage States to improve the quality of child care available to families;

''(6) to promote school readiness by encouraging the exposure of young children in child care to nurturing environments and developmentally-appropriate activities, including activities to foster early cognitive and literacy development; and''.

(b) CONFORMING AMENDMENT.—Section 658E(c)(3)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3)(B)) is amended by striking ''through (5)'' and inserting ''through (7)''.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended—

(1) by striking ''is'' and inserting ''are'', and

(2) by striking ''$1,000,000,000 for each of the fiscal years 1996 through 2002'' and inserting ''$2,100,000,000 for fiscal year 2003, $2,300,000,000 for fiscal year 2004, $2,500,000,000 for fiscal year 2005, $2,700,000,000 for fiscal year 2006, $2,900,000,000 for fiscal year 2007, and $3,100,000,000 for fiscal year 2008''.

SEC. 204. APPLICATION AND PLAN.

Section 658E(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858C(c)(2)) is amended—

(1) by amending subparagraph (D) to read as follows:

''(D) CONSUMER AND CHILD CARE PROVIDER EDUCATION INFORMATION.—Certify that the State will collect and disseminate, through resource and referral services and other means as determined by the State, to parents of eligible children, child care providers, and the general public, information regarding—

''(i) the promotion of informed child care choices, including information about the quality and availability of child care services;

''(ii) research and best practices on children's development, including early cognitive development;

''(iii) the availability of assistance to obtain child care services; and

''(iv) other programs for which families that receive child care services for which financial assistance is provided under this subchapter may be eligible, including the food stamp program, the WIC program under section 17 of the Child Nutrition Act of 1966, the child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act, and the medicaid and SCHIP programs under titles XIX and XXI of the Social Security Act.'', and

(2) by inserting after subparagraph (H) the following:

''(I) COORDINATION WITH OTHER EARLY CHILD CARE SERVICES AND EARLY CHILDHOOD EDUCATION PROGRAMS.—Demonstrate how the State is coordinating child care services provided under this subchapter with Head Start, Early Reading First, Even Start, Ready-To-Learn Television, State pre-kindergarten programs, and other early childhood education programs to expand accessibility to and continuity of care and early education without displacing services provided by the current early care and education delivery system.

''(J) PUBLIC-PRIVATE PARTNERSHIPS.—Demonstrate how the State encourages partnerships with private and other public entities to leverage existing service delivery systems of early childhood education and increase the supply and quality of child care services.

''(K) CHILD CARE SERVICE QUALITY.—

''(i) CERTIFICATION.—For each fiscal year after fiscal year 2004, certify that during the then preceding fiscal year the State was in compliance with section 658G and describe how funds were used to comply with such section during such preceding fiscal year.

''(ii) STRATEGY.—For each fiscal year after fiscal year 2004, contain an outline of the strategy the State will implement during such fiscal year for which the State plan is submitted, to address the quality of child care services in the State available to low-income parents from eligible child care providers, and include in such strategy—

''(I) a statement specifying how the State will address the activities described in paragraphs (1), (2), and (3) of section 658G;

''(II) a description of quantifiable, objective measures for evaluating the quality of child care services separately with respect to the activities listed in each of such paragraphs that the State will use to evaluate its progress in improving the quality of such child care services;

''(III) a list of State-developed child care service quality targets for such fiscal year quantified on the basis of such measures; and

''(IV) for each fiscal year after fiscal year 2004, a report on the progress made to achieve such targets during the then preceding fiscal year.

''(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to require that the State apply measures for evaluating quality to specific types of child care providers.

''(L) ACCESS TO CARE FOR CERTAIN POPULATIONS.—Demonstrate how the State is addressing the child care needs of parents eligible for child care services for which financial assistance is provided under this subchapter who have children with special needs, work nontraditional hours, or require child care services for infants or toddlers.''.

SEC. 205. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.

Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended to read as follows:

''SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE SERVICES.

''A State that receives funds to carry out this subchapter for a fiscal year, shall use

not less than 6 percent of the amount of such funds for activities provided through resource and referral services or other means, that are designed to improve the quality of child care services in the State available to low-income parents from eligible child care providers. Such activities include—

''(1) programs that provide training, education, and other professional development activities to enhance the skills of the child care workforce, including training opportunities for caregivers in informal care settings;

''(2) activities within child care settings to enhance early learning for young children, to promote early literacy, and to foster school readiness;

''(3) initiatives to increase the retention and compensation of child care providers, including tiered reimbursement rates for providers that meet quality standards as defined by the State; or

''(4) other activities deemed by the State to improve the quality of child care services provided in such State.''.

SEC. 206. REPORT BY SECRETARY.

Section 658L of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858j) is amended to read as follows:

''SEC. 658L. REPORT BY SECRETARY.

''(a) REPORT REQUIRED.—Not later than October 1, 2005, and biennially thereafter, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the following:

''(1) A summary and analysis of the data and information provided to the Secretary in the State reports submitted under section 658K.

''(2) Aggregated statistics on the supply of, demand for, and quality of child care, early education, and non-school-hours programs.

''(3) An assessment, and where appropriate, recommendations for the Congress concerning efforts that should be undertaken to improve the access of the public to quality and affordable child care in the United States.

''(b) COLLECTION OF INFORMATION.—The Secretary may utilize the national child care data system available through resource and referral organizations at the local, State, and national level to collect the information required by subsection (a)(2).

SEC. 207. DEFINITIONS.

Section 658P(4)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858N(4)(B)) is amended by striking ''85 percent of the State median income'' and inserting ''income levels as established by the State, prioritized by need,''.

SEC. 208. ENTITLEMENT FUNDING.

Section 418(a)(3) (42 U.S.C. 618(a)(3)) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(3) by adding at the end the following:

''(G) $2,917,000,000 for each of fiscal years 2004 through 2008.''.

TITLE III—CHILD SUPPORT

SEC. 301. FEDERAL MATCHING FUNDS FOR LIMITED PASS THROUGH OF CHILD SUPPORT PAYMENTS TO FAMILIES RECEIVING TANF.

(a) IN GENERAL.—Section 457(a) (42 U.S.C. 657(a)) is amended—

(1) in paragraph (1)(A), by inserting ''subject to paragraph (7)'' before the semicolon; and

(2) by adding at the end the following:

''(7) FEDERAL MATCHING FUNDS FOR LIMITED PASS THROUGH OF CHILD SUPPORT PAYMENTS TO FAMILIES RECEIVING TANF.—Notwithstanding paragraph (1), a State shall not be required to pay to the Federal Government the Federal share of an amount collected during a month on behalf of a family that is a recipient of assistance under the State program funded under part A, to the extent that—

''(A) the State distributes the amount to the family;

''(B) the total of the amounts so distributed to the family during the month—

''(i) exceeds the amount (if any) that, as of December 31, 2001, was required under State law to be distributed to a family under paragraph (1)(B); and

''(ii) does not exceed the greater of—

''(I) $100; or

''(II) $50 plus the amount described in clause (i); and

''(C) the amount is disregarded in determining the amount and type of assistance provided to the family under the State program funded under part A.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to amounts distributed on or after October 1, 2005.

SEC. 302. STATE OPTION TO PASS THROUGH ALL CHILD SUPPORT PAYMENTS TO FAMILIES THAT FORMERLY RECEIVED TANF.

(a) IN GENERAL.—Section 457(a) (42 U.S.C. 657(a)), as amended by section 301(a) of this Act, is amended—

(1) in paragraph (2)(B), in the matter preceding clause (i), by inserting '', except as provided in paragraph (8),'' after ''shall''; and

(2) by adding at the end the following:

''(8) STATE OPTION TO PASS THROUGH ALL CHILD SUPPORT PAYMENTS TO FAMILIES THAT FORMERLY RECEIVED TANF.—In lieu of applying paragraph (2) to any family described in paragraph (2), a State may distribute to the family any amount collected during a month on behalf of the family.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to amounts distributed on or after October 1, 2005.

SEC. 303. MANDATORY REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS FOR FAMILIES RECEIVING TANF.

(a) IN GENERAL.—Section 466(a)(10)(A)(i) (42 U.S.C. 666(a)(10)(A)(i)) is amended—

(1) by striking ''parent, or,'' and inserting ''parent or''; and

(2) by striking ''upon the request of the State agency under the State plan or of either parent,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2005.

SEC. 304. MANDATORY FEE FOR SUCCESSFUL CHILD SUPPORT COLLECTION FOR FAMILY THAT HAS NEVER RECEIVED TANF.

(a) IN GENERAL.—Section 454(6)(B) (42 U.S.C. 654(6)(B)) is amended—

(1) by inserting ''(i)'' after ''(B)'';

(2) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(3) by adding ''and'' after the semicolon; and

(4) by adding after and below the end the following new clause:

''(ii) in the case of an individual who has never received assistance under a State program funded under part A and for whom the State has collected at least $500 of support, the State shall impose an annual fee of $25 for each case in which services are furnished, which shall be retained by the State from support collected on behalf of the individual (but not from the 1st $500 so collected), paid by the individual applying for the services, recovered from the absent parent, or paid by the State out of its own funds (the payment of which from State funds shall not be considered as an administrative cost of the State for the operation of the plan, and such fees shall be considered income to the program);''.

(b) CONFORMING AMENDMENT.—Section 457(a)(3) (42 U.S.C. 657(a)(3)) is amended to read as follows:

''(3) FAMILIES THAT NEVER RECEIVED ASSISTANCE.—In the case of any other family, the State shall distribute to the family the portion of the amount so collected that remains after withholding any fee pursuant to section 454(6)(B)(ii).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

SEC. 305. REPORT ON UNDISTRIBUTED CHILD SUPPORT PAYMENTS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the procedures that the States use generally to locate custodial parents for whom child support has been collected but not yet distributed. The report shall include an estimate of the total amount of undistributed child support and the average length of time it takes undistributed child support to be distributed. To the extent the Secretary deems appropriate, the Secretary shall include in the report recommendations as to whether additional procedures should be established at the State or Federal level to expedite the payment of undistributed child support.

SEC. 306. USE OF NEW HIRE INFORMATION TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.

(a) IN GENERAL.—Section 453(j) (42 U.S.C. 653(j)) is amended by adding at the end the following:

''(7) INFORMATION COMPARISONS AND DISCLOSURE TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.—

''(A) IN GENERAL.—If a State agency responsible for the administration of an unemployment compensation program under Federal or State law transmits to the Secretary the name and social security account number of an individual, the Secretary shall, if the information in the National Directory of New Hires indicates that the individual may be employed, disclose to the State agency the name, address, and employer identification number of any putative employer of the individual, subject to this paragraph.

''(B) CONDITION ON DISCLOSURE.—The Secretary shall make a disclosure under subparagraph (A) only to the extent that the Secretary determines that the disclosure would not interfere with the effective operation of the program under this part.

''(C) USE OF INFORMATION.—A State agency may use information provided under this paragraph only for purposes of administering a program referred to in subparagraph (A).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2004.

SEC. 307. DECREASE IN AMOUNT OF CHILD SUPPORT ARREARAGE TRIGGERING PASSPORT DENIAL.

(a) IN GENERAL.—Section 452(k)(1) (42 U.S.C. 652(k)(1)) is amended by striking ''$5,000'' and inserting ''$2,500''.

(b) CONFORMING AMENDMENT.—Section 454(31) (42 U.S.C. 654(31)) is amended by striking ''$5,000'' and inserting ''$2,500''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2004.

SEC. 308. USE OF TAX REFUND INTERCEPT PROGRAM TO COLLECT PAST-DUE CHILD SUPPORT ON BEHALF OF CHILDREN WHO ARE NOT MINORS.

(a) IN GENERAL.—Section 464 (42 U.S.C. 664) is amended—

(1) in subsection (a)(2)(A), by striking ''(as that term is defined for purposes of this paragraph under subsection (c))''; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''(1) Except as provided in paragraph (2), as used in'' and inserting ''In''; and

(ii) by inserting ''(whether or not a minor)'' after ''a child'' each place it appears; and

(B) by striking paragraphs (2) and (3).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2005.

SEC. 309. GARNISHMENT OF COMPENSATION PAID TO VETERANS FOR SERVICE-CONNECTED DISABILITIES IN ORDER TO ENFORCE CHILD SUPPORT OBLIGATIONS.

(a) IN GENERAL.—Section 459(h) (42 U.S.C. 659(h)) is amended—

(1) in paragraph (1)(A)(ii)(V), by striking all that follows ''Armed Forces'' and inserting a semicolon; and

(2) by adding at the end the following:

''(3) LIMITATIONS WITH RESPECT TO COMPENSATION PAID TO VETERANS FOR SERVICE-CONNECTED DISABILITIES.—Notwithstanding any other provision of this section:

''(A) Compensation described in paragraph (1)(A)(ii)(V) shall not be subject to withholding pursuant to this section—

''(i) for payment of alimony; or

''(ii) for payment of child support if the individual is fewer than 60 days in arrears in payment of the support.

''(B) Not more than 50 percent of any payment of compensation described in paragraph (1)(A)(ii)(V) may be withheld pursuant to this section.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2005.

SEC. 310. IMPROVING FEDERAL DEBT COLLECTION PRACTICES.

(a) IN GENERAL.—Section 3716(h)(3) of title 31, United States Code, is amended to read as follows:

''(3) In applying this subsection with respect to any debt owed to a State, other than past due support being enforced by the State, subsection (c)(3)(A) shall not apply. Subsection (c)(3)(A) shall apply with respect to past due support being enforced by the State notwithstanding any other provision of law, including sections 207 and 1631(d)(1) of the Social Security Act (42 U.S.C. 407 and 1383(d)(1)), section 413(b) of Public law 91–173 (30 U.S.C. 923(b)), and section 14 of the Act of August 29, 1935 (45 U.S.C. 231m).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2004.

SEC. 311. MAINTENANCE OF TECHNICAL ASSISTANCE FUNDING.

Section 452(j) (42 U.S.C. 652(j)) is amended by inserting ''or the amount appropriated under this paragraph for fiscal year 2002, whichever is greater,'' before ''which shall be available''.

SEC. 312. MAINTENANCE OF FEDERAL PARENT LOCATOR SERVICE FUNDING.

Section 453(o) (42 U.S.C. 653(o)) is amended—

(1) in the 1st sentence, by inserting ''or the amount appropriated under this paragraph for fiscal year 2002, whichever is greater,'' before ''which shall be available''; and

(2) in the 2nd sentence, by striking ''for each of fiscal years 1997 through 2001''.

TITLE IV—CHILD WELFARE

SEC. 401. EXTENSION OF AUTHORITY TO APPROVE DEMONSTRATION PROJECTS.

Section 1130(a)(2) (42 U.S.C. 1320a–9(a)(2)) is amended by striking ''2002'' and inserting ''2008''.

SEC. 402. ELIMINATION OF LIMITATION ON NUMBER OF WAIVERS.

Section 1130(a)(2) (42 U.S.C. 1320a–9(a)(2)) is amended by striking ''not more than 10''.

SEC. 403. ELIMINATION OF LIMITATION ON NUMBER OF STATES THAT MAY BE GRANTED WAIVERS TO CONDUCT DEMONSTRATION PROJECTS ON SAME TOPIC.

Section 1130 (42 U.S.C. 1320a–9) is amended by adding at the end the following:

''(h) NO LIMIT ON NUMBER OF STATES THAT MAY BE GRANTED WAIVERS TO CONDUCT SAME OR SIMILAR DEMONSTRATION PROJECTS.—The Secretary shall not refuse to grant a waiver to a State under this section on the grounds that a purpose of the waiver or of the demonstration project for which the waiver is necessary would be the same as or similar to a purpose of another waiver or project that is or may be conducted under this section.''.

SEC. 404. ELIMINATION OF LIMITATION ON NUMBER OF WAIVERS THAT MAY BE GRANTED TO A SINGLE STATE FOR DEMONSTRATION PROJECTS.

Section 1130 (42 U.S.C. 1320a–9) is further amended by adding at the end the following:

''(i) NO LIMIT ON NUMBER OF WAIVERS GRANTED TO, OR DEMONSTRATION PROJECTS THAT MAY BE CONDUCTED BY, A SINGLE STATE.—The Secretary shall not impose any limit on the number of waivers that may be granted to a State, or the number of demonstration projects that a State may be authorized to conduct, under this section.''.

SEC. 405. STREAMLINED PROCESS FOR CONSIDERATION OF AMENDMENTS TO AND EXTENSIONS OF DEMONSTRATION PROJECTS REQUIRING WAIVERS.

Section 1130 (42 U.S.C. 1320a–9) is further amended by adding at the end the following:

''(j) STREAMLINED PROCESS FOR CONSIDERATION OF AMENDMENTS AND EXTENSIONS.—The Secretary shall develop a streamlined process for consideration of amendments and extensions proposed by States to demonstration projects conducted under this section.''.

SEC. 406. AVAILABILITY OF REPORTS.

Section 1130 (42 U.S.C. 1320a–9) is further amended by adding at the end the following:

''(k) AVAILABILITY OF REPORTS.—The Secretary shall make available to any State or other interested party any report provided to the Secretary under subsection (f)(2), and any evaluation or report made by the Secretary with respect to a demonstration project conducted under this section, with a focus on information that may promote best practices and program improvements.''.

SEC. 407. TECHNICAL CORRECTION.

Section 1130(b)(1) (42 U.S.C. 1320a–9(b)(1)) is amended by striking ''422(b)(9)'' and inserting ''422(b)(10)''.

TITLE V—SUPPLEMENTAL SECURITY INCOME

SEC. 501. REVIEW OF STATE AGENCY BLINDNESS AND DISABILITY DETERMINATIONS.

Section 1633 (42 U.S.C. 1383b) is amended by adding at the end the following:

''(e)(1) The Commissioner of Social Security shall review determinations, made by State agencies pursuant to subsection (a) in connection with applications for benefits under this title on the basis of blindness or disability, that individuals who have attained 18 years of age are blind or disabled as of a specified onset date. The Commissioner of Social Security shall review such a determination before any action is taken to implement the determination.

''(2)(A) In carrying out paragraph (1), the Commissioner of Social Security shall review—

''(i) at least 20 percent of all determinations referred to in paragraph (1) that are made in fiscal year 2004;

''(ii) at least 40 percent of all such determinations that are made in fiscal year 2005; and

''(iii) at least 50 percent of all such determinations that are made in fiscal year 2006 or thereafter.

''(B) In carrying out subparagraph (A), the Commissioner of Social Security shall, to the extent feasible, select for review the determinations which the Commissioner of Social Security identifies as being the most likely to be incorrect.''.

TITLE VI—STATE AND LOCAL FLEXIBILITY

SEC. 601. PROGRAM COORDINATION DEMONSTRATION PROJECTS.

(a) PURPOSE.—The purpose of this section is to establish a program of demonstration projects in a State or portion of a State to coordinate multiple public assistance, workforce development, and other programs, for the purpose of supporting working individuals and families, helping families escape welfare dependency, promoting child well-being, or helping build stronger families, using innovative approaches to strengthen service systems and provide more coordinated and effective service delivery.

(b) DEFINITIONS.—In this section:

(1) ADMINISTERING SECRETARY.—The term ''administering Secretary'' means, with respect to a qualified program, the head of the Federal agency responsible for administering the program.

(2) QUALIFIED PROGRAM.—The term ''qualified program'' means—

(A) a program under part A of title IV of the Social Security Act;

(B) the program under title XX of such Act;

(C) activities funded under title I of the Workforce Investment Act of 1998, except subtitle C of such title;

(D) a demonstration project authorized under section 505 of the Family Support Act of 1988;

(E) activities funded under the Wagner-Peyser Act;

(F) activities funded under the Adult Education and Family Literacy Act;

(G) activities funded under the Child Care and Development Block Grant Act of 1990;

(H) activities funded under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), except that such term shall not include—

(i) any program for rental assistance under section 8 of such Act (42 U.S.C. 1437f); and

(ii) the program under section 7 of such Act (42 U.S.C. 1437e) for designating public housing for occupancy by certain populations;

(I) activities funded under title I, II, III, or IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.); or

(J) the food stamp program as defined in section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h)).

(c) APPLICATION REQUIREMENTS.—The head of a State entity or of a sub-State entity administering 2 or more qualified programs proposed to be included in a demonstration project under this section shall (or, if the project is proposed to include qualified programs administered by 2 or more such entities, the heads of the administering entities (each of whom shall be considered an applicant for purposes of this section) shall jointly) submit to the administering Secretary of each such program an application that contains the following:

(1) PROGRAMS INCLUDED.—A statement identifying each qualified program to be included in the project, and describing how the purposes of each such program will be achieved by the project.

(2) POPULATION SERVED.—A statement identifying the population to be served by the project and specifying the eligibility criteria to be used.

(3) DESCRIPTION AND JUSTIFICATION.—A detailed description of the project, including—

(A) a description of how the project is expected to improve or enhance achievement of the purposes of the programs to be included in the project, from the standpoint of quality, of cost-effectiveness, or of both; and

(B) a description of the performance objectives for the project, including any proposed modifications to the performance measures and reporting requirements used in the programs.

(4) WAIVERS REQUESTED.—A description of the statutory and regulatory requirements with respect to which a waiver is requested in order to carry out the project, and a justification of the need for each such waiver.

(5) COST NEUTRALITY.—Such information and assurances as necessary to establish to the satisfaction of the administering Secretary, in consultation with the Director of the Office of Management and Budget, that the proposed project is reasonably expected to meet the applicable cost neutrality requirements of subsection (d)(4).

(6) EVALUATION AND REPORTS.—An assurance that the applicant will conduct ongoing and final evaluations of the project, and make interim and final reports to the administering Secretary, at such times and in such manner as the administering Secretary may require.

(7) PUBLIC HOUSING AGENCY PLAN.—In the case of an application proposing a demonstration project that includes activities referred to in subsection (b)(2)(H) of this section—

(A) a certification that the applicable annual public housing agency plan of any agency affected by the project that is approved under section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) by the Secretary includes the information specified in paragraphs (1) through (4) of this subsection; and

(B) any resident advisory board recommendations, and other information, relating to the project that, pursuant to section 5A(e)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(e)(2), is required to be included in the public housing agency plan of any public housing agency affected by the project.

(8) OTHER INFORMATION AND ASSURANCES.—Such other information and assurances as the administering Secretary may require.

(d) APPROVAL OF APPLICATIONS.—

(1) IN GENERAL.—The administering Secretary with respect to a qualified program that is identified in an application submitted pursuant to subsection (c) may approve the application and, except as provided in paragraph (2), waive any requirement applicable to the program, to the extent consistent with this section and necessary and appropriate for the conduct of the demonstration project proposed in the application, if the administering Secretary determines that the project—

(A) has a reasonable likelihood of achieving the objectives of the programs to be included in the project;

(B) may reasonably be expected to meet the applicable cost neutrality requirements of paragraph (4), as determined by the Director of the Office of Management and Budget; and

(C) includes the coordination of 2 or more qualified programs.

(2) PROVISIONS EXCLUDED FROM WAIVER AUTHORITY.—A waiver shall not be granted under paragraph (1)—

(A) with respect to any provision of law relating to—

(i) civil rights or prohibition of discrimination;

(ii) purposes or goals of any program;

(iii) maintenance of effort requirements;

(iv) health or safety;

(v) labor standards under the Fair Labor Standards Act of 1938; or

(vi) environmental protection;

(B) with respect to section 241(a) of the Adult Education and Family Literacy Act;

(C) in the case of a program under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), with respect to any requirement under section 5A of such Act (42 U.S.C. 1437c–1; relating to public housing agency plans and resident advisory boards);

(D) in the case of a program under the Workforce Investment Act, with respect to any requirement the waiver of which would violate section 189(i)(4)(A)(i) of such Act;

(E) in the case of the food stamp program (as defined in section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h)), with respect to any requirement under—

(i) section 6 (if waiving a requirement under such section would have the effect of expanding eligibility for the program), 7(b) or 16(c) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); or

(ii) title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.);

(F) with respect to any requirement that a State pass through to a sub-State entity part or all of an amount paid to the State;

(G) if the waiver would waive any funding restriction or limitation provided in an appropriations Act, or would have the effect of transferring appropriated funds from 1 appropriations account to another; or

(H) except as otherwise provided by statute, if the waiver would waive any funding restriction applicable to a program authorized under an Act which is not an appropriations Act (but not including program requirements such as application procedures, performance standards, reporting requirements, or eligibility standards), or would have the effect of transferring funds from a program for which there is direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to another program.

(3) AGREEMENT OF EACH ADMINISTERING SECRETARY REQUIRED.—

(A) IN GENERAL.—An applicant may not conduct a demonstration project under this section unless each administering Secretary with respect to any program proposed to be included in the project has approved the application to conduct the project.

(B) AGREEMENT WITH RESPECT TO FUNDING AND IMPLEMENTATION.—Before approving an application to conduct a demonstration project under this section, an administering Secretary shall have in place an agreement with the applicant with respect to the payment of funds and responsibilities required of the administering Secretary with respect to the project.

(4) COST-NEUTRALITY REQUIREMENT.—

(A) GENERAL RULE.—Notwithstanding any other provision of law (except subparagraph (B)), the total of the amounts that may be paid by the Federal Government for a fiscal year with respect to the programs in the State in which an entity conducting a demonstration project under this section is located that are affected by the project shall not exceed the estimated total amount that the Federal Government would have paid for the fiscal year with respect to the programs if the project had not been conducted, as determined by the Director of the Office of Management and Budget.

(B) SPECIAL RULE.—If an applicant submits to the Director of the Office of Management and Budget a request to apply the rules of this subparagraph to the programs in the State in which the applicant is located that are affected by a demonstration project proposed in an application submitted by the applicant pursuant to this section, during such period of not more than 5 consecutive fiscal years in which the project is in effect, and the Director determines, on the basis of supporting information provided by the applicant, to grant the request, then, notwithstanding any other provision of law, the total of the amounts that may be paid by the Federal Government for the period with respect to the programs shall not exceed the estimated total amount that the Federal Government would have paid for the period with respect to the programs if the project had not been conducted.

(5) 90-DAY APPROVAL DEADLINE.—

(A) IN GENERAL.—If an administering Secretary receives an application to conduct a demonstration project under this section and does not disapprove the application within 90 days after the receipt, then—

(i) the administering Secretary is deemed to have approved the application for such period as is requested in the application, except to the extent inconsistent with subsection (e); and

(ii) any waiver requested in the application which applies to a qualified program that is identified in the application and is administered by the administering Secretary is deemed to be granted, except to the extent inconsistent with paragraph (2) or (4) of this subsection.

(B) DEADLINE EXTENDED IF ADDITIONAL INFORMATION IS SOUGHT.—The 90-day period referred to in subparagraph (A) shall not include any period that begins with the date the Secretary requests the applicant to provide additional information with respect to the application and ends with the date the additional information is provided.

(e) DURATION OF PROJECTS.—A demonstration project under this section may be approved for a term of not more than 5 years.

(f) REPORTS TO CONGRESS.—

(1) REPORT ON DISPOSITION OF APPLICATIONS.—Within 90 days after an administering Secretary receives an application submitted pursuant to this section, the administering Secretary shall submit to each Committee of the Congress which has jurisdiction over a qualified program identified in the application notice of the receipt, a description of the decision of the administering Secretary with respect to the application, and the reasons for approving or disapproving the application.

(2) REPORTS ON PROJECTS.—Each administering Secretary shall provide annually to the Congress a report concerning demonstration projects approved under this section, including—

(A) the projects approved for each applicant;

(B) the number of waivers granted under this section, and the specific statutory provisions waived;

(C) how well each project for which a waiver is granted is improving or enhancing program achievement from the standpoint of quality, cost-effectiveness, or both;

(D) how well each project for which a waiver is granted is meeting the performance objectives specified in subsection (c)(3)(B);

(E) how each project for which a waiver is granted is conforming with the cost-neutrality requirements of subsection (d)(4); and

(F) to the extent the administering Secretary deems appropriate, recommendations for modification of programs based on outcomes of the projects.

(g) AMENDMENT TO UNITED STATES HOUSING ACT OF 1937.—Section 5A(d) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(d)) is amended—

(1) by redesignating paragraph (18) as paragraph (19); and

(2) by inserting after paragraph (17) the following new paragraph:

''(18) PROGRAM COORDINATION DEMONSTRATION PROJECTS.—In the case of an agency that administers an activity referred to in section 701(b)(2)(H) of the Personal Responsibility, Work, and Family Promotion Act of 2003 that, during such fiscal year, will be included in a demonstration project under section 701 of such Act, the information that is required to be included in the application for the project pursuant to paragraphs (1) through (4) of section 701(b) of such Act.''.

SEC. 602. STATE FOOD ASSISTANCE BLOCK GRANT DEMONSTRATION PROJECT.

The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

''SEC. 28. STATE FOOD ASSISTANCE BLOCK GRANT DEMONSTRATION PROJECT.

''(a) ESTABLISHMENT.—The Secretary shall establish a program to make grants to States in accordance with this section to provide—

''(1) food assistance to needy individuals and families residing in the State;

''(2) funds to operate an employment and training program under subsection (g) for needy individuals under the program; and

''(3) funds for administrative costs incurred in providing the assistance.

''(b) ELECTION.—

''(1) IN GENERAL.—A State may elect to participate in the program established under subsection (a).

''(2) ELECTION REVOCABLE.—A State that elects to participate in the program established under subsection (a) may subsequently reverse the election of the State only once thereafter. Following the reversal, the State shall only be eligible to participate in the food stamp program in accordance with the other sections of this Act and shall not receive a block grant under this section.

''(3) PROGRAM EXCLUSIVE.—A State that is participating in the program established under subsection (a) shall not be subject to, or receive any benefit under, this Act except as provided in this section.

''(c) LEAD AGENCY.—

''(1) DESIGNATION.—A State desiring to participate in the program established under subsection (a) shall designate, in an application submitted to the Secretary under subsection (d)(1), an appropriate State agency that complies with paragraph (2) to act as the lead agency for the State.

''(2) DUTIES.—The lead agency shall—

''(A) administer, either directly, through other State agencies, or through local agencies, the assistance received under this section by the State;

''(B) develop the State plan to be submitted to the Secretary under subsection (d)(1); and

''(C) coordinate the provision of food assistance under this section with other Federal, State, and local programs.

''(d) APPLICATION AND PLAN.—

''(1) APPLICATION.—To be eligible to receive assistance under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall by regulation require, including—

''(A) an assurance that the State will comply with the requirements of this section;

''(B) a State plan that meets the requirements of paragraph (2); and

''(C) an assurance that the State will comply with the requirements of the State plan under paragraph (2).

''(2) REQUIREMENTS OF PLAN.—

''(A) LEAD AGENCY.—The State plan shall identify the lead agency.

''(B) USE OF BLOCK GRANT FUNDS.—The State plan shall provide that the State shall use the amounts provided to the State for each fiscal year under this section—

''(i) to provide food assistance to needy individuals and families residing in the State, other than residents of institutions who are ineligible for food stamps under section 3(i);

''(ii) to administer an employment and training program under subsection (g) for needy individuals under the program and to provide reimbursements to needy individuals and families as would be allowed under section 16(h)(3); and

''(iii) to pay administrative costs incurred in providing the assistance.

''(C) ASSISTANCE FOR ENTIRE STATE.—The State plan shall provide that benefits under this section shall be available throughout the entire State.

''(D) NOTICE AND HEARINGS.—The State plan shall provide that an individual or family who applies for, or receives, assistance under this section shall be provided with notice of, and an opportunity for a hearing on, any action under this section that adversely affects the individual or family.

''(E) OTHER ASSISTANCE.—

''(i) COORDINATION.—The State plan may coordinate assistance received under this section with assistance provided under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

''(ii) PENALTIES.—If an individual or family is penalized for violating part A of title IV of the Act, the State plan may reduce the amount of assistance provided under this section or otherwise penalize the individual or family.

''(F) ELIGIBILITY LIMITATIONS.—The State plan shall describe the income and resource eligibility limitations that are established for the receipt of assistance under this section.

''(G) RECEIVING BENEFITS IN MORE THAN 1 JURISDICTION.—The State plan shall establish a system to verify and otherwise ensure that no individual or family shall receive benefits under this section in more than 1 jurisdiction within the State.

''(H) PRIVACY.—The State plan shall provide for safeguarding and restricting the use and disclosure of information about any individual or family receiving assistance under this section.

''(I) OTHER INFORMATION.—The State plan shall contain such other information as may be required by the Secretary.

''(3) APPROVAL OF APPLICATION AND PLAN.—During fiscal years 2004 through 2008, the Secretary may approve the applications and State plans that satisfy the requirements of this section of not more than 5 States for a term of not more than 5 years.

''(e) CONSTRUCTION OF FACILITIES.—No funds made available under this section shall be expended for the purchase or improvement of land, or for the purchase, construction, or permanent improvement of any building or facility.

''(f) BENEFITS FOR ALIENS.—No individual shall be eligible to receive benefits under a State plan approved under subsection (d)(3) if the individual is not eligible to participate in the food stamp program under title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.).

''(g) EMPLOYMENT AND TRAINING.—Each State shall implement an employment and training program for needy individuals under the program.

''(h) ENFORCEMENT.—

''(1) REVIEW OF COMPLIANCE WITH STATE PLAN.—The Secretary shall review and monitor State compliance with this section and the State plan approved under subsection (d)(3).

''(2) NONCOMPLIANCE.—

''(A) IN GENERAL.—If the Secretary, after reasonable notice to a State and opportunity for a hearing, finds that—

''(i) there has been a failure by the State to comply substantially with any provision or requirement set forth in the State plan approved under subsection (d)(3); or

''(ii) in the operation of any program or activity for which assistance is provided under this section, there is a failure by the State to comply substantially with any provision of this section, the Secretary shall notify the State of the finding and that no further payments will be made to the State under this section (or, in the case of noncompliance in the operation of a program or activity, that no further payments to the State will be made with respect to the program or activity) until the Secretary is satisfied that there is no longer any failure to comply or that the noncompliance will be promptly corrected.

''(B) OTHER SANCTIONS.—In the case of a finding of noncompliance made pursuant to subparagraph (A), the Secretary may, in addition to, or in lieu of, imposing the sanctions described in subparagraph (A), impose other appropriate sanctions, including recoupment of money improperly expended for purposes prohibited or not authorized by this section and disqualification from the receipt of financial assistance under this section.

''(C) NOTICE.—The notice required under subparagraph (A) shall include a specific identification of any additional sanction being imposed under subparagraph (B).

''(3) ISSUANCE OF REGULATIONS.—The Secretary shall establish by regulation procedures for—

''(A) receiving, processing, and determining the validity of complaints concerning any failure of a State to comply with the State plan or any requirement of this section; and

''(B) imposing sanctions under this section.

''(i) PAYMENTS.—

''(1) IN GENERAL.—For each fiscal year, the Secretary shall pay to a State that has an application approved by the Secretary under subsection (d)(3) an amount that is equal to the allotment of the State under subsection (l)(2) for the fiscal year.

''(2) METHOD OF PAYMENT.—The Secretary shall make payments to a State for a fiscal year under this section by issuing 1 or more letters of credit for the fiscal year, with necessary adjustments on account of overpayments or underpayments, as determined by the Secretary.

''(3) SPENDING OF FUNDS BY STATE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), payments to a State from an allotment under subsection (l)(2) for a fiscal year may be expended by the State only in the fiscal year.

''(B) CARRYOVER.—The State may reserve up to 10 percent of an allotment under subsection (l)(2) for a fiscal year to provide assistance under this section in subsequent fiscal years, except that the reserved funds may not exceed 30 percent of the total allotment received under this section for a fiscal year.

''(4) PROVISION OF FOOD ASSISTANCE.—A State may provide food assistance under this section in any manner determined appropriate by the State to provide food assistance to needy individuals and families in the State, such as electronic benefits transfer limited to food purchases, coupons limited to food purchases, or direct provision of commodities.

''(5) DEFINITION OF FOOD ASSISTANCE.—In this section, the term 'food assistance'

means assistance that may be used only to obtain food, as defined in section 3(g).

''(j) AUDITS.—

''(1) REQUIREMENT.—After the close of each fiscal year, a State shall arrange for an audit of the expenditures of the State during the program period from amounts received under this section.

''(2) INDEPENDENT AUDITOR.—An audit under this section shall be conducted by an entity that is independent of any agency administering activities that receive assistance under this section and be in accordance with generally accepted auditing principles.

''(3) PAYMENT ACCURACY.—Each annual audit under this section shall include an audit of payment accuracy under this section that shall be based on a statistically valid sample of the caseload in the State.

''(4) SUBMISSION.—Not later than 30 days after the completion of an audit under this section, the State shall submit a copy of the audit to the legislature of the State and to the Secretary.

''(5) REPAYMENT OF AMOUNTS.—Each State shall repay to the United States any amounts determined through an audit under this section to have not been expended in accordance with this section or to have not been expended in accordance with the State plan, or the Secretary may offset the amounts against any other amount paid to the State under this section.

''(k) NONDISCRIMINATION.—

''(1) IN GENERAL.—The Secretary shall not provide financial assistance for any program, project, or activity under this section if any person with responsibilities for the operation of the program, project, or activity discriminates with respect to the program, project, or activity because of race, religion, color, national origin, sex, or disability.

''(2) ENFORCEMENT.—The powers, remedies, and procedures set forth in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) may be used by the Secretary to enforce paragraph (1).

''(l) ALLOTMENTS.—

''(1) DEFINITION OF STATE.—In this section, the term 'State' means each of the 50 States, the District of Columbia, Guam, and the Virgin Islands of the United States.

''(2) STATE ALLOTMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), from the amounts made available under section 18 of this Act for each fiscal year, the Secretary shall allot to each State participating in the program established under subsection (a) an amount that is equal to the sum of—

''(i) the greater of, as determined by the Secretary—

''(I) the total dollar value of all benefits issued under the food stamp program established under this Act by the State during fiscal year 2003; or

''(II) the average per fiscal year of the total dollar value of all benefits issued under the food stamp program by the State during each of fiscal years 2001 through 2003; and

''(ii) the greater of, as determined by the Secretary—

''(I) the total amount received by the State for administrative costs and the employment and training program under subsections (a) and (h), respectively, of section 16 of this Act for fiscal year 2003; or

''(II) the average per fiscal year of the total amount received by the State for administrative costs and the employment and training program under subsections (a) and (h), respectively, of section 16 of this Act for each of fiscal years 2001 through 2003.

''(B) INSUFFICIENT FUNDS.—If the Secretary finds that the total amount of allotments to which States would otherwise be entitled for a fiscal year under subparagraph (A) will exceed the amount of funds that will be made available to provide the allotments for the fiscal year, the Secretary shall reduce the allotments made to States under this subsection, on a pro rata basis, to the extent necessary to allot under this subsection a total amount that is equal to the funds that will be made available.''.

TITLE VII—ABSTINENCE EDUCATION

SEC. 701. EXTENSION OF ABSTINENCE EDUCATION PROGRAM.

(a) EXTENSION OF APPROPRIATIONS.—Section 510(d) (42 U.S.C. 710(d)) is amended by striking ''2002'' and inserting ''2008''.

(b) ALLOTMENT OF FUNDS.—Section 510(a) (42 U.S.C. 710(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''an application for the fiscal year under section 505(a)'' and inserting '', for the fiscal year, an application under section 505(a), and an application under this section (in such form and meeting such terms and conditions as determined appropriate by the Secretary),''; and

(2) in paragraph (2), to read as follows:

''(2) the percentage that would be determined for the State under section 502(c)(1)(B)(ii) if the calculation under such section took into consideration only those States that transmitted both such applications for such fiscal year.''.

(c) REALLOTMENT OF FUNDS.—Section 510 (42 U.S.C. 710(a)) is amended by adding at the end the following new subsection:

''(e)(1) With respect to allotments under subsection (a) for fiscal year 2004 and subsequent fiscal years, the amount of any allotment to a State for a fiscal year that the Secretary determines will not be required to carry out a program under this section during such fiscal year or the succeeding fiscal year shall be available for reallotment from time to time during such fiscal years on such dates as the Secretary may fix, to other States that the Secretary determines—

''(A) require amounts in excess of amounts previously allotted under subsection (a) to carry out a program under this section; and

''(B) will use such excess amounts during such fiscal years.

''(2) Reallotments under paragraph (1) shall be made on the basis of such States' applications under this section, after taking into consideration the population of low-income children in each such State as compared with the population of low-income children in all such States with respect to which a determination under paragraph (1) has been made by the Secretary.

''(3) Any amount reallotted under paragraph (1) to a State is deemed to be part of its allotment under subsection (a).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to the program under section 510 for fiscal years 2004 and succeeding fiscal years.

TITLE VIII—TRANSITIONAL MEDICAL ASSISTANCE

SEC. 801. EXTENSION OF MEDICAID TRANSITIONAL MEDICAL ASSISTANCE PROGRAM THROUGH FISCAL YEAR 2004.

(a) IN GENERAL.—Section 1925(f) (42 U.S.C. 1396r–6(f)) is amended by striking ''2002'' and inserting ''2004''.

(b) CONFORMING AMENDMENT.—Section 1902(e)(1)(B) (42 U.S.C. 1396a(e)(1)(B)) is amended by striking ''September 30, 2002'' and inserting ''the last date (if any) on which section 1925 applies under subsection (f) of that section''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 2003.

SEC. 802. ADJUSTMENT TO PAYMENTS FOR MEDICAID ADMINISTRATIVE COSTS TO PREVENT DUPLICATIVE PAYMENTS AND TO FUND EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE.

Section 1903 (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(7), by striking ''section 1919(g)(3)(B)'' and inserting ''subsection (x) and section 1919(g)(3)(C)''; and

(2) by adding at the end the following:

''(x) ADJUSTMENTS TO PAYMENTS FOR ADMINISTRATIVE COSTS TO FUND EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE.—

''(1) REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.—Effective for each calendar quarter in fiscal year 2004 and fiscal year 2005, the Secretary shall reduce the amount paid under subsection (a)(7) to each State by an amount equal to 45 percent for fiscal year 2004, and 80 percent for fiscal year 2005, of one-quarter of the annualized amount determined for the medicaid program under section 16(k)(2)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(2)(B)).

''(2) ALLOCATION OF ADMINISTRATIVE COSTS.—None of the funds or expenditures described in section 16(k)(5)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(5)(B)) may be used to pay for costs—

''(A) eligible for reimbursement under subsection (a)(7) (or costs that would have been eligible for reimbursement but for this subsection); and

''(B) allocated for reimbursement to the program under this title under a plan submitted by a State to the Secretary to allocate administrative costs for public assistance programs;

except that, for purposes of subparagraph (A), the reference in clause (iii) of that section to 'subsection (a)' is deemed a reference to subsection (a)(7) and clause (iv)(II) of that section shall be applied as if 'medicaid program' were substituted for 'food stamp program'.''.

TITLE IX—EFFECTIVE DATE

SEC. 901. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided, the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—In the case of a State plan under part A or D of title IV of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the effective date of the amendments imposing the additional requirements shall be 3 months after the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

The CHAIRMAN pro tempore. No amendment to the bill shall be in order except those printed in House Report 108–9. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

It is now in order to consider amendment No. 1 printed in House Report 108–9.

AMENDMENT NO. 1 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 1 in the nature of a substitute offered by Mr. KUCINICH:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Patsy Mink Memorial TANF Reauthorization Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. Amendment of Social Security Act.

TITLE I—GENERAL PROVISIONS

Sec. 101. Purposes.
Sec. 102. State plan.
Sec. 103. Funding.
Sec. 104. Use of funds.

TITLE II—WORK REQUIREMENTS

Sec. 201. Reduced work requirement for parents of school-age children who cannot find adequate child care.
Sec. 202. Conforming the number of weeks to the unemployment insurance compensation standard.
Sec. 203. Revision of work activities.
Sec. 204. Penalties against individuals for unjustified refusal to work; additional justifications.
Sec. 205. Elimination of miscellaneous provisions.

TITLE III—PROHIBITIONS; REQUIREMENTS

Sec. 301. Replacement of requirement to sanction individual for noncooperation in establishing paternity or obtaining child support with prohibition on requiring such cooperation.
Sec. 302. Prohibition on requiring assignment of support rights to the State; return of support rights assigned to the State.
Sec. 303. Elimination of sanction against teenage parents not attending high school or other equivalent training program.
Sec. 304. Requirements relating to disregard of child support.
Sec. 305. Elimination of sanction against teenage parents not living in adult-supervised settings.
Sec. 306. Protection for children.
Sec. 307. 5-year time limit.
Sec. 308. Requirement to provide notice of rights of recipients, and train program personnel in carrying out program consistent with the rights.
Sec. 309. Requirement to provide information to individuals who are, or are at risk of being, sanctioned.
Sec. 310. Ban on counting income, scholarship, or gift received by dependent minors.
Sec. 311. Ban on diversion of potential applicants for assistance.
Sec. 312. Prohibition on requiring recipients to respond to surveys conducted to obtain information for quarterly reports.
Sec. 313. Confidentiality of program information.
Sec. 314. Nondiscrimination.
Sec. 315. Requirement to provide opportunity to appeal adverse decision.
Sec. 316. Clarification of penalty for failure to comply with individual responsibility plan.
Sec. 317. Applicability of civil rights laws.
Sec. 318. Elimination of special rules relating to treatment of aliens.

TITLE IV—PENALTIES

Sec. 401. Increase in penalty for failure to submit required report.
Sec. 402. Replacement of penalty against State for failure to comply with paternity establishment and child support enforcement requirements with penalty for requiring cooperation in establishing paternity or obtaining child support (including assigning support rights to the State).
Sec. 403. Extension of maintenance of effort requirement.
Sec. 404. Penalty for failure of State to comply with child support disregard requirements.
Sec. 405. Penalty for penalizing birth of child.
Sec. 406. Penalty for failure to notify recipients of rights, or train program personnel in respecting rights of recipients.
Sec. 407. Penalty for failure to provide information to individuals who are, or are at risk of being, sanctioned.
Sec. 408. Penalty for counting income, scholarship, or gift received by dependent minor.
Sec. 409. Penalty for diverting potential applicant for assistance.
Sec. 410. Penalty for requiring recipient to respond to survey conducted to obtain information for quarterly report.
Sec. 411. Penalty for unauthorized disclosure of information provided by recipient.
Sec. 412. Penalty for discrimination.
Sec. 413. Penalty for failure to provide opportunity to appeal adverse decision.
Sec. 414. Penalty for failure to comply with minimum benefit rules.
Sec. 415. Penalty for failure to provide individual child care entitlement.
Sec. 416. Failure to submit report on welfare access and outcomes.
Sec. 417. Elimination of reasonable cause exception.
Sec. 418. Modification of availability of corrective compliance plan option.
Sec. 419. Repeal of ban on assistance for persons convicted of a drug felony.

TITLE V—STUDIES AND REPORTS

Sec. 501. Additional information to be included in quarterly State reports.
Sec. 502. Elimination from secretarial report to the Congress of information on out-of-wedlock pregnancies.
Sec. 503. Access to welfare; welfare outcomes.
Sec. 504. Assessment of regional economies to identify higher entry level wage opportunities in industries experiencing labor shortages.
Sec. 505. Research, evaluations, and national studies.
Sec. 506. Study by the Census Bureau.

TITLE VI—WAIVERS

Sec. 601. Waivers.

TITLE VII—REPEAL OF LIMITATION ON FEDERAL AUTHORITY

Sec. 701. Repeal of limitation on Federal authority.

TITLE VIII—MINIMUM BENEFIT RULES

Sec. 801. Minimum benefit rules.

TITLE IX—CHILD CARE

Sec. 901. Individual entitlement to child care.

TITLE X—DEFINITION OF POVERTY LINE

Sec. 1001. Definition of poverty line.

TITLE XI—SERVICE PROVIDERS

Sec. 1101. Protection for beneficiaries.

TITLE XII—EFFECTIVE DATE

Sec. 1201. Effective date.

SEC. 3. FINDINGS.

The Congress finds the following:

(1) Welfare reform has reduced the welfare caseload but has failed to move families out of poverty. More than 40 percent of former welfare recipients continued to live below the poverty line in 1999. Employed former recipients earn a median hourly wage of $7.15. Because challenges to economic opportunity and well-being are not adequately addressed by current welfare programs, existing law must be changed to ensure that welfare policy effectively promotes the reduction of poverty.

(2) Between 1995 and 1999, a strong economy reduced poverty by about 2 percent. Reductions in Government transfer payments during this period, however, eliminated almost all of the antipoverty effectiveness of economic growth. Prior to welfare reform, between 1993 and 1995, Government transfer payments had produced the opposite effect, reducing poverty among American families.

(3) About ⅓ of people who have left welfare say they have had to cut the size of meals or skip meals because they did not have enough food in the house.

(4) Over 40 percent of welfare leavers report that they have had trouble paying housing and utility bills since leaving welfare.

(5) Since welfare reform was enacted in 1996, and despite a strong economy, there have been sharp increases in the rates at which single mothers with children have had to rely on food pantries and homeless shelters.

(6) An estimated ⅓ to ½ of all families leaving welfare for work do not receive medical assistance, food stamps, or child care to which they are entitled.

(7) Only 1,500,000 of the 9,900,000 children who are eligible for child care subsidies under their States' eligibility guidelines receive child care assistance.

(8) Between 1997 and 1999, over 500,000 families were sanctioned off welfare and these families have been more likely to experience poverty than have other families leaving welfare. On a variety of measures, families who have been sanctioned off welfare tend to fare worse than other leavers.

(9) States in which African Americans make up a higher proportion of recipients are statistically more likely to adopt full-family sanctions. African American recipients are statistically more likely than white recipients to participate in a TANF program that employs full-family sanctions. African-American families have, in fact, been sanctioned more frequently than their white counterparts.

(10) States in which African Americans make up a higher proportion of recipients are statistically more likely to adopt family cap policies. African American recipients are statistically more likely than white recipients to participate in a TANF program that employs a family cap policy.

(11) States in which African Americans make up a higher proportion of recipients are statistically more likely to adopt time limits shorter than the Federal Government requires. Approximately ⅔ of all families that will exhaust their allowable time on welfare are families of color.

(12) Overall, 78 percent of children with immigrant parents are themselves born in the United States and are therefore eligible for services if poor. Nearly ¼ of all children of immigrants live in poor families and 23 percent of all poor children in the United States

are either first- or second-generation immigrants. Immigrants whose children are eligible for public benefits often don't know about the services, are afraid to access them, or are incorrectly turned away.

(13) About 25 percent of former welfare recipients have no paid employment and have either no partner or a partner who is unemployed.

(14) Under welfare reform, single mothers have been forced to work at unsafe and hazardous job sites and to be subject to sexual harassment and racial discrimination.

(15) Most single mothers who leave welfare for work do not earn enough in wages to lift their families out of poverty, even several years after leaving welfare. 55 percent remain poor 1 year after leaving welfare; 49 percent 3 years after and 42 percent 5 years after. Only about ⅓ of all leavers have incomes above 150 percent of the poverty line years after going off welfare.

(16) Adolescent children of single mothers who have left welfare for work have school performance rates below those of other low-income children. Early studies of families in welfare-to-work programs in Florida, Minnesota, and Canada have found unexpected evidence that their adolescent children have lower academic achievement and more behavioral problems than the children of other welfare households. The researchers hypothesized that parents in the programs might have less time and energy to monitor their adolescents' behavior once they were employed; that under the stress of working, they might adopt harsher parenting styles; or that the adolescents' assuming more responsibilities at home when parents got jobs was creating too great a burden.

(17) Under welfare reform, when families lost income regardless of the reason, children were more likely to experience bad outcomes such as increased school suspensions, behavior and mental health problems including symptoms of depression, an increase in the number of children removed from their mother's care, increased enrollment in special classes for behavioral or emotional problems, and health problems such as increased trips to the emergency room. In programs where both employment and income were increased, the impact on children was more positive.

(18) Most single mothers on welfare who are eligible for the exemption from cooperating in establishing paternity are not made aware of this option.

(19) 35 percent of low-income families reported mental health problems according to a 1999 study. Similar rates of mental health problems have been found among welfare recipients. Among California welfare program participants, more than ⅓ had at least 1 diagnosable mental health problem in the previous 12 months, and about 20 percent had 2 or more. Nationally, between 70 and 90 percent of working-age adults with serious mental health problems are unemployed. According to a 2001 study, major depression significantly decreases the likelihood that a woman receiving welfare will be employed and the presence of 1 or more of 4 psychiatric disorders increases the likelihood of receiving cash assistance by 32 percent.

(20) Over half of women receiving welfare have been victims of domestic violence as adults. According to several studies, a quarter to a third of welfare recipients report having been abused within the last year. Abusive partners often interfere with women's attempts to work or to obtain education.

SEC. 4. AMENDMENT OF SOCIAL SECURITY ACT.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

TITLE I—GENERAL PROVISIONS

SEC. 101. PURPOSES.

Section 401(a)(1) (42 U.S.C. 601(a)(1)) is amended to read as follows:

''(1) IN GENERAL.—The purpose of this part is to end child and family poverty by—

''(A) supporting caregivers so that children may be cared for in their own homes;

''(B) promoting education, training, work supports, and access to jobs that pay a living wage;

''(C) assuring access to Medicaid, Food Stamps, child care, and such other assistance for which the family is eligible;

''(D) providing access to services to address barriers to leaving poverty, including mental health, disability, substance abuse, domestic violence, and sexual assault; and

''(E) reducing poverty of families with children.''.

SEC. 102. STATE PLAN.

(a) IN GENERAL.—Section 402(a) (42 U.S.C. 602(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively; and

(ii) by striking clauses (v) and (vi); and

(B) in subparagraph (B)—

(i) in clause (iii), by inserting ''and will notify recipients of assistance under the program of the rights of individuals under all laws applicable to program activities'' before the period;

(ii) by striking clauses (i) and (iv) and redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively;

(2) in paragraph (7), by striking subparagraph (B) and inserting the following:

''(B) DOMESTIC OR SEXUAL VIOLENCE DEFINED.—In this title, the term 'domestic or sexual violence' has the same meaning as 'battered or subject to extreme cruelty' in section 402(a)(7)(C)(ii).''; and

(3) by adding at the end the following:

''(7) CERTIFICATIONS REGARDING DOMESTIC AND SEXUAL VIOLENCE, MENTAL ILLNESS, DISABILITY, AND SUBSTANCE ABUSE.—

''(A) STANDARDS AND PROCEDURES.—A certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to ensure that the State will do the following:

''(i) ADDRESS RECIPIENT'S BARRIERS TO LEAVING POVERTY.—Address the needs of a recipient who has a mental health problem, disability, or substance abuse addiction, or who is dealing with domestic or sexual violence, including how the State will, at the time of application, at a recipient's request, and before imposing any sanction or penalty for noncompliance—

''(I) have trained caseworkers screen, and, at the option of the recipient, qualified professionals assess and identify individuals who are dealing with a mental health problem, disability, substance abuse addiction, or domestic or sexual violence;

''(II) in the case of an individual who is so identified, at the option of the individual, refer the individual and affected children or other close family members for appropriate treatment, counseling, vocational rehabilitation, job training, and other services;

''(III) coordinate, contract, or hire appropriate licensed qualified professionals, including licensed qualified mental health service providers, licensed qualified physicians or medical service providers, licensed qualified substance abuse professionals, domestic violence coalitions, sexual assault coalitions, or victim services organizations;

''(IV) ensure the strict confidentiality of such information; and

''(V) pursuant to a determination of good cause, waive, without time limit, any State or Federal program requirement for so long as necessary in every case in which the requirement—

''(aa) makes it more difficult for the individual to manage his or her mental health problem, disability, substance abuse addiction, or domestic or sexual violence situation;

''(bb) unfairly penalizes the individual; or

''(cc) makes the individual unsafe.

''(ii) USE OF QUALIFIED PROFESSIONALS.—Enter into contracts with or employ qualified professionals for the provision of services in each of the fields of mental health, substance abuse, disability, and domestic or sexual violence, and that the contracts will require that, in the case of an individual who has multiple such barriers, the qualified professionals assigned to the case will collaborate to provide the individual with integrated, comprehensive services.

''(B) DEFINITIONS.—In this paragraph:

''(i) DOMESTIC VIOLENCE COALITION.—The term 'domestic violence coalition' means a nonprofit, nongovernmental membership organization that—

''(I) consists of the entities carrying out a majority of the domestic violence programs carried out in a State;

''(II) collaborates and coordinates activities with Federal, State, and local entities to further the purposes of domestic violence intervention and prevention; and

''(III) among other activities, provides training and technical assistance to entities carrying out domestic violence programs in a State, territory, political subdivision, or area under Federal authority.

''(ii) SEXUAL ASSAULT COALITION.—The term 'sexual assault coalition' means a nonprofit, nongovernmental membership organization that—

''(I) consists of the entities carrying out a majority of the sexual assault programs carried out in a State;

''(II) collaborates and coordinates activities with Federal, State, and local entities to further the purposes of sexual assault intervention and prevention; and

''(III) among other activities, provides training and technical assistance to entities carrying out sexual assault programs in a State, territory, political subdivision, or area under Federal authority.

''(iii) VICTIM SERVICES ORGANIZATION.—The term 'victim services organization' means a nonprofit, nongovernmental organization that provides assistance to victims of domestic or sexual violence or to advocates for such victims, including a rape crisis center, an organization carrying out a domestic violence program, an organization operating a shelter or providing counseling services, or an organization providing assistance through the legal process.

''(iv) LICENSED QUALIFIED MENTAL HEALTH SERVICE PROVIDER.—The term 'licensed qualified mental health service provider' means a psychiatrist, clinical psychologist, clinical social worker, community mental health counselor, or other licensed individual who has appropriate training in the diagnosis and treatment of mental illness in children, adolescents, and adults or provides mental health services reimbursed under title XVIII or a State plan approved under title XIX.

''(v) QUALIFIED PROFESSIONAL.—The term 'qualified professional' means—

''(I) with respect to a disability, a physician or other licensed medical provider;

''(II) with respect to substance abuse, a licensed drug counselor or clinician with expertise in the assessment and treatment of parents with drug addiction issues, who may

be affiliated with an out-patient or residential family drug or alcohol treatment program; or

''(III) with respect to domestic or sexual violence—

''(aa) a State or tribal domestic violence coalition or sexual assault coalition; or

''(bb) a State or local victim services organization with recognized expertise in the dynamics of domestic or sexual violence whose primary mission is to provide services to victims of domestic or sexual violence, such as a rape crisis center or domestic violence program.

''(8) CERTIFICATION REGARDING ASSESSMENT OF REGIONAL ECONOMIES AND INFORMING LOCALITIES OF SECTORAL LABOR SHORTAGES.—A certification by the chief executive officer of the State that, during the fiscal year, the State will assess its regional economies and provide information to political subdivisions of the State about the industrial sectors that are experiencing a labor shortage and that provide higher entry-level wage opportunities for unemployed and underemployed job seekers.''.

SEC. 103. FUNDING.

(a) FAMILY ASSISTANCE GRANT.—Section 403(a)(1) (42 U.S.C. 603(a)(1)) is amended in each of subparagraphs (A) and (E) by striking ''1996, 1997, 1998, 1999, 2000, 2001, and 2002'' and inserting ''1996 through 2008''.

(b) INFLATION ADJUSTMENT.—Section 403(a)(1) (42 U.S.C. 603(a)(1)) is amended—

(1) in subparagraph (B)—

(A) by striking ''means the greatest of—'' and inserting ''means, with respect to a fiscal year specified in subparagraph (A) of this paragraph—

''(i) the greatest of—'';

(B) by redesignating each of clauses (i), (ii)(I), (ii)(II), and (iii) as subclauses (I), (II)(aa), (II)(bb), and (III), respectively;

(C) by indenting each of the provisions specified in subparagraph (B) of this paragraph 2 additional ems to the right;

(D) by striking the period and inserting ''; multiplied by''; and

(E) by adding at the end the following:

''(ii) 1.00, plus the inflation percentage (as defined in subparagraph (F) of this paragraph) in effect for the fiscal year specified in subparagraph (A) of this paragraph.''; and

(2) by adding at the end the following:

''(F) INFLATION PERCENTAGE.—For purposes of subparagraph (B) of this paragraph:

''(i) IN GENERAL.—Except as provided in clause (ii), the inflation percentage applicable to a fiscal year is the percentage (if any) by which—

''(I) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on September 30 of the immediately preceding fiscal year; exceeds

''(II) the average of the Consumer Price Index (as so defined) for the 12-month period ending on September 30, 2001.

''(ii) SPECIAL RULE FOR FISCAL YEAR 2003.—The inflation percentage applicable to fiscal year 2003 is ½ of the inflation percentage determined under clause (i) for fiscal year 2003.''.

(c) REPLACEMENT OF BONUS TO REWARD DECREASE IN ILLEGITIMACY RATIO WITH CHILD POVERTY REDUCTION BONUS.—Section 403(a)(2) (42 U.S.C. 603(a)) is amended to read as follows:

''(2) BONUS TO REWARD STATES THAT REDUCE CHILD POVERTY.—

''(A) IN GENERAL.—Beginning with fiscal year 2003, the Secretary shall make a grant pursuant to this paragraph to each State for each fiscal year for which the State is a qualified child poverty reduction State.

''(B) AMOUNT OF GRANT.—

''(i) IN GENERAL.—Subject to this subparagraph, the amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall be an amount equal to—

''(I) the number of children who had not attained 18 years of age by the end of the then most recently completed calendar year and who resided in the State as of the end of such calendar year, divided by the number of such children who resided in the United States as of the end of such calendar year; multiplied by

''(II) the amount appropriated pursuant to subparagraph (F) for the fiscal year.

''(ii) LIMITATIONS.—

''(I) MINIMUM GRANT.—The amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall be not less than $1,000,000.

''(II) MAXIMUM GRANT.—The amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall not exceed an amount equal to 5 percent of the State family assistance grant for the fiscal year.

''(iii) PRO RATA INCREASE.—If the amount available for grants under this paragraph for a fiscal year is greater than the total amount of payments otherwise required to be made under this paragraph for the fiscal year, then the amount otherwise payable to any State for the fiscal year under this paragraph shall, subject to clause (ii)(II), be increased by such equal percentage as may be necessary to ensure that the total of the amounts payable for the fiscal year under this paragraph equals the amount available for the grants.

''(iv) PRO RATA REDUCTION.—If the amount available for grants under this paragraph for a fiscal year is less than the total amount of payments otherwise required to be made under this paragraph for the fiscal year, then the amount otherwise payable to any State for the fiscal year under this paragraph shall, subject to clause (ii)(I), be reduced by such equal percentage as may be necessary to ensure that the total of the amounts payable for the fiscal year under this paragraph equals the amount available for the grants.

''(v) SPECIAL RULE FOR FISCAL YEAR 2003.—The amount payable to a State under this paragraph for fiscal year 2003 shall be ½ of the amount otherwise so payable.

''(C) USE OF GRANT.—A State to which a grant is made under this paragraph shall use the grant for any purpose for which a grant made under this part may be used.

''(D) DEFINITIONS.—In this paragraph:

''(i) QUALIFIED CHILD POVERTY REDUCTION STATE.—The term 'qualified child poverty reduction State' means, with respect to a fiscal year, a State if—

''(I) the child poverty rate achieved by the State for the then most recently completed calendar year for which such information is available is less than the lowest child poverty rate achieved by the State during the applicable period; and

''(II) the average depth of child poverty in the State for the then most recently completed calendar year for which such information is available is not greater than the average depth of child poverty in the State for the calendar year that precedes such then most recently completed calendar year.

''(ii) APPLICABLE PERIOD.—In clause (i), the term 'applicable period' means, with respect to a State and the calendar year referred to in clause (i)(I), the period that—

''(I) begins with the calendar year that, as of October 1, 2002, precedes the then most recently completed calendar year for which such information is available; and

''(II) ends with the calendar year that precedes the calendar year referred to clause (i)(I).

''(iii) CHILD POVERTY RATE.—The term 'child poverty rate' means, with respect to a State and a calendar year, the percentage of children residing in the State during the calendar year whose family income for the calendar year is less than the poverty line then applicable to the family.

''(iv) AVERAGE DEPTH OF CHILD POVERTY.—The term 'average depth of child poverty' means with respect to a State and a calendar year, the average dollar amount by which family income is exceeded by the poverty line, among children in the State whose family income for the calendar year is less than the applicable poverty line.

''(v) POVERTY LINE.—The term 'poverty line' has the meaning given the term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section applicable to a family of the size involved.

''(E) FAMILY INCOME DETERMINATIONS.—For purposes of this paragraph, family income includes cash income, child support payments, government cash payments, and benefits under the Food Stamp Act of 1977 that are received by any family member, and family income shall be determined after payment of all taxes and receipt of any tax refund or rebate by any family member.

''(F) APPROPRIATIONS.—

''(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated—

''(I) for fiscal year 2003, $75,000,000 for grants under this paragraph; and

''(II) for fiscal year 2004 and each fiscal year thereafter $150,000,000 for grants under this paragraph.

''(ii) AVAILABILITY.—Amounts made available under clause (i) shall remain available until expended.''.

(d) SUPPLEMENTAL GRANT FOR POPULATION INCREASES IN CERTAIN STATES.—Section 403(a)(3) (42 U.S.C. 603(a)) is amended—

(1) in subparagraph (A)(ii), by striking '', 2000, and 2001'' and inserting ''through 2008'';

(2) by striking subparagraphs (C) and (D) and inserting the following:

''(C) QUALIFYING STATE.—For purposes of this paragraph, a State is a qualifying State for a fiscal year if rate at which the population of the State with income less than 200 percent of the poverty line has increased (as determined by the Bureau of the Census) for the most recent fiscal year for which information is available exceeds the such rate for all States (as so determined) for such most recent fiscal year.

''(D) STATE DEFINED.—In this paragraph, the term 'State' means each of the 50 States of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, and Guam.''; and

(3) in subparagraph (E)—

(A) by striking ''1998, 1999, 2000, and 2001'' and inserting ''2003 through 2008''; and

(B) by striking ''$800,000,000'' and inserting ''$2,000,000,000''.

(e) AMENDMENT OF BONUS TO REWARD HIGH PERFORMANCE STATES.—Section 403(a)(4) (42 U.S.C. 603(a)(4)) is amended to read as follows:

''(4) BONUS TO REWARD HIGH PERFORMANCE STATES.—

''(A) IN GENERAL.—The Secretary shall make a grant pursuant to this paragraph to each State for each bonus year for which the State is a high performing State with respect to a category described in subparagraph (C).

''(B) AMOUNT OF GRANT.—

''(i) IN GENERAL.—Subject to clause (ii) of this subparagraph, the Secretary shall determine the amount of the grant payable under this paragraph to a high performing State for a bonus year with respect to a category, which shall be based on the score assigned to the State under subparagraph (D)(i) with respect to the category for the fiscal year that immediately precedes the bonus year.

''(ii) LIMITATION.—The total of the amounts payable to a State under this paragraph for a bonus year shall not exceed 5 percent of the State family assistance grant.

''(C) FORMULA FOR MEASURING STATE PERFORMANCE.—Not later than October 1, 2003, the Secretary shall, in consultation with affected groups, including recipient groups and State governors, issue regulations implementing criteria for awarding of bonuses under this paragraph in the following categories:

''(i) PREPARATION AND PLACEMENT OF RECIPIENTS IN EMPLOYMENT THAT WILL MOVE FAMILIES OUT OF POVERTY.—The degree of success in implementing employment-related measures, including job entry, job retention and earnings gain rates, improvement in each of such measures, and the success of States in—

''(I) meeting self-sufficiency needs for welfare leavers;

''(II) training, placing and retaining welfare leavers in higher-waged jobs identified in the assessment most recently submitted by the State pursuant to section 411(d);

''(III) training, placing and retaining welfare leavers in technical, professional, or nontraditional occupations for women;

''(IV) providing career development assistance related to higher-waged jobs including reliable, up-to-date career counseling services, employability assessments on available employment that pays a sustainable wage, nontraditional training and education options, and employment opportunities;

''(V) encouraging participation in post-secondary educational programs;

''(VI) encouraging use of effective literacy programs that strengthen basic skills in the context of employment; and

''(VII) encouraging participation in vocational education programs for occupations identified in the assessment most recently submitted by the State pursuant to section 411(d).

''(ii) REMOVAL OF BARRIERS TO SELF SUFFICIENCY.—The degree of success in removing mental health, substance abuse, disability, or domestic or sexual violence barriers to escaping poverty, which shall be based on an equal weighting of the following:

''(I) NOTIFICATION.—The percentage of individuals receiving assistance under this part who report having been notified of the option to be assessed for and receive services to manage a barrier to escaping poverty. A State shall not be eligible for a grant under this paragraph with respect to the category described in this subparagraph unless at least 75 percent of the individuals surveyed by the State respond in the affirmative to the question of whether the individual has received the notification.

''(II) TRAINING.—The percentage of caseworkers, supervisors, and new employees who have been trained in a curriculum developed by or in collaboration with qualified professionals in each of mental health, substance abuse, disability, or domestic or sexual violence services. A State shall not be eligible for a grant under this paragraph with respect to the category described in this subparagraph unless at least 80 percent of the caseworkers, supervisors, and employees administering the State program funded under this part have been trained in the curriculum.

''(III) ASSESSMENT AND SERVICES.—The State must certify that the State has contracts with or employs qualified professionals in mental health, substance abuse, disability, or domestic or sexual violence services, and that the contract requires that where an individual has multiple barriers the professional service providers will collaborate to provide the individual holistic services.

''(iii) PROVISION OF WORK SUPPORTS.—The extent to which the State has increased the percentages described to in the following subclauses in comparison to the percentages achieved in fiscal year 2001:

''(I) FOOD STAMPS MEASURES.—Of the number of families with children in the State who are eligible to receive food stamp benefits under the Food Stamp Act of 1977, the percentage who receive such benefits.

''(II) MEDICAID AND SCHIP MEASURES.—Of the individuals who have ceased receiving assistance under the State program funded under this part for 4 or more months, and are eligible to receive medical assistance under a State plan approved under title XIX or the child health assistance under a State plan approved under title XXI, the percentage who receive such medical or child health assistance.

''(III) CHILD CARE MEASURES.—Of the children in the State who meet the maximum allowable Federal eligibility requirements for benefits under the Child Care and Development Block Grant Act of 1990, the percentage who receive such benefits, including any such children who receive child care benefits provided with additional State or Federal funds, including Head Start Funds. In taking the percentage into account for purposes of this clause, the Secretary shall also consider (aa) the affordability of child care subsidies by including a comparison of co-payment rates charged to eligible families, and (bb) the proportion of market rates paid to providers of subsidized child care as determined by a market rate survey that was taken not more than 2 years earlier.

''(D) SCORING OF STATE PERFORMANCE; SETTING OF PERFORMANCE THRESHOLDS.—For each bonus year, the Secretary shall—

''(i) use the formula developed under subparagraph (C) for a measure to assign a score to each eligible State with respect to the measure for the fiscal year that immediately precedes the bonus year; and

''(ii) prescribe a performance threshold for each such measure in such a manner so as to ensure that—

''(I) the average annual total amount of grants to be made under this paragraph for each bonus year equals $278,333,333; and

''(II) the total amount of grants to be made under this paragraph for all bonus years equals $1,670,000,000.

''(E) DEFINITIONS.—In this paragraph:

''(i) BONUS YEAR.—The term 'bonus year' means fiscal years 2003 through 2008.

''(ii) HIGH PERFORMING STATE.—The term 'high performing State' means, with respect to a measure and a bonus year, an eligible State whose score assigned pursuant to subparagraph (D)(i) with respect to the measure for the fiscal year immediately preceding the bonus year equals or exceeds the performance threshold prescribed under subparagraph (D)(ii) with respect to the measure for such preceding fiscal year.

''(F) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal years 2003 through 2008 $1,670,000,000 for grants under this paragraph.''.

(f) ELIMINATION OF WELFARE-TO-WORK GRANTS.—

(1) IN GENERAL.—

(A) GRANTS TO STATES.—Section 403(a) (42 U.S.C. 603(a)) is amended by striking paragraph (5).

(B) GRANTS TO INDIAN TRIBES.—Section 412(a) (42 U.S.C. 612(a)) is amended by striking paragraph (3).

(2) CONFORMING AMENDMENTS.—

(A) Section 413 (42 U.S.C. 613) is amended by striking subsection (j).

(B) Section 510 (42 U.S.C. 710) is repealed.

(C) Section 404(k)(1)(C) (42 U.S.C. 604(k)(1)(C)) is amended—

(i) by adding ''and'' at the end of clause (ii);

(ii) by striking clause (iii); and

(iii) by redesignating clause (iv) as clause (iii).

(g) 50 PERCENT FEDERAL MATCH FOR STATE FUNDING IN EXCESS OF REQUIRED MAINTENANCE OF EFFORT LEVEL.—Section 403(a) (42 U.S.C. 603(a)), as amended by subsection (e)(1)(A) of this section, is amended by adding at the end the following:

''(5) MATCHING GRANTS FOR STATE EXPENDITURES EXCEEDING REQUIRED MAINTENANCE OF EFFORT LEVEL.—

''(A) IN GENERAL.—Each eligible State shall be entitled to receive from the Secretary for a fiscal year a grant in an amount equal to the amount (if any) by which the total of the qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for the fiscal year exceeds the applicable percentage (as defined in section 409(a)(7)(B)(ii)) of historic State expenditures (as defined in section 409(a)(7)(B)(iii)) with respect to the fiscal year.

''(B) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated such sums as are necessary for grants under this section for fiscal years 2003 through 2008.''.

(h) CONTINGENCY FUND.—

(1) IN GENERAL.—Section 403(b) (42 U.S.C. 603(b)) is amended by striking paragraphs (2) through (7) and inserting the following:

''(2) DEPOSITS INTO FUND.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 1997 through 2008 such sums as are necessary for grants under this section for the fiscal year.

''(3) GRANTS.—The Secretary shall make a grant to a needy State, for each eligible month with respect to the State, in an amount equal to the amount described in paragraph (6).

''(4) NEEDY STATE.—A State is a needy State for purposes of this paragraph if—

''(A) the rate of total unemployment in the State (seasonally adjusted) for the most recent month for which such information is available—

''(i) is at least 5.5 percent; or

''(ii) has increased by the lesser of 50 percent, or 1.5 percentage points, over the lesser of the average rate of total unemployment in the State (seasonally adjusted) for the preceding fiscal year or such average rate for the 2nd preceding fiscal year; or

''(B) the number of families participating in eligible State programs is at least 10 percent greater than the average monthly number of families who participated in the programs during the 2 consecutive calendar quarters of the then most recent 8 such quarters in which such average monthly number was the least.

''(5) ELIGIBLE MONTH.—In paragraph (3), the term 'eligible month' means, with respect to a State, any month for which the State is a needy State, and each subsequent month until—

''(A) 3 months has elapsed since the end of the most recent month in which the 3-month moving average of the rate of total unemployment in the State (seasonally adjusted) was less than the monthly unemployment rate in the State in the most recent month in which the State became (or, in the absence of paragraph (4)(B), would have become) a needy State by reason of paragraph (4)(A); and

''(B) 4 months has elapsed since the end of the most recent month in which the number of families participating in eligible State programs was at least as great as the number of families so participating in the most recent month in which the State became (or,

in the absence of paragraph (4)(A), would have become) a needy State by reason of paragraph (4)(B).

''(6) GRANT AMOUNT.—The amount described in this paragraph with respect to a State is an amount equal to 110 percent of—

''(A) 80 percent of the average total amount expended by the State under all eligible State programs in the 2 consecutive calendar quarters of the then most recent 8 such quarters in which the average monthly number of families participating in the programs was the least; multiplied by

''(B) the percentage by which the monthly number of families participating in eligible State programs has increased over the average monthly number of families so participating during the 2 consecutive quarters referred to in subparagraph (A).

''(7) ELIGIBLE STATE PROGRAM DEFINED.—In this subsection, the term 'eligible State program' means, with respect to a State, any program under which a State expenditure could be considered a qualified State expenditure (as defined in section 409(a)(7)(B)(i)).''.

(2) EASING OF RELATED MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(10) (42 U.S.C. 609(a)(10)) is amended by striking ''100 percent'' and inserting ''the applicable percentage (as defined in paragraph (7)(B)(ii) of this subsection)''.

(i) FEDERAL LOANS FOR STATE WELFARE PROGRAMS.—Section 406 (42 U.S.C. 606) is amended—

(1) in subsection (d), by striking ''10'' and inserting ''20''; and

(2) in subsection (e), by striking ''$1,700,000,000'' and inserting ''$2,000,000,000''.

(j) GRANTS FOR INDIAN TRIBES.—Paragraphs (1)(A) and (2)(A) of section 412(a) (42 U.S.C. 612(a)(1)(A), (2)(A)) are each amended by striking ''1997, 1998, 1999, 2000, 2001, and 2002'' and inserting ''1997 through 2008''.

(k) STUDIES AND DEMONSTRATIONS.—Section 413(h)(1) (42 U.S.C. 613(h)(1)) is amended by striking ''2002'' and inserting ''2008''.

(l) STUDY BY THE CENSUS BUREAU.—Section 414(b) (42 U.S.C. 614(b)) is amended by striking ''1996, 1997, 1998, 1999, 2000, 2001, and 2002'' and inserting ''1996 through 2008''.

(m) CHILD CARE ENTITLEMENT.—Section 418(a)(3) (42 U.S.C. 618(a)(3) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(G) $5,300,333,333 for fiscal year 2003;

''(H) $5,400,333,333 for fiscal year 2004;

''(I) $5,500,333,333 for fiscal year 2005;

''(J) $5,700,333,333 for fiscal year 2006;

''(K) $5,900,333,333 for fiscal year 2007; and

''(L) $6,050,333,333 for fiscal year 2008.''.

SEC. 104. USE OF FUNDS.

(a) ELIMINATION OF AUTHORITY TO TREAT INTERSTATE IMMIGRANTS UNDER RULES OF FORMER STATE.—Section 404 (42 U.S.C. 604) is amended by striking subsection (c).

(b) MODIFICATIONS TO INDIVIDUAL DEVELOPMENT ACCOUNTS.—Section 404(h) (42 U.S.C. 604(h)) is amended—

(1) in paragraph (2), by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C);

(2) in paragraph (5)(A), by adding at the end the following:

''(iii) An institution that offers a course of study leading to adult literacy, in English as a second language, or a certificate of high school equivalency.''; and

(3) in paragraph (5)(F), by striking ''and inventory'' and inserting ''inventory, and transportation''.

(c) CONFORMING AMENDMENTS.—Section 404 (42 U.S.C. 404) is amended by striking subsections (i) and (j) and redesignating subsection (k) as subsection (i).

TITLE II—WORK REQUIREMENTS

SEC. 201. REDUCED WORK REQUIREMENT FOR PARENTS OF SCHOOL-AGE CHILDREN WHO CANNOT FIND ADEQUATE CHILD CARE.

Section 407(c)(1)(A) (42 U.S.C. 607(c)(1)(A)) is amended by adding at the end the following:

''Notwithstanding the preceding sentence, the maximum average number of hours per week shall be 20 for any week in which the recipient is the parent or caretaker relative of a child who has attained 6 years of age and does not have meaningful access to safe, appropriate, affordable, and quality after-school or summer care for the child.''.

SEC. 202. CONFORMING THE NUMBER OF WEEKS TO THE UNEMPLOYMENT INSURANCE COMPENSATION STANDARD.

Section 407(c)(2)(A)(i) (42 U.S.C. 607(c)(2)(A)(i)) is amended by striking ''6 weeks'' and inserting ''12 weeks''.

SEC. 203. REVISION OF WORK ACTIVITIES.

(a) IN GENERAL.—Section 407(d) (42 U.S.C. 607(d)) is amended—

(1) by striking paragraph (4) and inserting the following:

''(4) transitional work experience leading to jobs that provide an income of not less than 250 percent of the poverty line;'';

(2) by striking paragraph (7) and inserting the following:

''(7) voluntary participation in a community service program;'';

(3) in paragraph (8), by striking ''(not to exceed 12 months with respect to any individual)''; and

(4) by striking paragraphs (10) through (12) and inserting the following:

''(10) participation in a State or Federal work-study program under part C of title IV of the Higher Education Act of 1965;'';

''(11) education, including not more than 6 hours of home study per week, in the case of a recipient who is enrolled—

''(A) at an elementary or secondary school (as defined in the Elementary and Secondary Education Act of 1965);

''(B) in a course of study leading to adult literacy, English as a second language, or a certificate of high school equivalency; or

''(C) at an institution of higher education (as defined in section 102 of the Higher Education Act of 1965), regardless of the content of the course of study;

''(12) the provision of appropriate care to a child who has a disability or a serious health condition (as defined in section 101(11) of the Family Medical Leave Act) or has not attained 6 years of age, by a recipient who is a parent or caretaker relative of the child; and

''(13) participation in treatment or an educational activity designed to address a mental health problem, disability, substance abuse, or domestic or sexual violence.''.

(b) CONFORMING AMENDMENTS.—Section 407 of such Act (42 U.S.C. 607) is amended—

(1) in subsection (b), by striking paragraph (5); and

(2) in subsection (c)—

(A) in each of subparagraphs (A) and (B)(i) of paragraph (1), by striking ''not fewer than'' and all that follows through ''subsection (d),'';

(B) in paragraph (1)(B)(ii), by striking ''not fewer than'' and all that follows through ''subsection (d)''; and

(C) in paragraph (2), by striking subparagraph (D).

SEC. 204. PENALTIES AGAINST INDIVIDUALS FOR UNJUSTIFIED REFUSAL TO WORK; ADDITIONAL JUSTIFICATIONS.

(a) IN GENERAL.—Section 407(e) (42 U.S.C. 607(e)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Except as otherwise provided in this subsection, if an individual in a family receiving assistance under the State program funded under this part refuses to engage in work required in accordance with this section, the State shall, subject to such good cause and other exceptions as the State may establish, reduce the amount of assistance otherwise payable to the family on a pro rata basis, but to not less than the amount that would be payable to a family with the same number of children but with no adults, with respect to any period during a month in which the individual so refuses.'';

(2) in paragraph (2)—

(A) by striking ''EXCEPTION'' and inserting ''CHILD CARE EXCEPTION''; and

(B) by striking ''proves that the individual has a demonstrated inability (as determined by the State)'' and inserting ''certifies that the individual is unable''; and

(3) by adding at the end the following:

''(3) ADDITIONAL CHILD CARE EXCEPTIONS.—Notwithstanding paragraph (1), a State may not reduce or terminate assistance under the State program funded under this part based on a refusal of an individual to engage in work required in accordance with this section if the individual is a custodial parent or caretaker relative caring for—

''(A) a child who has a disability or a serious health condition (as defined in section 101(11) of the Family Medical Leave Act), and the individual does not have meaningful access to safe, appropriate, affordable, and quality care for the child; or

''(B) a child who has attained 6 years of age, and the individual does not have meaningful access to safe, appropriate, affordable, and quality after-school or summer care for the child.

''(4) MENTAL HEALTH PROBLEM, DISABILITY, SUBSTANCE ABUSE, OR DOMESTIC OR SEXUAL VIOLENCE EXCEPTION.—Notwithstanding paragraph (1), a State may not reduce or terminate assistance under the State program funded under this part based on the failure of any individual who has a mental health problem, disability, or substance abuse problem, or who is a victim of sexual or domestic violence to engage in work required in accordance with this section if—

''(A) the individual is in the process of being screened or assessed for the mental health problem, disability, substance abuse problem, or sexual or domestic violence situation but the screening or assessment has not been completed;

''(B) the individual has not been offered treatment to address the problem or disability; or

''(C) the individual cannot comply because of the need to seek medical, legal, or other services in relation to the mental health problem, disability, or sexual or domestic violence situation.

''(5) MINIMUM WAGE EXCEPTION.—Notwithstanding paragraph (1), a State may not impose a sanction under the State program funded under this part on the basis of the refusal of an individual to accept any employment (including any employment offered under the program), if the wage rate for the employment does not equal or exceed the greater of—

''(A) the minimum wage rate then in effect under section 6 of the Fair Labor Standards Act of 1938; or

''(B) any minimum wage rate prescribed by or under the law of the State.

''(6) DISCRIMINATION EXCEPTION.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), a State may not reduce or terminate assistance under the State program funded under this part based on the failure of any individual to engage in work required in accordance with this section if the individual certifies in a manner described in subparagraph (B) that the individual has left or refused work based on discrimination.

''(B) CERTIFICATION.—An individual may provide a certification required by subparagraph (A) by sworn written statement or by providing other documentation, including a police or court record or documentation by a shelter worker, an employee of a victim assistance program, an attorney, a member of the clergy, or a medical or other professional from whom the individual has sought assistance as a victim.''.

(b) CONFORMING AMENDMENTS.—Section 409(a)(11) (42 U.S.C 609(a)(11)) is amended—

(1) in the paragraph heading, by striking ''WHO CANNOT OBTAIN CHILD CARE FOR CHILD UNDER AGE 6'' and inserting ''WITH JUSTIFIED REFUSAL TO WORK''; and

(2) in subparagraph (A), by striking ''407(e)(2)'' and inserting ''407(e)''.

SEC. 205. ELIMINATION OF MISCELLANEOUS PROVISIONS.

Section 407 (42 U.S.C. 607) is amended by striking subsections (g), (h), and (i).

SEC. 206. ASSESSMENT OF INDIVIDUALS FOR JOB PREPARATION.

Section 407 (42 U.S.C. 607), as amended by section 205 of this Act, is amended by adding at the end the following:

''(g) ASSESSMENT OF INDIVIDUALS FOR JOB PREPARATION.—At the option of a recipient of assistance under a State program funded under this part, the State shall, before assigning the recipient to a work activity under the program, perform an individual assessment for the preparation that is needed for the recipient to obtain and maintain a job at a monthly wage that is at least 200 percent of the poverty line applicable to the family of the recipient.''.

TITLE III—PROHIBITIONS; REQUIREMENTS

SEC. 301. REPLACEMENT OF REQUIREMENT TO SANCTION INDIVIDUAL FOR NONCOOPERATION IN ESTABLISHING PATERNITY OR OBTAINING CHILD SUPPORT WITH PROHIBITION ON REQUIRING SUCH COOPERATION.

(a) IN GENERAL.—Section 408(a)(2) (42 U.S.C. 608(a)(2)) is amended to read as follows:

''(2) PROHIBITION ON REQUIRING COOPERATION IN ESTABLISHING PATERNITY OR OBTAINING CHILD SUPPORT.—A State to which a grant is made under section 403 shall not penalize an individual under the State program funded under this part by reason of the failure of the individual to cooperate in establishing paternity or establishing, modifying, or enforcing a child support order with respect to a child of the recipient.''.

(b) CONFORMING AMENDMENTS.—Section 454(29) (42 U.S.C. 654(29)) is amended—

(1) by striking ''the State program funded under part A,'' each place it appears; and

(2) in subparagraph (A)(i), by striking ''E,'' and inserting ''E''.

SEC. 302. PROHIBITION ON REQUIRING ASSIGNMENT OF SUPPORT RIGHTS TO THE STATE; RETURN OF SUPPORT RIGHTS ASSIGNED TO THE STATE.

(a) IN GENERAL.—Section 408(a)(3) (42 U.S.C. 608(a)(3)) is amended to read as follows:

''(3) PROHIBITION ON REQUIRING ASSIGNMENT OF SUPPORT RIGHTS TO THE STATE; REQUIREMENT TO RETURN SUPPORT RIGHTS ASSIGNED TO THE STATE.—A State to which a grant is made under section 403 shall not penalize an individual or family under the State program funded under this part by reason of the failure of the individual to assign to the State any rights any person may have (on behalf of the person or of any other person for whom the individual has applied for or is receiving assistance) to support from any other person. If any person has assigned any such rights to the State, the State shall assign such rights back to the person.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 452 (42 U.S.C. 652) is amended—

(A) in subsection (a)(10)(C), by striking ''pursuant to section 408(a)(3) or''; and

(B) in subsection (h), by striking ''or with respect to whom an assignment pursuant to section 408(a)(3) is in effect''.

(2) Section 454(5) (42 U.S.C. 654(5)) is amended by striking ''(A)'' and all that follows through ''(B)''.

(3) Section 456(a)(1) (42 U.S.C. 656(a)(1)) is amended by striking ''assigned to the State pursuant to section 408(a)(3) or''.

(4) Section 464(a)(1) (42 U.S.C. 664(a)(1)) is amended by striking ''section 408(a)(3) or''.

(5) Section 466(a)(3)(B) (42 U.S.C. 666(a)(3)(B)) is amended by striking ''section 408(a)(3) or''.

SEC. 303. ELIMINATION OF SANCTION AGAINST TEENAGE PARENTS NOT ATTENDING HIGH SCHOOL OR OTHER EQUIVALENT TRAINING PROGRAM.

Section 408(a) (42 U.S.C. 608(a)) is amended by striking paragraph (4).

SEC. 304. REQUIREMENTS RELATING TO DISREGARD OF CHILD SUPPORT.

(a) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a)), as amended by section 303 of this Act, is amended by inserting after paragraph (3) the following:

''(4) LIMITED DISREGARD OF CHILD SUPPORT.—In determining the amount and type of assistance for which a family is eligible under the State program funded under this part, a State to which a grant is made under section 403 shall disregard—

''(A) the first $200 (or, if the family includes 2 or more children, $400) per month distributed to any family member by the State under section 457; and

''(B) all child support (as defined in section 459(i)(2)) received by any family member from any other source.''.

(b) REQUIREMENT TO PASS THROUGH ALL CHILD SUPPORT.—

(1) IN GENERAL.—Section 457 (42 U.S.C. 657) is amended to read as follows:

''SEC. 457. DISTRIBUTION OF COLLECTED CHILD SUPPORT.

''(a) IN GENERAL.—Except as provided in subsection (b), all amounts collected on behalf of a family as support by a State pursuant to a plan approved under this part shall be distributed to the family.

''(b) EXCEPTION.—In the case of an amount collected for a family in accordance with a cooperative agreement under section 454(33), the State shall distribute the amount pursuant to the agreement.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 409(a)(7)(B)(i)(I)(aa) (42 U.S.C. 609(a)(7)(B)(i)(I)(aa)) is amended by striking ''457(a)(1)(B)'' and inserting ''457''.

(B) Section 454B(c)(1) (42 U.S.C. 654b(c)(1)) is amended by striking ''457(a)'' and inserting ''457''.

SEC. 305. ELIMINATION OF SANCTION AGAINST TEENAGE PARENTS NOT LIVING IN ADULT-SUPERVISED SETTINGS.

Section 408(a) (42 U.S.C. 608(a)) is amended by striking paragraph (5).

SEC. 306. PROTECTION FOR CHILDREN BORN INTO POVERTY.

Section 408(a) (42 U.S.C. 608(a)), as amended by section 305 of this Act, is amended by inserting after paragraph (4) the following:

''(5) PROTECTION FOR CHILDREN.—A State to which a grant is made under section 403 shall not deny or limit assistance to a child born into a family receiving assistance under the State program funded under this part.''.

SEC. 307. 5-YEAR TIME LIMIT.

(a) REMOVAL OF LIMITATIONS.—

(1) ELIMINATION OF LIMITATION ON HARDSHIP EXCEPTION.—Section 408(a)(7)(C) (42 U.S.C. 608(a)(7)(C)) is amended by striking clause (ii) and redesignating clause (iii) as clause (ii).

(2) COMPLIANCE EXCEPTION.—Section 408(a)(7) (42 U.S.C. 608(a)(7)) is amended by adding at the end the following:

''(H) COMPLIANCE EXCEPTION.—In determining the number of months for which an individual has received assistance under the State program funded under this part, the State shall disregard any month throughout which the individual is in compliance with all applicable requirements of the State program.''.

(b) UNIFORM DURATION OF ASSISTANCE.—Section 408(a)(7)(E) (42 U.S.C. 608(a)(7)(E)) is amended to read as follows:

''(E) REQUIREMENT TO PROVIDE ASSISTANCE FOR 5 YEARS.—Notwithstanding section 407(e), a State to which a grant is made under section 403 shall not impose a limitation of fewer than 60 months on the period for which a recipient is eligible for assistance under the State program funded under this part.''.

(c) PROTECTION AGAINST RECESSION.—Section 408(a)(7) (42 U.S.C. 608(a)(7)), as amended by subsection (a)(2) of this section, is amended by adding at the end the following:

''(I) SPECIAL RULES RELATING TO MONTH IN WHICH UNEMPLOYMENT IS HIGH OR HAS INCREASED SHARPLY OVER PRIOR 2 YEARS.—

''(i) CLOCK STOPPED FOR CURRENT RECIPIENTS.—In determining the number of months for which an individual has received assistance under the State program funded under this part, the State shall disregard any month that is a trigger month.

''(ii) TREATMENT OF FORMER RECIPIENTS WHO REACHED TIME LIMIT.—

''(I) NOTICE; DETERMINATION OF ELIGIBILITY.—On the occurrence of a trigger month, the State shall—

''(aa) issue a public notice that a trigger month has occurred; and

''(bb) on request of an individual who had become ineligible for assistance under the State program funded under this part by reason of this paragraph, determine the eligibility of the individual for such assistance as if the individual had received such assistance for 59 months.

''(II) ADDITIONAL MONTH OF ASSISTANCE FOR OTHERWISE ELIGIBLE FORMER RECIPIENTS.—If the individual is so determined to be eligible for such assistance, the State shall, notwithstanding subparagraph (A), provide such assistance to the individual for any month that is a trigger month, but shall not provide such assistance to the individual for any month that is not a trigger month.

''(iii) TRIGGER MONTH.—In this subparagraph, the term 'trigger month' means, with respect to a State, any month for which the unemployment rate of the State—

''(I) is at least 5.5 percent; or

''(II) has increased by the lesser of 50 percent, or 1.5 percentage points, over the lesser of the average rate of total unemployment in the State (seasonally adjusted) for the preceding fiscal year or the average unemployment rate of the State for the 2nd preceding fiscal year.''.

SEC. 308. REQUIREMENT TO PROVIDE NOTICE OF RIGHTS OF RECIPIENTS, AND TRAIN PROGRAM PERSONNEL IN CARRYING OUT PROGRAM CONSISTENT WITH THE RIGHTS.

Section 408(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

''(12) REQUIREMENT TO PROVIDE NOTICE OF RIGHTS OF RECIPIENTS, AND TRAIN PROGRAM PERSONNEL TO CARRY OUT PROGRAM CONSISTENT WITH THE RIGHTS.—A State to which a grant is made under section 403 shall—

''(A) notify each recipient of assistance under the program of the rights of recipients under all laws applicable to the activities of the State program funded under this part, and shall provide the notice—

''(i) to a recipient when the recipient enters the program;

''(ii) to all such recipients on a semiannual basis; and

''(iii) orally and in writing, in the native language of the recipient and at a 6th grade level, and if the native language is not English, a culturally competent translation shall be provided; and

''(B) train all program personnel on a regular basis in how to carry out the program consistent with the rights.''.

SEC. 309. REQUIREMENT TO PROVIDE INFORMATION TO INDIVIDUALS WHO ARE, OR ARE AT RISK OF BEING, SANCTIONED.

Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(13) STATE REQUIRED TO PROVIDE INFORMATION TO INDIVIDUAL WHO HAS BEEN, OR IS AT RISK OF BEING SANCTIONED.—A State to which a grant is made under section 403 shall provide to any individual who has been, or is at risk of being, sanctioned under the State program funded under this part, orally and in writing, at not more than a 6th grade level in the native language of the individual (and if the native language is not English, a culturally competent translation shall be provided), that—

''(A) program requirements may be waived for people dealing with a mental health, disability, substance abuse, domestic violence, or sexual assault issue;

''(B) an individual dealing with a mental health, disability, substance abuse, domestic violence, or sexual assault issue may request (or if the individual has left or been removed from the program, may return to the program and request) to be assessed under the program for services to address those issues, including appropriate treatment, counseling, vocational rehabilitation, job training, or other services; and

''(C) the State is required to keep any such information strictly confidential.''.

SEC. 310. BAN ON COUNTING INCOME, SCHOLARSHIP, OR GIFT RECEIVED BY DEPENDENT MINORS.

Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(14) PROHIBITION ON COUNTING INCOME, SCHOLARSHIP, OR GIFT RECEIVED BY DEPENDENT MINOR.—In determining the eligibility of a family for, and the amount and type of assistance to be provided to a family under, a State program funded under this part, the State shall disregard any income, scholarship, or gift received by a dependent minor child in the family.''.

SEC. 311. BAN ON DIVERSION OF POTENTIAL APPLICANTS FOR ASSISTANCE.

Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(15) BAN ON DIVERSION OF POTENTIAL APPLICANTS FOR ASSISTANCE.—A State may not refuse to accept, at the time of application, an application for assistance from the State program funded under this part, or give an individual reason to believe that, at the time of application, the State will not unconditionally accept such an application from any individual.''.

SEC. 312. PROHIBITION ON REQUIRING RECIPIENTS TO RESPOND TO SURVEYS CONDUCTED TO OBTAIN INFORMATION FOR QUARTERLY REPORTS.

Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(16) PROHIBITION ON REQUIRING RECIPIENTS TO RESPOND TO SURVEYS CONDUCTED TO OBTAIN INFORMATION FOR QUARTERLY REPORTS.—A State to which a grant is made under section 403 shall not penalize an individual under the State program funded under this part by reason of the failure of the individual to respond to a survey conducted to obtain information for use in a report required by section 411(a).''.

SEC. 313. CONFIDENTIALITY OF PROGRAM INFORMATION.

Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(17) CONFIDENTIALITY OF PROGRAM INFORMATION.—A State to which a grant is made under section 403 shall ensure that any information provided by an individual to a State officer or employee for use by the State program funded under this part shall not be disclosed to any other person, except to the extent that the disclosure is necessary to administer the program or is consented to by the individual.''.

SEC. 314. NONDISCRIMINATION.

Section 408(a) (42 U.S.C. 608(a) is amended by adding at the end the following:

''(18) NONDISCRIMINATION.—A State to which a grant is made under section 403 shall ensure equitable treatment of needy families in the State, and shall not discriminate among families based on marital status or applicant or recipient status.''.

SEC. 315. REQUIREMENT TO PROVIDE OPPORTUNITY TO APPEAL ADVERSE DECISION.

Section 408(a) (42 U.S.C. 608(a) is amended by adding at the end the following:

''(19) REQUIREMENT TO PROVIDE OPPORTUNITY TO APPEAL ADVERSE DECISION.—A State to which a grant is made under section 403 shall provide a recipient of assistance under the State program funded under this part with the opportunity to appeal any adverse decision made with respect to the recipient under the program.''.

SEC. 316. CLARIFICATION OF PENALTY FOR FAILURE TO COMPLY WITH INDIVIDUAL RESPONSIBILITY PLAN.

Section 408(b)(3) (42 U.S.C. 608(b)(3)) is amended by striking ''a family that includes''.

SEC. 317. APPLICABILITY OF CIVIL RIGHTS LAWS.

Section 408(d) (42 U.S.C. 608(d)) is amended—

(1) in paragraph (3), by inserting '', or any provision of State law relating to individuals with physical or mental disabilities'' before the 2nd period; and

(2) by adding at the end the following:

''(5) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), or any provision of State law relating to discrimination on the basis of race, color, national origin, religion, gender, sex, parental or marital status, or sexual orientation.

''(6) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621–634), or any provision of State law relating to age discrimination.

''(7) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or any provision of State law relating to discrimination in education.

''(8) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), or any provision of State law relating to labor or to a term or condition of employment.

''(9) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq).

''(10) The National Labor Relations Act (29 U.S.C. 151 et seq.).

''(11) The Railway Labor Act (45 U.S.C. 151 et seq.).

''(12) Any Federal law providing employee protections against discrimination for union activity.

''(13) Any other provision of Federal or State law the purpose of which is to provide or protect a civil right.''.

SEC. 318. ELIMINATION OF SPECIAL RULES RELATING TO TREATMENT OF ALIENS.

(a) AMENDMENTS TO THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.—

(1) Section 401(c)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c)(2)) is amended—

(A) by striking ''or'' at the end of subparagraph (B);

(B) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(D) to any assistance provided under a State program funded under the program of block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act.''.

(2)(A) Section 402(b)(3) of such Act (8 U.S.C. 1612(b)(3)) is amended by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(B) Section 402(b)(2)(A)(ii) of such Act (8 U.S.C. 1612(b)(2)(A)(ii)) is amended by striking ''(C)'' and inserting ''(B)''.

(3) Section 403(c)(2) of such Act (8 U.S.C. 1613(c)(2)) is amended by adding at the end the following:

''(L) Assistance under a State program funded under the program of block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act.''.

(4) Section 423(d) of such Act (8 U.S.C. 1183a note) is amended by adding at the end the following:

''(12) Assistance under a State program funded under the program of block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 408 (42 U.S.C. 608) is amended by striking subsections (e) and (f) and by redesignating subsection (g) as subsection (e).

(2) Section 409(a)(7)(B)(i)(IV) (42 U.S.C. 609(a)(7)(B)(i)(IV)) is amended—

(A) by striking ''part,'' and inserting ''part and''; and

(B) by striking '', and families of aliens lawfully present in the United States that would be eligible for such assistance but for the application of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996''.

TITLE IV—PENALTIES

SEC. 401. INCREASE IN PENALTY FOR FAILURE TO SUBMIT REQUIRED REPORT.

Section 409(a)(2)(A) (42 U.S.C. 609(a)(2)(A)) is amended by striking ''4'' and inserting ''5''.

SEC. 402. REPLACEMENT OF PENALTY AGAINST STATE FOR FAILURE TO COMPLY WITH PATERNITY ESTABLISHMENT AND CHILD SUPPORT ENFORCEMENT REQUIREMENTS WITH PENALTY FOR REQUIRING COOPERATION IN ESTABLISHING PATERNITY OR OBTAINING CHILD SUPPORT (INCLUDING ASSIGNING SUPPORT RIGHTS TO THE STATE) OR FAILING TO RETURN SUPPORT RIGHTS ASSIGNED TO THE STATE.

Section 409(a)(5) (42 U.S.C. 609(a)(5)) is amended to read as follows:

''(5) PENALTY FOR REQUIRING COOPERATION IN ESTABLISHING PATERNITY OR OBTAINING CHILD SUPPORT (INCLUDING ASSIGNING SUPPORT RIGHTS TO THE STATE) OR FAILING TO RETURN SUPPORT RIGHTS ASSIGNED TO THE STATE.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated paragraph (2) or (3) of section 408(a) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 403. EXTENSION OF MAINTENANCE OF EFFORT REQUIREMENT.

Section 409(a)(7)(A) (42 U.S.C. 609(a)(7)(A)) is amended by striking ''or 2003'' and inserting ''2003, 2004, 2005, 2006, 2007, or 2008''.

SEC. 404. PENALTY FOR FAILURE OF STATE TO COMPLY WITH CHILD SUPPORT DISREGARD REQUIREMENTS.

Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

''(15) PENALTY FOR FAILURE TO COMPLY WITH CHILD SUPPORT DISREGARD REQUIREMENTS.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(4) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 405. PENALTY FOR PENALIZING BIRTH OF CHILD.

Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

''(16) PENALTY FOR PENALIZING BIRTH OF CHILD.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(5) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 406. PENALTY FOR FAILURE TO NOTIFY RECIPIENTS OF RIGHTS, OR TRAIN PROGRAM PERSONNEL IN RESPECTING RIGHTS OF RECIPIENTS.

Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

''(17) PENALTY FOR FAILURE TO NOTIFY RECIPIENTS OF RIGHTS, OR TRAIN PROGRAM PERSONNEL IN RESPECTING RIGHTS OF RECIPIENTS.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(12) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 407. PENALTY FOR FAILURE TO PROVIDE INFORMATION TO INDIVIDUALS WHO ARE, OR ARE AT RISK OF BEING, SANCTIONED.

Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

''(18) PENALTY FOR FAILURE TO PROVIDE INFORMATION TO INDIVIDUAL WHO HAS BEEN, OR IS AT RISK OF BEING SANCTIONED.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(13) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 408. PENALTY FOR COUNTING INCOME, SCHOLARSHIP, OR GIFT RECEIVED BY DEPENDENT MINOR.

Section 409(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

''(19) PENALTY FOR COUNTING INCOME, SCHOLARSHIP, OR GIFT RECEIVED BY DEPENDENT MINOR.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(14) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 409. PENALTY FOR DIVERTING POTENTIAL APPLICANT FOR ASSISTANCE.

Section 409(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(20) PENALTY FOR DIVERTING POTENTIAL APPLICANT FOR ASSISTANCE.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(15) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 410. PENALTY FOR REQUIRING RECIPIENT TO RESPOND TO SURVEY CONDUCTED TO OBTAIN INFORMATION FOR QUARTERLY REPORT.

Section 409(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(21) PENALTY FOR REQUIRING RECIPIENT TO RESPOND TO SURVEY CONDUCTED TO OBTAIN INFORMATION FOR QUARTERLY REPORT.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(16) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 411. PENALTY FOR UNAUTHORIZED DISCLOSURE OF INFORMATION PROVIDED BY RECIPIENT.

Section 409(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(22) PENALTY FOR UNAUTHORIZED DISCLOSURE OF INFORMATION PROVIDED BY RECIPIENT.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(17) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 412. PENALTY FOR DISCRIMINATION.

Section 409(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(23) PENALTY FOR DISCRIMINATION.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(18) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 413. PENALTY FOR FAILURE TO PROVIDE OPPORTUNITY TO APPEAL ADVERSE DECISION.

Section 409(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(24) PENALTY FOR FAILURE TO PROVIDE OPPORTUNITY TO APPEAL ADVERSE DECISION.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(19) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 414. PENALTY FOR FAILURE TO COMPLY WITH MINIMUM BENEFIT RULES.

Section 409(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(25) PENALTY FOR FAILURE TO COMPLY WITH MINIMUM BENEFIT RULES.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 417 during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 415. PENALTY FOR FAILURE TO PROVIDE INDIVIDUAL CHILD CARE ENTITLEMENT.

Section 409(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(26) PENALTY FOR FAILURE TO PROVIDE INDIVIDUAL CHILD CARE ENTITLEMENT.—Effective January 1, 2005, if the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 418(b) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 416. FAILURE TO SUBMIT REPORT ON WELFARE ACCESS AND OUTCOMES.

Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

''(27) FAILURE TO SUBMIT REPORT ON WELFARE ACCESS AND OUTCOMES.—If the Secretary determines that a State has not, within 45 days after the end of a fiscal year, submitted the report required by section 411(c) for the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

SEC. 417. ELIMINATION OF REASONABLE CAUSE EXCEPTION.

Section 409 (42 U.S.C. 609) is amended by striking subsection (b).

SEC. 418. MODIFICATION OF AVAILABILITY OF CORRECTIVE COMPLIANCE PLAN OPTION.

Section 409(c)(4) (42 U.S.C. 609(c)(4)) is amended to read as follows:

''(4) LIMITATION ON OPPORTUNITY TO SUBMIT CORRECTIVE COMPLIANCE PLAN.—The preceding provisions of this subsection shall not apply with respect to a violation of a provision of this part by a State if the State has violated the provision on 2 or more prior occasions.''.

SEC. 419. REPEAL OF BAN ON ASSISTANCE FOR PERSONS CONVICTED OF A DRUG FELONY.

Section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 862a) is repealed.

TITLE V—STUDIES AND REPORTS

SEC. 501. ADDITIONAL INFORMATION TO BE INCLUDED IN QUARTERLY STATE REPORTS.

Section 411(a) (42 U.S.C. 611(a)) is amended—

(1) in paragraph (1)(A)—

(A) in each of clauses (vii) and (viii) by striking ''race' and inserting ''race, gender,'';

(B) in clause (xi)(I), by inserting '', broken down by education level'';

(C) by striking clause (xvi) and redesignating clause (xvii) and clause (xvi); and

(D) by adding at the end the following:

''(xvii) The amount (if any) of child support collected on behalf of any individual in the family, the amount (if any) of any such collected support that has been distributed to any such individual, and the amount (if any) of such distributed support that has been disregarded pursuant to section 408(a)(4).

''(xviii) The number of families receiving child care assistance under section 418.

''(xix) With respect to sanctions imposed under the program, the following information broken down by race and gender:

''(I) The number of families against whom a sanction is in effect.

''(II) The number of times sanctions have been imposed.

''(III) The reasons for imposition of sanctions.

''(IV) The percentage of sanction determinations that have been reviewed.

''(V) The percentage of reviewed sanction determinations that have been reversed.

''(VI) The number of families leaving the program as a result of sanctions.

''(xx) The number of families who have returned to the program after having left the program, and the length of the intervening period.

''(xxi) The percentage of families who report having been notified of the option to be assessed for and receive services to manage a barrier to escaping poverty.''; and

(2) by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following:

''(7) REPORT ON TRAINING.—The report required by paragraph (1) for a fiscal quarter shall include a statement of the percentage of caseworkers, supervisors, and new employees who received training to carry out the State program funded under this part during the quarter.''.

SEC. 502. ELIMINATION FROM SECRETARIAL REPORT TO THE CONGRESS OF INFORMATION ON OUT-OF-WEDLOCK PREGNANCIES.

Section 411(b)(1)(B)(ii) (42 U.S.C. 611(b)(1)(B)(ii)) is amended by striking ''out-of-wedlock pregnancies and''.

SEC. 503. ACCESS TO WELFARE; WELFARE OUTCOMES.

Section 411 (42 U.S.C. 611) is amended by adding at the end the following:

''(c) ANNUAL REPORTS ON WELFARE ACCESS AND OUTCOMES.—

''(1) STATE REPORTS.—Not later than January 1 of each fiscal year, each eligible State shall collect and report to the Secretary, with respect to the preceding fiscal year, the following information:

''(A) The number of applications for assistance from the State program funded under this part, the percentage that are approved versus those that are disapproved, and the reasons for disapproval, broken down by race.

''(B) A copy of all rules and policies governing the State program funded under this part that are not required by Federal law, and a summary of the rules and policies, including the amounts and types of assistance provided and the types of sanctions imposed under the program.

''(C) The types of occupations of, types of job training received by, and types and levels of educational attainment of recipients of assistance from the State program funded under this part, broken down by gender and race.

''(D) The incidence of homelessness, of the use of food pantries and soup kitchens, and of the use of shelters among recipients of assistance from the State program funded under this part and among individuals to whom assistance under the State programs funded are this part has ended within the past 12 months. The information described in this subparagraph may be provided by submitting disaggregated case record information on a sample of families.

''(E) The number of individuals to whom assistance under the State program funded under this part has ended during the year, broken down by the reasons why the assistance has ended (including employment, marriage, sanction, time limit, or State policy.

''(F) The economic conditions of individuals to whom assistance under the State programs funded are this part has ended, including the types of occupations of, the duration of employment of, the income of, the benefits provided to, the types of job training received by, the types and levels of educational attainment of, and the incidence of homelessness, of the use of food pantries or soup kitchens, and of the use of shelters among, such individuals, broken down by gender and race.

''(G) The effects of applying the 5-year time limit to individuals who, in the absence of the limit, would continue to be eligible for assistance from the State program funded under this part, including the economic and social circumstances of the individuals, including income, employment, homelessness, use of food pantries or soup kitchens, and change in child custody arrangements.

''(2) USE OF SAMPLING.—A State may comply with this subsection by using a scientifically acceptable sampling method approved by the Secretary.

''(3) REPORT TO THE CONGRESS.—Not later than June 1 of each fiscal year, the Secretary shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, publish in the Federal Register, and make available to the public a compilation of the reports submitted pursuant to paragraph (1) for the preceding fiscal year.''.

SEC. 504. ASSESSMENT OF REGIONAL ECONOMIES TO IDENTIFY HIGHER ENTRY LEVEL WAGE OPPORTUNITIES IN INDUSTRIES EXPERIENCING LABOR SHORTAGES.

Section 411 (42 U.S.C. 611) is further amended by adding at the end the following:

''(d) ASSESSMENT OF REGIONAL ECONOMIES TO IDENTIFY HIGHER ENTRY LEVEL WAGE OPPORTUNITIES IN INDUSTRIES EXPERIENCING LABOR SHORTAGES.—

''(1) IN GENERAL.—An eligible State shall conduct annually an assessment of its regional economies that are experiencing a labor shortage and that provide higher entry-level wage opportunities for job seekers pursuant to section 402(a)(8).

''(2) MATTERS TO BE ASSESSED.—

''(A) LABOR MARKET.—The assessment shall—

''(i) identify industries or occupations that have or expect to grow, that have or expect a loss of skilled workers, or that have a need for workers;

''(ii) identify the entry-level education and skills requirements for the industries or occupations that have or expect a need for workers; and

''(iii) analyze the entry-level wages and benefits in identified industries or occupations.

''(B) JOB SEEKERS.—The assessment shall create a profile of the characteristics of the unemployed and underemployed residents of the State, including educational attainment, barriers to employment, geographic concentrations, self-sufficiency needs, and access to needed support services.

''(C) EDUCATION AND TRAINING INFRASTRUCTURE.—The assessment shall create a profile of the education, training, and support services in place in the State to prepare workers for the industries or occupations identified pursuant to subparagraph (A).

''(D) ALIGNING INDUSTRIES AND JOB SEEKERS.—The assessment shall compare the characteristics of the industries or occupations identified pursuant to subparagraph (A) to the profile of the job seekers in the State and the profile of the education and training infrastructure in the State.

''(3) SHARING OF INFORMATION WITH LOCALITIES.—The State shall share with the political subdivisions of the State information obtained pursuant to this subsection regarding higher entry-wage job opportunities in industries experiencing labor shortages, and information regarding opportunities for collaboration with institutions of higher education, community-based organizations, and economic development and welfare agencies.

''(4) REPORTS OF ASSESSMENT OF REGIONAL ECONOMIES.—Each eligible state shall submit to the Secretary annually a report hat contains the annual assessment conducted pursuant to this subsection.''.

SEC. 505. RESEARCH, EVALUATIONS, AND NATIONAL STUDIES.

Section 413 (42 U.S.C. 613) is amended—

(1) in subsection (a), by striking the 2nd sentence;

(2) in subsection (b)—

(A) in the subsection heading by striking ''WELFARE DEPENDENCY'' and inserting ''POVERTY''; and

(B) in paragraph (1), by striking ''welfare dependency'' and inserting ''poverty'';

(3) by striking subsections (d), (e), (g), and (j);

(4) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking welfare dependency'' and inserting ''poverty''; and

(ii) in subparagraph (C), by striking ''(f)'' and inserting ''(d)''; and

(B) by adding at the end the following:

''(4) TECHNICAL ASSISTANCE IN ASSESSING REGIONAL ECONOMIES.—

''(A) IN GENERAL.—The Secretary may provide technical assistance to an eligible State to enable the State to conduct the assessments required by section 411(d).

''(B) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For the cost of providing technical assistance under subparagraph (A), there are authorized to be appropriated to the Secretary not more than $1,500,000 for each of fiscal years 2003 through 2008.'';

(5) in subsection (i)—

(A) in paragraph (1), by adding at the end the following: ''The statement shall include detailed information on the depth of child poverty in the State.''; and

(B) in paragraph (5), by inserting ''and the depth of child poverty'' before ''in the State''; and

(6) by redesignating subsections (f), (h), and (i) as subsections (d) through (f), respectively.

SEC. 506. STUDY BY THE CENSUS BUREAU.

Section 414(a) (42 U.S.C. 614(a)) is amended by striking all that follows ''low-income families'' and inserting a period.

TITLE VI—WAIVERS

SEC. 601. WAIVERS.

Section 415(a) (42 U.S.C. 615(a)) is amended in each of paragraphs (1)(A) and (2)(A) by striking ''(determined without regard to any extensions)''.

TITLE VII—REPEAL OF LIMITATION ON FEDERAL AUTHORITY.

SEC. 701. REPEAL OF LIMITATION ON FEDERAL AUTHORITY.

Section 417 (42 U.S.C. 617) is repealed.

TITLE VIII—MINIMUM BENEFIT RULES

SEC. 801. MINIMUM BENEFIT RULES.

Part A of title IV (42 U.S.C. 601–619), as amended by section 701 of this Act, is amended by inserting after section 416 the following:

''SEC. 417. MINIMUM BENEFIT RULES.

''(a) IN GENERAL.—After taking into account all costs of living and family size in each State with a program funded under this part, the Secretary shall, by regulation, prescribe a minimum cash benefit in accordance with subsection (b), which shall be payable by the State to each recipient of assistance under the program.

''(b) LIMITATION.—The minimum cash benefit prescribed for a family under subsection (a) shall be an amount that is not less than the sum of the poverty line applicable to the family, plus the amount (if any) by which the housing costs of the family exceeds 30 percent of the poverty line applicable to the family.''.

TITLE IX—CHILD CARE

SEC. 901. INDIVIDUAL ENTITLEMENT TO CHILD CARE.

Section 418 (42 U.S.C. 618) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) USE OF FUNDS TO PROVIDE INDIVIDUAL ENTITLEMENT TO CHILD CARE.—A State to

which a grant is made under this section shall use the grant, without fiscal year limitation, only to guarantee safe, appropriate, affordable, and quality care for any child of (or with respect to whom any of the following is acting as a caretaker relative)—

''(1) any recipient of assistance under the State program funded under this part who is employed or participating in a work activity required pursuant to this part (except for full-time participation in a work activity described in section 407(d)(12)); and

''(2) any other employed individual who is a member of a family whose income is less than 250 percent of the poverty line and who, during the past 24 months, ceased to receive assistance under any State program funded under this part.''; and

(2) in subsection (c), by inserting '', but subject to subsection (b) of this section'' after the 1st comma.

TITLE X—DEFINITION OF POVERTY LINE

SEC. 1001. DEFINITION OF POVERTY LINE.

Section 419 (42 U.S.C. 619) is amended by adding at the end the following:

''(6) POVERTY LINE.—The term 'poverty line' has the meaning given the term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section applicable to a family of the size involved.''.

TITLE XI—SERVICE PROVIDERS

SEC. 1101. PROTECTION FOR BENEFICIARIES.

Section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a) is amended—

(1) in subsection (e), by striking ''RIGHTS OF BENEFICIARIES OF ASSISTANCE'' and inserting ''PROTECTION FOR BENEFICIARIES''; and

(2) by adding at the end the following:

''(l) NO DISCRIMINATION IN HIRING WITH TAXPAYER DOLLARS.—Sections 702 and 703(e)(2) of the Civil Rights Act of 1964 shall not apply to a nongovernmental organization that receives funds under a program described in subsection (a)(2) of this section with respect to an individual who provides, or would provide, services funded in whole or in part under such a program, or individuals whose employment is, or would be, funded in whole or in part under such a program.

''(m) BENEFICIARY RIGHTS.—A nongovernmental organization that receives funds under a program funded under subsection (a)(2) may not, in providing services funded in whole or in part under such a program or engaging in outreach activities for services funded in whole or in part under such a program—

''(1) discriminate against a program beneficiary or prospective beneficiary on the basis of religion or religious belief; or

''(2) include sectarian worship, instruction or proselytization in such a program, or require or coerce a beneficiary to participate in, or be present for, sectarian worship, instruction or proselytization.''.

TITLE XII—EFFECTIVE DATE

SEC. 1201. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act shall take effect on April 1, 2003.

The CHAIRMAN pro tempore. Pursuant to House Resolution 69, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 20 minutes.

Mr. BOEHNER. Mr. Chairman, I claim the time in opposition to the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. BOEHNER) will be recognized for the time in opposition and will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I am here to offer an amendment in the form of a substitute to H.R. 4. I am offering the Patsy Mink Memorial TANF Reauthorization Act with my colleagues, the gentlewoman from California (Ms. LEE), the gentleman from Massachusetts (Mr. MCGOVERN), the gentleman from California (Mr. LANTOS), the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the gentleman from Illinois (Mr. DAVIS), the gentlewoman from the District of Columbia (Ms. NORTON), the gentlewoman from California (Ms. MILLENDER-MCDONALD), the gentlewoman from Michigan (Ms. KILPATRICK), the gentleman from New York (Mr. OWENS), and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Throughout her life, Patsy Mink was a dedicated advocate for women, children and families everywhere. She was a seasoned policymaker who targeted failings in the status quo with real solutions.

As a speaker at a conference on poverty, Patsy criticized TANF restrictions on education saying, ''Right now we cut welfare recipients off from education and job training after only 1 year. It is like saying that all poor mothers are worth are minimal schooling and skills and minimal wages.'' Patsy Mink said, ''We need to treat women on welfare the same way we treat all women, with respect, dignity and rights we all cherish for ourselves.''

Well, the Mink substitute does just that. It provides real opportunities for families in poverty and backs every provision with adequate time and funding. TANF's current work requirements tell the poor, get a job, any job, regardless of what it pays.

The Mink substitute allows recipients to prepare themselves and earn the qualifications so that they can get a living-wage job and permanently move out of poverty. It ensures that recipients are screened by trained professionals and have access to treatment for domestic violence, substance abuse or disabilities.

The Mink substitute lifts the time limits on education and removes State caps on the number of people pursuing education. This will mean that people can earn a degree instead of taking a couple of classes. It expands the definition of work to include all kinds of education. This ensures recipients can build the qualifications they need. In the last year, industries that have placed more than half of TANF recipients have reduced job openings, and this is in areas like retail and service industries, for example, by 20 percent.

Low-income women face an unemployment rate of 12.3 percent. TANF recipients need the time and opportunity to build new skills; otherwise, there will not be a job for them to go to.

When people find a job, they need adequate work supports so they can continue working. The Mink substitute guarantees child care to TANF recipients who are engaged in a work activity and for 2 years to those who leave TANF if their income is below 250 percent of poverty. It also provides $20 billion in mandatory child care funding which will provide child care for an additional 2 million children. There is no reason to support anything less than the necessary amount. If we demand that all mothers go to work, we must provide them with the same opportunities to do so.

Today, on the floor, I have heard a lot of my colleagues say that TANF is successful and that it is working. I hope that for the sake of this country my colleagues would understand that this is 2003, not 2000, and that the people of this Nation are experiencing a serious recession.

□ 1330

Our government from the Census Bureau to the Department of Labor has reported increasing figures of poverty, unemployment, TANF caseloads, and requests for emergency food and shelter for the last 2 years. We cannot bury our heads in the sand and call it compassion.

The truth is TANF, as a safety net program, is not working. The economy was working a few years ago; now it is not. Now we need a safety net, and those in poverty need better opportunities. The Mink bill recognizes this reality.

In talking about her life and legacy, Patsy Mink once said, ''My career in politics has been a crucible of challenges and crises where in the end the principles to which I was committed prevailed.'' It is my hope that Patsy is right and that the principles of equality, justice, and opportunity prevail with the passage of this legislation.

Support the Mink substitute. Celebrate her life and her purpose by supporting the Mink substitute.

Mr. Chairman, I reserve the balance of my time.

Mr. BOEHNER. Mr. Chairman, I yield myself such time as I may consume.

For our colleagues who have listened to the debate today on the reauthorization of H.R. 4, the welfare reform law, I probably do not have to remind my colleagues that the sounds of the debate, the points that have been made, were all made in 1996. Members on our side of the aisle and, frankly, half the Members on the Democrat side of the aisle who supported the 1996 welfare reform law were confident that we could help move people from a life of dependency, despair and hopelessness to a life where they do have hope, they do have opportunity and can move into the mainstream of American society.

As my colleagues have seen over the course of this debate, the 1996 welfare reform law has been a tremendous success, even to the point where the New York Times called it an obvious success.

The substitute that is before us today undermines every major 1996 welfare reform law improvement, reversing recent historic gains in work, independence, family flexibility and in funding. I think it hurts our most vulnerable recipients. I think we create a costly new entitlement with the substitute that we have before us. It undermines work requirements and goes back and creates the same kind of dependency that we saw prior to 1996.

Yes, work is not something that most people would prefer to do, but the most important thing we did in 1996 was to encourage people to work, to encourage them to put their foot on the first rung of the economic ladder, and we agreed that we would provide assistance to help them up that ladder, whether it was transportation, whether it was child care, education, training to help them along while allowing them to keep their government-paid medical insurance; and what the program being offered here as a substitute to our bill would do would be to create the same kind of dependency.

People would leave work and go back to welfare under the proposal that we have before us because one of the provisions in the substitute says that if a person is not earning at least 250 percent above the average poverty rate, they are entitled to go back on to TANF. There are a lot of working Americans and hard-working Americans who do not earn 250 percent above the poverty rate.

We do not want to create the kind of dependency that we had before. We have a great success. There is no reason to turn tail and throw in the towel when, in fact, we have helped 9 million American families move from welfare to work, increased their dignity and gave them the hope of a lifetime to be in the mainstream of American society.

We should reject the substitute offered by my colleague from Ohio.

Mr. Chairman, I reserve the balance of my time.

Mr. KUCINICH. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LEE) because she understands that the poor depend on Members of Congress to reduce poverty and reduce unemployment.

Ms. LEE. Mr. Chairman, I thank the gentleman from Ohio (Mr. KUCINICH) for his leadership and for his sponsorship and cosponsorship of this amendment.

First, Mr. Chairman, let me just say today we are offering this Mink substitute amendment not only as a tribute to our dear friend and former colleague, Congresswoman Patsy Mink, but also as the real comprehensive reauthorization alternative to the underlying Republican bill before us today.

I want to first send a special hello and a thank you to Patsy Mink's daughter Wendy who really helped craft the legislation; and I am delighted, as I know Patsy would be, that so many of her colleagues, I believe we have, what, close to a hundred, 105 colleagues have cosponsored this amendment today and are here to support it.

Mr. Chairman, Patsy Mink recognized that the real way we measure the success of welfare reform is to look at the quality of a family's life after they have left welfare. Patsy would ask, Are the families earning sufficient funds to really take their families out of poverty? Are they becoming self-sufficient? Today, the answer to that question is no, but we have the chance with this amendment to change the answer to that question by adopting the Mink substitute. In doing so, we would provide people on welfare the chance to get the education and the training they need, the child care that they need, and the time that they need to pull their families out of poverty.

Mr. Chairman, the Mink substitute provides strong poverty-alleviation provisions that would also take the country, our country, in the right direction in eliminating the racial and economic disparities that plague the current system.

A recent study conducted by the National Association of Social Workers found that black applicants were more likely than white applicants to be subjected to preemployment tests, that 55 percent of African American applicants were interviewed for 5 minutes or less while white applicants had interviews of 10 minutes or longer. Former white recipients earned significantly higher wages than African Americans and Hispanics. So this bill puts us in the right direction to end those outrageous economic and racial disparities.

Mr. Chairman, I have some personal experience with what we are talking about. I know education must be counted toward the work requirement, as this bill does. Had I been forced to drop out of college while on public assistance, I probably would not be here today. So I feel very responsible for protecting that same chance for other people who are striving toward the same goal.

That is why I urge all of my colleagues to support this amendment. The vital changes to the law that it contains have, really, the very awesome power to lift many out of poverty so that they can succeed at whatever careers they choose, even the United States Congress.

Specifically, this amendment adjusts the current block grant amount for inflation for future years and increases the child care development block grant by $20 billion over the next 5 years. It retains the current work requirement at 30 hours a week while removing the 12-month time limit for education, which is so important.

Also, the Mink amendment includes legal, mind you legal, immigrants who currently go off and fight for our country but cannot receive these vital benefits. That is wrong. That is wrong. We must correct that, Mr. Chairman.

Patsy Mink said it has always been the high principle of Congress to say families count first, the responsibilities of families to nurture their own children. She said, We want to put them at the top, as the emphasis of this new authorization should be, caring for children, allowing parents to stay home to care for their small children and giving them support to build their families' economic future through education. Patsy said that education must count and be equivalent to work.

I want to close by remembering our beloved Congresswoman Patsy Mink. She had a vision and we must remember her vision today. She had a real vision that is detailed in this legislation. This amendment does provide a voice for the voiceless, empowerment and self-sufficiency for the poor, and a chance at education, building strong families and a better life. It is truly about family values, Mr. Chairman.

So I urge a ''yes'' on the Mink substitute, which is the Kucinich-Lee-McGovern and Lantos amendment.

Mr. BOEHNER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), one of the real promoters of the original 1996 welfare reform law.

Mr. ENGLISH. Mr. Chairman, I want to thank the chairman for giving me the time.

Today, I stand in support of H.R. 4, which is a clear and consistent effort to improve upon the landmark welfare reform law that we enacted when I was a freshman in 1996. As I have stood here listening to this debate, the arguments I have heard have oddly echoed those arguments, and yet the matter is settled. Clearly welfare reform has been successful.

Since we overhauled this country's failed welfare system, some 3 million children have risen out of poverty. That is pro-family. According to the U.S. Department of Agriculture, the number of American children experiencing hunger has plummeted to half of its number in 1995. In all, 3.5 million fewer Americans live their lives in poverty than in 1995.

This is the most successful social experiment of the 20th century, and yet here we are today listening to the left arguing still against welfare reform. They are attempting to turn back the clock, and I urge my colleagues to vote against this awful amendment in the nature of a substitute.

These critics argue that welfare reform is not responsible for the decrease in poverty today, that instead the economy is solely responsible for these changes. Yet they ignore the fact that in the past the economy has risen but welfare rolls had risen before welfare reform; and since welfare reform, despite the Clinton recession starting in the last two quarters of that administration, welfare rolls have continued to drop. Yet some 2 million recipients remain dependent on welfare assistance, and many still do not participate in worker-training programs.

In response, we are poised today to pass a reauthorization of welfare reform boosted by tougher work requirements and reinvigorated work incentives for States and welfare recipients.

I want to draw my colleagues' attention to one specific provision called ''full-check sanction.'' This provision establishes a tough, consistent penalty for those welfare recipients who decline to participate steadily in the workforce. Contrary to the negative predictions of welfare reform's opponents, this provision, where it has been tried, has worked exceptionally well.

A study by former Clinton administration economist Rebecca Blank reveals that these States ''show consistently higher income gains among poor children throughout the income distribution than do States with lenient penalties.''

I am proud to note that by including this provision in today's bill we will soon apply full-check sanctions to welfare recipients throughout America. Full-check sanctions, marriage promotion, and other enhancements will only make welfare reform more effective. Stronger welfare reform means less dependence and more economic independence for the poor of America.

Mr. KUCINICH. Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentlewoman from California (Ms. LEE) for purposes of continuing this debate.

The CHAIRMAN pro tempore (Mr. KOLBE). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Ms. LEE. Mr. Chairman, I yield 2 minutes and 10 seconds to the gentlewoman from New York (Ms. VELÁZQUEZ), a great leader on many issues, our ranking member on the Committee on Small Business.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to congratulate both the gentleman from Ohio (Mr. KUCINICH) and the gentlewoman from California (Ms. LEE) on this important amendment.

I rise today in strong opposition to H.R. 4. In 1996, we passed what was wrongly termed ''landmark legislation'' that would end welfare as we know it. Over the past several years, our Nation's poor and working families have survived, not because of the strong safety net, but because of a strong economy.

With the economy in recession and States facing record deficits, we need welfare reform now more than ever.

□ 1345

To hear the President speak, you think he would agree.

Recently the President said, ''Welfare reform, to me, means liberation from dependency. It means we realize each person matters, and if we can help people find work, it means dignity.'' Great rhetoric. I do not know what proposal he has been looking at, because today's proposal does nothing to promote dignity.

This proposal is about victimizing the poor. This bill is so bad in so many ways I do not even know where to start: lack of funding for child care, increased work requirements, discrimination against immigrants. But what it is most about, unfortunately, is a lost opportunity.

A major shortcoming of the welfare reform system is that it fails to effectively and creatively use our number one job creator, small business. The current system is so confusing and bureaucratic that both small businesses and welfare recipients simply give up out of sheer frustration. This leaves welfare recipients without jobs and small businesses without employees.

But today's vote is also about mixed-up priorities. Just imagine if we had taken the more than $300 billion for the Bush dividend tax cut and instead put it towards training and tax credits for small businesses that give welfare recipients jobs. Think of the economic power as small businesses expand and we gain a whole new group of consumers.

Once again, tax breaks for the wealthy is more important than dignity for the poor. That is a real shame. Vote ''no'' on H.R. 4 and support the Lee-Kucinich amendment.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, it is a pleasure to rise in support of H.R. 4 and the wonderful work that has been done in welfare reform over the past several years.

Coming from a State legislative body and working on this issue in my State, I know how difficult it has been for us to get relief from some of the Federal rules, and I really commend our chairmen and those who have worked tirelessly to loosen those rules so that we can continue to pull more children from poverty and create environments where those children and their families can dream big dreams and have wonderful adventures in life.

I also want to commend the chairman and the committee that has worked on this. What we are doing in the bill we have before us is to address the needs in alternative child care, making it easier for us to provide child care for second- and third-shift workers so that those moms and dads can go and work and be productive in their jobs knowing that their children have a safe environment.

Ms. LEE. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. OWENS), a great educator and Mr. Education, as we call him.

Mr. OWENS. Mr. Chairman, I rise in support of what we call the Mink substitute.

I miss the voice of Patsy Mink ringing in my ears. I used to be reminded when she talked of the quote from Shakespeare's King Lear, ''Fool me not to bear it tamely; touch me with noble anger.'' She was always full of anger about the great swindle of this welfare reform bill, about the denial of education opportunities, about the insistence that we pay the lowest rates and we allow the States to squirrel away whatever they save.

There is a standard that compassionate America has already created. If we look at the amount of money received per child in the survivor's benefits program when a Social Security recipient dies and their children receive benefits, it averages out to a child receiving $558 a month. One child receives $558 a month, or $6,706 a year.

In the welfare programs, we have pushed it down to that of the great model, which was Wisconsin, which was giving a family of three less than $500 a month. A family of three was receiving less than $500 a month. This, they say, is progress.

We are taking the children, and it is for our children, and giving them the minimum. And I do not understand why we declare it such a great success.

The food pantries, the soup kitchens in my district and in New York in general are overwhelmed with the number of people who are there now. Homelessness is greater than ever before. Half the people eligible for food stamps are not receiving them because of the hostility in the way the program was administered under Giuliani. In an attempt to save money they have thrown the whole thing out of kilter. And those who could qualify are not even bothering to try anymore.

So here we are in a situation that, despite all this emphasis on not a welfare check, but get a job, it is a situation where the only subsidy the U.S. approves of are farm subsidies, where a farm or agriculture business is eligible for as much as $270,000 per year in subsidies, which is a handout. It is a handout. Yet we want to reduce the family of three down to less than $500 a month and then call that a success. And then we will not allow them to get an education in order to be able to fill the jobs that are available.

There is a nursing shortage in America. If my colleagues have not heard about it, I do not know where they have been. There is a nursing shortage. Many of the women whose children are on welfare, if they had the opportunity to get the proper education, would qualify for those jobs. But we do not allow that. We do not allow them to go to junior college or college, and accept that as legitimate. It is an easy way, and anybody with common sense would realize, that the easiest way to move a person off welfare and into a decent job would be through the education system. But that is not allowed.

Mrs. Mink said this is part of a great swindle. The governors are able to take the money they save and put it into a slush fund, in their petty cash drawers. We are swindling from the poor in order to take care of the local budget-balancing problems.

Mr. ISAKSON. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I thank my friend from Georgia for yielding me this time, and I want to commend the gentleman from Ohio (Mr. BOEHNER) in his efforts with this.

And I rise completely opposed to this amendment, which is basically a masquerade to go back to the days of old when you could stay in school forever. You could not take a job unless it paid just the amount you wanted, even though many people take jobs right at the poverty line or just above. They work hard and they pay their taxes. But, no, this bill would enable them to stay and say, oh, I do not want that job, it does not pay quite enough. The way an individual moves up in the workplace is to get an entry level job and ask, how do I move to the next level, get training to move to the next level? It is not going to college forever; it is focused.

But I rise as chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform to object to another provision of this. This goes back to the old days again, where we say people who take tax dollars from hard-working Americans, many who are struggling along the poverty line, who chose to work rather than take welfare and follow the laws, that this bill would say, if you are convicted of a drug crime, you are still entitled to the money from those who have been working, from those who have been following the laws.

We made a change, partly because countries around the world say, America, you are not focused. They say, America, you are not really trying to get rid of drug use in your country. You are letting it spread around the world and cause problems elsewhere.

Here is a bill where we were making progress, just like in other areas, and this amendment would repeal it. It would say, hard-working taxpayers, follow the law, but you do not have to if you are on welfare.

Mr. ISAKSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I rise in opposition to the Kucinich amendment in the nature of a substitute and in support of H.R. 4.

Mr. Chairman, quality of life is much more than having food and shelter. The amendment would simply provide food and shelter. It would provide some assistance similar to what we provide in H.R. 4; however, it does not provide the incentive that people need, the incentive to move from welfare to a productive and free life.

The American dream, Mr. Chairman, is that dream to be able to provide for one's family, to be able to dream and achieve dreams of success in the future, to raise one's children, to be able to achieve the next step on the economic ladder. H.R. 4 provides this.

We have helped so many already. This reauthorization is necessary to continue to help those who have been dependent. They have secured more than the basics of life. They have been educated. They have achieved. Children have now seen a wonderful example to move forward in the United States and achieve a higher standard of living, that sense of accomplishment. They have received education.

We provide in H.R. 4 more child care at different kinds of times so that those who are working and who have that grit and want to succeed will be assisted in doing so. It also provides them with health care for that first year where they may not be able to get a job that provides health care. Our goal here, Mr. Chairman, is to raise people from poverty. We have succeeded with 3 million children already.

We need to reauthorize welfare reform, as H.R. 4 does, and reject the Kucinich amendment.

Ms. LEE. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MCGOVERN.)

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I rise in support of the Kucinich-Lee-McGovern-Lantos substitute and remind my colleagues that welfare reform is about lifting people out of poverty.

Mr. Chairman, I rise in support of the Kucinich-Lee-McGovern-Lantos amendment. This amendment, dedicated to the late Congresswoman Patsy Mink, is a strong substitute that will change the course of welfare as we know it, and, in the process, help millions of Americans leave welfare for good.

The 1996 welfare reform bill did what it was designed to do—trim the welfare rolls. Low-income people who received cash assistance left welfare because they were able to find jobs and because the economy was good.

Others left welfare because their benefits expired. But the goal of trimming the welfare rolls was reached, allowing some to claim welfare reform has been fully successful.

But I believe this law should do more than just trim the welfare rolls. The goal of the welfare program should be to help low-income individuals achieve true self-sufficiency. Welfare should enable low-income individuals and families to pursue the training and education they need to get good jobs so they can leave public assistance permanently and provide economic security for their families.

The Kucinich-Lee-McGovern-Lantos amendment will achieve this goal.

Look at the details. The extra $2 billion for child care included in the Republican bill is simply not enough to provide for adequate child care for parents. Our amendment would provide $20 billion more for child care—an increase of $18 billion over the Republican proposal.

Additionally, the current work requirements would be maintained, so people could continue to receive assistance while they train for a job that will keep them off welfare. And under this substitute, legal immigrants—people who pay taxes and fight in our armed forces—would be eligible for help.

This body has the moral obligation to provide a safety net for the people of this country who need one. We cannot forget about the low-income people in this country, especially in this time of economic uncertainty.

States across the country are facing record budget deficits, and in the process are slashing programs like Medicaid and other social services. Now, more than ever, the Federal Government must provide for those people who need help.

Members of this body only have to look to the gentlewoman from California, Ms. WOOLSEY, to see what happens when a mother on welfare can get the child care she needs. Yesterday, Ms. WOOLSEY testified before the Rules Committee.

She told the Committee that she wouldn't be here today as a member of this House if it weren't for welfare and for her mother, who took care of her children while she was working.

The gentlewoman from California made the point that people on welfare—women in particular—will not be able to focus on job training and, ultimately, self-sufficiency, if they can't find safe, affordable places for their kids. Ms. WOOLSEY was able to concentrate on her job, move off welfare and become a successful, self-sufficient woman. We can duplicate her success story with the passage of this amendment.

Mr. Chairman, nobody wants to be on welfare. People want to earn a paycheck, not a welfare check. but we have a moral responsibility to help people move off of welfare into productive work.

Our substitute does just that.

I urge my colleagues to support our effort to change the goal of this program to one of self-sufficiency. It's the right thing to do.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS), the Chair of the Congressional Black Caucus and a great leader.

Mr. CUMMINGS. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I come in support of the substitute.

Mr. Chairman, unemployment rates are on the rise at a record level of 6 percent, and in my district, some parts, as much as 12 percent. The Republican bill forces States to shift funds away from successful programs that are critical to working families in order to implement rigid new requirements under their bill. Meanwhile, there is no evidence that these rigid requirements would increase the effectiveness of these programs.

In my State of Maryland, we would need an additional $144 million over 5 years to implement the work participation requirements in H.R. 4. On one hand, President Bush praises the 1996 welfare law, but on the other hand he wants to deny States the flexibility they were provided by that law.

The Republicans' approach to welfare reform represents a study in contradictions. While they talk about sufficient resources, their proposal fails to increase welfare and child care funding

for even inflation. The administration says that it wants to help educate people, but their proposal actually restricts the States' discretion to provide training and education to welfare participants.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON), a valued member of the Committee on Education and the Workforce.

Mr. ISAKSON. Mr. Chairman, I wish to thank the chairman and commend him on all the efforts last year and the hearings and the investigations and the promotion that he did to bring us to this point today, and I rise in support of H.R. 4 and in opposition to the Kucinich substitute.

I want to make my comparison as simple as I can. H.R. 4 extends a program that raised expectations and turned a safety net into a springboard to independence. The unintended consequence of the substitute of the gentleman from Ohio (Mr. KUCINICH) is to turn a safety net into a dependency trap.

Mr. Chairman, if we listen to those arguing against the underlying bill, H.R. 4, one would think there is no money for child care and no money for health care, that in fact it is a cutback. In fact, this bill recognizes that those that remain on welfare will be the hardest to train and harder to employ, that their difficulties are they have young children at home, that they need health care, that they need transportation. And on each and every point: H.R. 4 provides child care, a transition in terms of medical help when they go from going off of Medicaid and on to work for a transition period of 1 year, encourages education and counts education and other programs toward the employment period work requirements.

Mr. Chairman, this is a very simple proposition. Congress passed an overwhelming success in 1996. It changed the lives of millions of Americans who had no expectations. For us to take a success and turn it into a failure by verbally abusing that which has really worked would be a shame. The consequences would be a dependency trap for millions of Americans who now will have hope because of this extension to realize the benefits of independence, of work, of employment and, most important of all, of the high expectations that this great country offers to every one of its citizens.

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Ms. LEE. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Chairman, I am pleased to join in strong support of this amendment in tribute to Patsy Mink. But more importantly, I support this amendment because it speaks more directly to the needs of needy families than H.R. 4, families who need opportunities for education and training, families who need access to jobs.

Mr. Chairman, 75 percent of all new jobs in this country are found in areas where most people needing assistance do not live. They must have access. We all know how effective early childhood education has been. And yet while we have money for early childhood education, it is not nearly enough. We need to increase that part of it so no child is left behind. I support the Kucinich-Lee amendment.

Mr. BOEHNER. Mr. Chairman, I reserve the balance of my time.

Ms. LEE. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, the Bible says the poor shall always be with us; but our job in this Congress is to help raise the standard. I know most Republicans think that only means the rich, but it also means the poor and the working people in this country.

What happened to ''leave no child behind''? As we all know, mothers newly off the welfare rolls struggle every day to find affordable, reliable, and safe care for their children while they work. The situation is even more desperate for nearly half of the mothers getting off welfare who can only find work in the evenings or late at night.

Yet we are faced with a Republican bill which demands that mothers work more hours, while actually taking money away from mothers to care for their children. Leave No Child Behind just proves that the Republicans can come up with great slogans. This is a perfect example of Republicans knowing how to talk the talk; but when it comes to walking the walk, there is nothing whatsoever compassionate about this Republican conservativeness. This Republican bill is a shameful attack on our Nation's poorest working mothers and their children. I urge support of the Kucinich substitute in the name of Patsy Mink.

Mr. BOEHNER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the gentlewoman from Florida (Ms. CORRINE BROWN) invoked the No Child Left Behind bill, the education reform plan which aims to educate every American child. We have increased funding for education over 200 percent over the last 5 years, including 30 percent in the last 18 months. But the issue in education is not about more money; it is about attitude, and it is about whether we as a Nation want to insist that all of our children get an education.

I will tell the gentlewoman that we have worked hard to increase funding and we are continuing to work hard to increase funding to help make this plan real in every American school. But let us leave no doubt about it: if money alone would solve the problems in our Nation's schools, they would have been solved decades ago. This is not about money. It is about whether we as a Nation are going to demand that all of our children get a chance at a good education.

Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. WILSON).

(Mr. WILSON of South Carolina asked and was given permission to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Chairman, I rise in favor of H.R. 4 and opposed to the Kucinich substitute.

Specifically, what I am concerned about in the substitute is that it would undermine the current reduction of dependence that we have achieved through welfare reform. Welfare reform has been a phenomenal success beginning in 1996 and has resulted in great opportunities, jobs created, education, training for people. And in particular, in the most recent report by Dr. Robert Rector of the Heritage Foundation, he indicates that the decrease in poverty has been greatest among black children. The poverty rate for black children has fallen to the lowest point in U.S. history. There are 1.2 million fewer black children in poverty today than there were in the mid-1990s.

Mr. Chairman, I would like to point out who made it possible. It was not we as Members of Congress. I have visited the DSS offices throughout the district that I represent. I have visited the social workers who have made a difference in people's lives, and I have thanked them. I have been to every office to thank them for the difference they have made helping people get jobs and create great new opportunities.

The article referencing the aforementioned report is as follows:

[From the Heritage Foundation Backgrounder, Feb. 6, 2003]

THE CONTINUING GOOD NEWS ABOUT WELFARE REFORM

(By Robert Rector and Patrick F. Fagan)

Six years ago, President Bill Clinton signed legislation overhauling part of the nation's welfare system. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104–193) replaced the failed Aid to Families with Dependent Children (AFDC) program with a new program called Temporary Assistance to Needy Families (TANF). The reform legislation had three goals: (1) to reduce welfare dependence and increase employment; (2) to reduce child poverty; and (3) to reduce illegitimacy and strengthen marriage.

At the time of its enactment, liberal groups passionately denounced the bill, predicting that it would result in substantial increases in poverty, hunger, and other social ills. Contrary to these alarming forecasts, welfare reform has been effective in meeting each of its goals.

Poverty has dropped substantially. Although liberals predicted that welfare reform would push an additional 2.6 million persons into poverty, 3.5 million fewer people live in poverty today than in 1995, according to Census Bureau figures.

Some 2.9 million fewer children live in poverty today than in 1995.

Decreases in poverty have been greatest among black children. In fact, the poverty rate for black children has fallen to the lowest point in U.S. history. There are 1.2 million fewer black children in poverty today than there were in the mid-1990s.

The poverty rate of children living with single mothers is at the lowest point in U.S. history, having fallen substantially since the onset of welfare reform.

The poverty rate of black children and children in single-mothers families has continued to fall even during the current recession. Historically, poverty among these groups has risen sharply during recessions; the continuing decline of child poverty among black and single-mother families is an unprecedented departure from past poverty trends.

Hunger among children has been cut roughly in half. According to the U.S. Department of Agriculture, in 1995, before welfare reform was enacted, 1.3 percent of children experienced hunger; by 2001, the number had fallen to 0.6 percent.

The AFDC/TANF caseload has been more than cut in half. The decreases in welfare have been greatest among disadvantaged groups with the greatest propensity for long-term intergenerational dependence: for example, younger never-married mothers with young children.

Employment of single mothers has increased greatly. The largest increases in employment have been among the most disadvantaged mothers with the greatest barriers to obtaining work. Employment of young single mothers (ages 18 to 24) has nearly doubled. Employment of single mothers who are high-school dropouts has risen by two-thirds.

The explosive growth of out-of-wedlock childbearing has come to a virtual halt. Since the beginning of the War on Poverty, the share of births that are outside marriage had increased relentlessly at nearly one percentage point per year. Overall, the percentage of births that were out-of-wedlock rose from 7.7 in 1965 to an astonishing 32.6 percent in 1994. However, since welfare reform, the growth in illegitimacy has slowed to a near halt. The out-of-wedlock birth rate has remained almost flat for the past five years, and among blacks it has actually dropped.

Marriage has been strengthened. The share of children living in single-mother families has fallen, and the share living in married-couple families has increased, especially among black families.

Some incorrectly attribute these positive trends to the strong economy in the late 1990s. Although a strong economy contributed to some of these trends, most of the positive changes greatly exceed shifts that occurred during prior economic expansions. The difference is due to welfare reform. A recent analysis by former Congressional Budget Office Director June O'Neill finds that welfare reform has been responsible for three-quarters of the increase in employment of single mothers and three-quarters of the drop in welfare caseload. By contrast, good economic conditions were responsible for only one-quarter of the changes in these variables. The increase in employment of single mothers, in turn, is a major factor behind the drop in child poverty.

The Future of Reform. Notwithstanding this record of accomplishment, far more needs to be done. When TANF is reauthorized this year, federal work requirements should be strengthened to ensure that all able-bodied parents engage in supervised job search, community service work, or skills training as a condition of receiving aid. Even more important, Congress must recognize that the most effective way to reduce child poverty and increase child well-being is to increase the number of stable, productive marriages. In reauthorizing TANF, Congress must greatly strengthen the pro-marriage aspects of welfare reform.

The 1996 TANF law established the formal goals of reducing out-of-wedlock childbearing and increasing marriage; but despite nearly $100 billion in TANF spending over the past five years, the states have spent virtually nothing on specific pro-marriage programs. The slowdown in the growth of illegitimacy and the increases in marriage, noted above, have occurred as the incidental byproduct of work-related reforms and not as the result of positive pro-marriage initiatives.

This neglect of marriage by state welfare bureaucracies is scandalous and deeply injurious to the well-being of children. Current welfare policy sharply penalizes marriage between low-income men and women. In future years, welfare's disincentives to marriage should be significantly reduced. In addition, at least $300 million per year in future TANF funds should be earmarked for pro-marriage initiatives.

Ms. LEE. Mr. Chairman, I yield 30 seconds to the gentlewoman from Indiana (Ms. CARSON), who is an expert on this subject, former director of welfare.

Ms. CARSON of Indiana. Mr. Chairman, if Members would excuse my arrogance, I do not think anybody in this House knows more about running a welfare program than I do. I took over an agency that had a $20 million deficit, and left it with $7 million in the black when I came to Congress. We did not leave any child behind.

In order to get people out of poverty, they do not just need a hand out; they have to get a hand up. They need an opportunity to become self-sufficient.

Mr. Chairman, I support the Kucinich amendment because it is the make-sense amendment that is on the floor.

Ms. LEE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

(Mrs. CHRISTENSEN. asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Chairman, I rise in opposition to H.R. 4 and in support of the Kucinich amendment.

Mr. Chairman, I rise in strong opposition to the Welfare Reform Bill on the floor today, and in support of the Kucinich amendment.

First I object to the process, and will object every time the Republican leadership brings a bill to the floor without committee hearings, mark-ups and outside of the regular order. This is an affront not just to those of us who serve on this side of the aisle, it is a denial of the rights of those who sent us here to represent their interests, and it is a repudiation of the Democratic process. The process does a disservice to all of us.

Second, I oppose it because of what it contains. I would imagine that is why it is being forced to the floor in this manner. It could not be brought into the daylight.

This bill forces persons out of a system that helps them to care for themselves and their families, into an economy that has no jobs to go to, and without the benefit of childcare or other supportive services. Not only would this force women and children further into poverty and all the ills that it brings, it would further tax the states who are already feeling the pressure of Medicaid and other cuts. Why is this body waging a war against poor folks. Where is the compassion in the conservatism.

Why does this bill increase the work requirement. Why does it not allow education and training to count towards this requirement. Why are we not providing for the care of the children of the mothers who are in training or at work. Why does this bill not provide equity for the Americans living in the Territories.

Mr. Chairman, although the U.S. territories, Guam, Puerto Rico and my district, the U.S. Virgin Islands are required to meet all of the TANF requirements, they do not have access to all the tools that other jurisdictions have to successfully move people from welfare to work.

The territories are island jurisdictions where the ability to move from one jurisdiction to another in search of work is prohibitive and as a consequence, in the Virgin Islands, while our welfare rolls have been lowered, our failure to meet the work participation rates have resulted in fines. And this in the face of the fact that we don't receive Supplemental Grant funds even though our average dollars per person is extremely low and we don't receive Contingency Funds even though we have experienced economic downturns and high unemployment.

This is why Ms. MADELEINE BORDALLO of Guam and I have joined Mr. AVEVEDO-VILÁ ACEVEDO of Puerto Rico in supporting the Democratic Substitute which makes our territories eligible for the Supplemental, Contingency and Child Care Block Grant programs. This funding is available to the states and gives them more resources to move people from welfare to work.

Again where is the compassion.

The base bill, H.R. 4 is a terrible bill, it hurts those in need and it offers no help. This body should not pass it.

Mr. Chairman and colleagues, people who have needed the help Welfare/TANF offers want to work and they need our help. Mr. Chairman, in honor of the memory of Congresswoman Patsy Mink, and of her years of distinguished service to this body and to mankind, and to really reform Welfare so that it helps to raise people out of poverty, we need to pass the substitute named in her honor.

Ms. LEE. Mr. Chairman, I yield 20 seconds to my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to support the Patsy Mink Memorial TANF Reauthorization on the basis that the opportunity for welfare recipients did increase in the 1990s when the Clinton administration created an economic boom. We are now in a deficit with an economy that is in shambles, and the divide between the rich and poor is getting larger.

Mr. Chairman, H.R. 4 is the wrong way to go, the misdirected way to go. I support this legislation because we believe in lifting all boats of poor people around the Nation.

Ms. LEE. Mr. Chairman, I yield 20 seconds to the gentlewoman from California (Ms. WATSON), who is an expert in TANF reauthorization, former Chair of the Health and Human Services Committee in California.

(Ms. WATSON asked and was given permission to revise and extend her remarks.)

Ms. WATSON. Mr. Chairman, I support this bill because it would maintain current work requirements and increase the block grant by inflation so

its value can be retained; and it would allow States to address barriers to work, such as domestic violence, substance abuse, and mental illness. We must improve on a program that has already shown success. This particular substitute would do just that.

Mr. Chairman, I strongly urge my colleagues to support the Kucinich-Lee substitute to H.R. 4. This substitute is almost identical to the TANF Reauthorization Act introduced by the late Congresswoman Patsy Mink last year. I want to thank Representatives KUCINICH and LEE for re-introducing her bill as a substitute amendment so we can all honor and recognize the hard work Patsy Mink has done on behalf of our nation's poor.

The Kucinich-Lee substitute would maintain current work requirements, it would increase the block grant by inflation so its value could be retained. These are resources essential for the states to really address the core issues of poverty and help lift families from dependency to self-sufficiency.

Specifically, the Kucinich-Lee substitute would allow states to address barriers to work, such as domestic violence, substance abuse and mental illness. States would have the resources to train caseworkers so they can properly screen recipients. Recipients with limited education can pursue an opportunity to earn a degree or receive vocational training. These are the tools for self-sufficiency that would last them a life time!

Mr. Chairman, I strongly urge my colleagues to support the Kucinich-Lee substitute and honor the contribution of our dearly missed former colleague Patsy T. Mink.

Mr. BOEHNER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, as we said before, the 1996 act has been a huge success in helping 9 million American families move from welfare to work, lifting their spirits, allowing them to participate in the mainstream of American life.

The proposal that is before us, the substitute offered by our colleagues on the other side of the aisle, would literally take us back to the pre-1996 welfare reform bill that trapped people in dependency and never really allowed them the opportunity to be all they could be.

We have the lowest African American child poverty rate in history as a result of the 1996 changes. We believe that we will make more advances in giving States more flexibility, more child care money, stronger work requirements to help move more people from welfare to work. Even though welfare rolls are down 60 percent from where they were in 1996, the States are getting the same amount of money, so Members can argue that they will be able to spend twice as much as they have in helping those on the system. Let us not go back, let us move ahead.

Ms. LEE. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, we tell the poor to get a job; and as jobs are drying up, we cut off their benefits. We call for the poor to pull themselves up by their bootstraps, and then deny them boots.

Some of my colleagues think that God loves the poor, he made so many of them. But we must make God's work truly our own. I urge Members to vote for the Mink substitute.

Mr. BOEHNER. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. DELAY), the distinguished majority leader.

Mr. DELAY. Mr. Chairman, I thank the gentleman from Ohio (Mr. BOEHNER) for the hard work that he has performed, not just in bringing this bill to the floor, but the work he has done over the last 6 years, which has had meaningful impact on many Americans' lives. I also want to congratulate the chairmen of the other committees which have participated in this meaningful, historic legislation.

Mr. Chairman, welfare reform is a signal achievement for our House Republican majority. It offers a striking contrast between the core beliefs that inform our political party's appreciation for the proper role of the Federal Government in helping people in need.

We believe that for people in need, it is the job of the Federal Government to empower people mired in dependency to determine their own destiny. Republicans understand that people who need a hand-up still aspire to pursue their American dream.

But Democrats still do not trust people to make this vital transition to independence themselves. They just do not get the downside to dependency. They simply cannot or will not see the unintended negative consequences flowing from programs that raise barriers to work. Instead of requiring Americans to earn a paycheck and to discover the nobility of work, the Democrat approach leaves them mired in perpetual dependency with only the program to cling to.

Even now after all the reforms we put into place during 1996, and the extraordinary successes that these reforms sparked, the vast majority of welfare recipients still do not go to work every day, like the rest of the country. That is really a sad, sad, sad statistic. And the reason that is really a tragedy is because the people who have climbed up out of welfare and stepped up into the workplace are leading fuller, more satisfying lives. They are moving forward with lives of meaning.

Mr. Chairman, in this country we honor any type of work or vocation which is taken seriously and done well. All work is honorable, and we are doing all that we can to get this economy moving forward, so we will create millions of new jobs to inspire the people who are leaving welfare behind. These people are everyday heroes, and they are earning our deepest respect. They are showing their own children a powerful example of perseverance and hard work. They are unleashing their own creativity and seizing control of their own lives to build bright and favorable prospects for their children.

This awful substitute forgets every lesson we have learned over the past 7 years. It would turn back the clock to a fundamentally flawed approach that substitutes access to benefits for work. It is preaching a lie. It is a one-size-fits-all, top-down, big-government, budget-busting boondoggle that forgets every fundamental lesson learned over the last 40 years. It places the institutional appetites of the welfare bureaucracy and the political instincts of the left over the squelched hopes and aspirations of dependent Americans.

It offers false comfort to the needy. It is a bountiful blessing to aspiring bureaucrats.

Mr. Chairman, there is one indelible lesson that should guide all of our actions on this subject.

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Democrats defend their approach with an erroneous syllogism and they are trying to put it over on us with sophistry.

This is what they say: More money on welfare programs universally translates to greater help for needy people. That just is not so, Mr. Chairman.

This primitive, retrograde substitute amendment is a dangerous summons to step back in time. Its approach is fundamentally and inherently flawed. It did not work before. It will not work now. And, for a host of obvious and compelling reasons, it will go down to defeat this afternoon.

The CHAIRMAN pro tempore (Mr. BONILLA). The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. LEE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 124, noes 300, not voting 10, as follows:

[Roll No. 27]

AYES—124

Abercrombie	DeLauro	Lantos
Ackerman	Dingell	Larson (CT)
Andrews	Doyle	Lee
Baca	Engel	Lewis (GA)
Baldwin	Eshoo	Lofgren
Ballance	Evans	Lowey
Becerra	Farr	Majette
Berman	Fattah	Maloney
Bishop (GA)	Filner	Markey
Bishop (NY)	Frank (MA)	Matsui
Blumenauer	Grijalva	McCollum
Boswell	Gutierrez	McDermott
Boucher	Hastings (FL)	McGovern
Brady (PA)	Hinchey	McNulty
Brown (OH)	Hinojosa	Meehan
Brown, Corrine	Hoeffel	Meek (FL)
Capps	Holt	Meeks (NY)
Capuano	Honda	Menendez
Carson (IN)	Jackson (IL)	Miller, George
Case	Jackson-Lee (TX)	Mollohan
Clay	Jefferson	Nadler
Clyburn	Johnson, E. B.	Napolitano
Costello	Jones (OH)	Neal (MA)
Crowley	Kaptur	Oberstar
Cummings	Kennedy (RI)	Obey
Davis (AL)	Kildee	Olver
Davis (IL)	Kilpatrick	Owens
DeFazio	Kleczka	Pallone
DeGette	Kucinich	Pascrell
Delahunt		Pastor

Payne
Pelosi
Rahall
Rangel
Rodriguez
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Stark
Strickland
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOES—300

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—10

Allen
Combest
Conyers
Crenshaw
Cubin
Ferguson
Gephardt
Mica
Sanchez, Loretta
Tiberi

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). The Chair advises Members that 2 minutes remain in this vote.

□ 1436

Messrs. SHADEGG, MARIO DIAZ-BALART of Florida, GREENWOOD, FORD, JANKLOW, DICKS, TOWNS, DEUTSCH, LANGEVIN, RUPPERSBERGER, Ms. McCARTHY of Missouri, and Mrs. CAPITO changed their vote from ''aye'' to ''no.''

Mr. SCOTT of Georgia and Mr. TOWNS changed their vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MICA. Mr. Chairman, I accompanied President Bush to Florida to meet with our military service personnel and business leaders in Jacksonville, and could not vote on rollcall No. 27. Had I been present, I would have voted ''no''.

The CHAIRMAN pro tempore (Mr. BONILLA). It is now in order to consider amendment No. 2 printed in House Report Number 108–9.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 2 OFFERED BY MR. CARDIN

Mr. CARDIN. Mr. Chairman, I offer an amendment in the nature of a substitute that was made in order under the rule.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute No. 2 offered by Mr. CARDIN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Next Step in Reforming Welfare Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Amendment of Social Security Act.

TITLE I—CONTINUATION OF CERTAIN GRANTS

Sec. 101. Family assistance grants.
Sec. 102. Bonus to reward high performance States.
Sec. 103. Extension of supplemental grants.
Sec. 104. Additional grants for States with low Federal funding per poor child.
Sec. 105. Contingency Fund.
Sec. 106. Eligibility of Puerto Rico, the United States Virgin Islands, and Guam for the supplemental grant for population increases, the Contingency Fund, and mandatory child care funding.
Sec. 107. Direct funding and administration by Indian tribes.
Sec. 108. Extension of TANF program through fiscal year 2003.
Sec. 109. Matching grants for the territories.

TITLE II—POVERTY REDUCTION

Sec. 201. Additional purpose of TANF program.
Sec. 202. Child poverty reduction grants.
Sec. 203. Review and conciliation process.
Sec. 204. Replacement of caseload reduction credit with employment credit.
Sec. 205. States to receive partial credit toward work participation rate for recipients engaged in part-time work.
Sec. 206. TANF recipients who qualify for supplemental security income benefits removed from work participation rate calculation for entire year.
Sec. 207. Effective date.

TITLE III—REQUIRING AND REWARDING WORK

Sec. 301. Effect of wage subsidies on 5-year limit.
Sec. 302. Child care.
Sec. 303. Competitive grants to improve access to various benefit programs.
Sec. 304. Assessments for TANF recipients.
Sec. 305. Applicability of workplace laws.
Sec. 306. Work participation requirements.
Sec. 307. Hours of work-related activities.
Sec. 308. State option to require receipients to engage in work for 40 hours per week.
Sec. 309. Revision and simplification of the transitional medical assistance program (tma).
Sec. 310. Ensuring TANF funds are not used to displace public employees.
Sec. 311. Increase in funding for social services block grant.

TITLE IV—HELPING WELFARE LEAVERS CLIMB THE EMPLOYMENT LADDER

Sec. 401. State plan requirement on employment advancement.
Sec. 402. Employment Advancement Fund.
Sec. 403. Elimination of limit on number of TANF recipients enrolled in vocational education or high school who may be counted towards the work participation requirement.
Sec. 404. Counting of up to 2 years of vocational or educational training (including postsecondary education), work-study, and related internships as work activities.
Sec. 405. Limited counting of certain activities leading to employment as work activity.
Sec. 406. Clarification of authority of States to use TANF funds carried over from prior years to provide TANF benefits and services.
Sec. 407. Definition of assistance.
Sec. 408. Continuation of pre-welfare reform waivers.

TITLE V—PROMOTING FAMILY FORMATION AND RESPONSIBLE PARENTING

Sec. 501. Family Formation Fund.
Sec. 502. Distribution of child support collected by States on behalf of children receiving certain welfare benefits.

Sec. 503. Elimination of separate work participation rate for 2-parent families.
Sec. 504. Ban on imposition of stricter eligibility criteria for 2-parent families; State opt-out.
Sec. 505. Extension of abstinence education funding under maternal and child health program.
TITLE VI—RESTORING FAIRNESS FOR IMMIGRANT FAMILIES
Sec. 601. Treatment of aliens under the TANF program.
Sec. 602. Optional coverage of legal immigrants under the medicaid program and SCHIP.
Sec. 603. Eligibility of disabled children who are qualified aliens for SSI.
TITLE VII—ENSURING STATE ACCOUNTABILITY
Sec. 701. Extension of maintenance-of-effort requirement.
Sec. 702. Ban on using Federal TANF funds to replace State and local spending that does not meet the definition of qualified State expenditures.
TITLE VIII—IMPROVING INFORMATION ABOUT TANF RECIPIENTS AND PROGRAMS
Sec. 801. Extension of funding of studies and demonstrations.
Sec. 802. Longitudinal studies of employment and earnings of TANF leavers.
Sec. 803. Inclusion of disability status in information States report about TANF families.
Sec. 804. Annual report to the Congress to include greater detail about State programs funded under TANF.
Sec. 805. Enhancement of understanding of the reasons individuals leave State TANF programs.
Sec. 806. Standardized State plans.
Sec. 807. Study by the Census Bureau.
Sec. 808. Access to welfare; welfare outcomes.
TITLE IX—EFFECTIVE DATE
Sec. 901. Effective date.

SEC. 3. AMENDMENT OF SOCIAL SECURITY ACT.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

TITLE I—CONTINUATION OF CERTAIN GRANTS

SEC. 101. FAMILY ASSISTANCE GRANTS.

Section 403(a)(1)(A) (42 U.S.C. 603(a)(1)(A)) is amended by striking ''1996'' and all that follows through ''2002'' and inserting ''2004 through 2008''.

SEC. 102. BONUS TO REWARD HIGH PERFORMANCE STATES.

Section 403(a)(4) (42 U.S.C. 603(a)(4)) is amended—

(1) in subparagraph (D), by striking ''$1,000,000,000'' and inserting ''$1,800,000,000'';

(2) in subparagraph (E), by striking ''and 2003'' and inserting ''2003, 2004, 2005, 2006, 2007, and 2008''; and

(3) in subparagraph (F), by striking ''$1,000,000,000'' and inserting ''$800,000,000, and for fiscal years 2004 through 2008 $1,000,000,000,''.

SEC. 103. EXTENSION OF SUPPLEMENTAL GRANTS.

Section 403(a)(3) (42 U.S.C. 603(a)(3)) is amended—

(1) in subparagraph (A)—

(A) by striking ''and'' at the end of clause (i);

(B) by striking the period at the end of clause (ii) and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) for each of fiscal years 2004 through 2008, a grant in an amount equal to the amount required to be paid to the State under this paragraph in fiscal year 2001.'';

(2) in subparagraph (E), by striking ''1998'' and all that follows and inserting ''2004 through 2008 $1,597,250,000 for grants under this paragraph.''; and

(3) by striking subparagraph (G).

SEC. 104. ADDITIONAL GRANTS FOR STATES WITH LOW FEDERAL FUNDING PER POOR CHILD.

Section 403(a) (42 U.S.C. 603(a)) is amended by adding at the end the following:

''(6) ADDITIONAL GRANTS FOR STATES WITH LOW FEDERAL FUNDING PER POOR CHILD.—

''(A) IN GENERAL.—The Secretary shall make a grant pursuant to this paragraph to a State—

''(i) for fiscal year 2004, if the State is an inadequately poverty-funded State for fiscal year 2003; and

''(ii) for any of fiscal years 2005 through 2008, if the State is an inadequately poverty-funded State for any prior fiscal year after fiscal year 2003.

''(B) INADEQUATELY POVERTY-FUNDED STATE.—For purposes of this paragraph, a State is an inadequately poverty-funded State for a particular fiscal year if—

''(i) the total amount of the grants made to the State under paragraph (1), paragraph (3), and this paragraph for the particular fiscal year, divided by the number of children in poverty in the State with respect to the particular fiscal year is less than 75 percent of the total amount of grants made to all eligible States under paragraph (1), paragraph (3), and this paragraph for the particular fiscal year, divided by the total number of children living in poverty in all eligible States with respect to the particular fiscal year; and

''(ii) the total of the amounts paid to the State under this subsection for all prior fiscal years that have not been expended by the State by the end of the preceding fiscal year is less than 50 percent of State family assistance grant for the particular fiscal year.

''(C) AMOUNT OF GRANT.—The amount of the grant to be made under this paragraph to a State for a particular fiscal year shall be—

''(i) if the particular fiscal year is fiscal year 2004, an amount equal to—

''(I) the number of children in poverty in the State for the then preceding fiscal year, divided by the total number of children in poverty in all States that are inadequately poverty-funded States for the then preceding fiscal year; multiplied by

''(II) the amount appropriated pursuant to subparagraph (G) for the particular fiscal year; or

''(ii) if the particular fiscal year is any of fiscal years 2005 through 2008, an amount equal to—

''(I) the amount required to be paid to the State under this paragraph for the then preceding fiscal year; plus

''(II) if the State is an inadequately poverty-funded State for the then preceding fiscal year—

''(aa) the number of children in poverty in the State for the then preceding fiscal year, divided by the total number of children in poverty in all States that are inadequately poverty-funded States for the then preceding fiscal year; multiplied by

''(bb) the amount appropriated pursuant to subparagraph (G) for the particular fiscal year.

''(D) USE OF GRANT.—A State to which a grant is made under this paragraph shall use the grant for any purpose for which a grant made under this part may be used.

''(E) DEFINITIONS.—In this paragraph:

''(i) CHILDREN IN POVERTY.—The term 'children in poverty' means, with respect to a State and a fiscal year, the number of children residing in the State who had not attained 18 years of age and whose family income was less than the poverty line then applicable to the family, as of the end of the fiscal year.

''(ii) POVERTY LINE.—The term 'poverty line' has the meaning given the term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section.

''(F) FAMILY INCOME DETERMINATIONS.—For purposes of this paragraph, family income includes cash income, except cash benefits from means-tested public programs and child support payments.

''(G) APPROPRIATIONS.—

''(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for grants under this paragraph—

''(I) $65,000,000 for fiscal year 2004;

''(II) $130,000,000 for fiscal year 2005;

''(III) $195,000,000 for fiscal year 2006;

''(IV) $260,000,000 for fiscal year 2007; and

''(V) $325,000,000 for fiscal year 2008.

''(ii) AVAILABILITY.—Amounts made available under clause (i) shall remain available until expended.''.

SEC. 105. CONTINGENCY FUND.

(a) IN GENERAL.—Section 403(b) (42 U.S.C. 603(b)) is amended—

(1) in paragraph (2), by striking ''1997'' and all that follows and inserting ''2004 through 2008 such sums as are necessary for payments under this subsection''; and

(2) in paragraph (3), by striking subparagraph (C) and inserting the following:

''(C) LIMITATION ON MONTHLY PAYMENT TO A STATE.—The total amount paid to a single State under subparagraph (A) during a fiscal year shall not exceed 20 percent of the State family assistance grant.''.

(b) APPLICATION OF REGULAR MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(10) (42 U.S.C. 609(a)(10)) is amended by striking ''100 percent of historic State expenditures (as defined in paragraph (7)(B)(iii) of this subsection)'' and inserting ''the applicable percentage (as defined in paragraph (7)(B)(ii) of this subsection) of inflation-adjusted historic State expenditures (as defined in paragraph (7)(B)(vi) of this subsection)''.

(c) MODIFICATION OF UNEMPLOYMENT TEST TO BECOME NEEDY STATE.—Section 403(b)(5)(A) (42 U.S.C. 603(b)(5)(A)) is amended to read as follows:

''(A) the average rate of total unemployment in the State (seasonally adjusted) for the period consisting of the most recent 3 months for which data are available has increased by the lesser of 1.5 percentage points or by 50 percent over the corresponding 3-month period in the preceding fiscal year; or''.

(d) MODIFICATION OF FOOD STAMP TEST TO BECOME NEEDY STATE.—Section 403(b)(5)(B) (42 U.S.C. 603(b)(5)(B)) is amended to read as follows:

''(B) as determined by the Secretary of Agriculture, the monthly average number of households (as of the last day of each month) that participated in the food stamp program in the State in the then most recently concluded 3-month period for which data are available exceeds by at least 10 percent the monthly average number of households (as of the last day of each month) in the State that participated in the food stamp program in the corresponding 3-month period in the preceding fiscal year.''.

(e) SIMPLIFICATION OF RECONCILIATION FORMULA.—Section 403(b)(6) (42 U.S.C. 603(b)(6)) is amended to read as follows:

''(6) ANNUAL RECONCILIATION.—

''(A) IN GENERAL.—Notwithstanding paragraph (3), if the Secretary makes a payment to a State under this subsection in a fiscal year, then the State shall remit to the Secretary, within 1 year after the end of the first subsequent period of 3 consecutive months for which the State is not a needy State, an amount equal to the amount (if any) by which—

''(i) the maintenance of effort level (as defined in subparagraph (B)(i) of this paragraph) for the fiscal year, plus the State contribution (as defined in subparagraph (B)(ii) of this paragraph) in the fiscal year; exceeds

''(ii) the qualified State expenditures (as defined in section 409(a)(7)(B)(i)) in the fiscal year.

''(B) DEFINITIONS.—In subparagraph (A):

''(i) MAINTENANCE OF EFFORT LEVEL.—The term ''maintenance of effort level'' means, with respect to a State and a fiscal year, an amount equal to the applicable percentage of historic State expenditures (as defined in section 409(a)(7)(B)) for the fiscal year.

''(ii) STATE CONTRIBUTION.—The term 'State contribution' means, with respect to a fiscal year—

''(I) the total amount paid to the State under this subsection in the fiscal year; multiplied by

''(II) 1 minus the greater of 75 percent or the Federal medical assistance percentage for the State (as defined in section 1905(b)), divided by the greater of 75 percent or the Federal medical assistance percentage for the State (as defined in section 1905(b)).''.

(f) INCREASE IN NUMBER OF MONTHS FOR WHICH STATE MAY QUALIFY FOR PAYMENTS.—Section 403(b)(4) (42 U.S.C. 603(b)(4)) is amended by striking ''2-month'' and inserting ''3-month''.

SEC. 106. ELIGIBILITY OF PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, AND GUAM FOR THE SUPPLEMENTAL GRANT FOR POPULATION INCREASES, THE CONTINGENCY FUND, AND MANDATORY CHILD CARE FUNDING.

(a) SUPPLEMENTAL GRANT FOR POPULATION INCREASES.—

(1) IN GENERAL.—Section 403(a)(3)(D)(iii) (42 U.S.C. 603(a)(3)(D)(iii)) is amended by striking ''and the District of Columbia.'' and inserting '', the District of Columbia, Puerto Rico, the United States Virgin Islands, and Guam. For fiscal years beginning after the effective date of this sentence, this paragraph shall be applied and administered as if the term 'State' included the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam for fiscal year 1998 and thereafter.''.

(2) GRANT PAYMENT DISREGARDED FOR PURPOSES OF SECTION 1108 LIMITATION.—Section 1108(a)(2) (42 U.S.C. 1308(a)(2)) is amended by inserting '', or any payment made to the Commonwealth of Puerto Rico, the United States Virgin Islands, or Guam under section 403(a)(3)'' before the period.

(b) CONTINGENCY FUND.—

(1) IN GENERAL.—Section 403(b)(7) (42 U.S.C. 603(b)(7)) is amended by striking ''and the District of Columbia'' and inserting '', the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam.''.

(2) GRANT PAYMENT DISREGARDED FOR PURPOSES OF SECTION 1108 LIMITATION.—Section 1108(a)(2) (42 U.S.C. 1308(a)(2)), as amended by subsection (a)(2) of this section, is amended by inserting ''or 403(b)'' after ''403(a)(3)'' before the period.

(c) CHILD CARE ENTITLEMENT FUNDS.—

(1) IN GENERAL.—Section 418(d) (42 U.S.C. 618(d)) is amended by striking ''and the District of Columbia'' and inserting '', the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam''.

(2) AMOUNT OF PAYMENT.—

(A) GENERAL ENTITLEMENT.—Section 418(a)(1) (42 U.S.C. 618(a)(1)) is amended by striking ''the greater of—'' and all that follows and inserting the following:

''(A) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam, 60 percent of the amount required to be paid to the State for fiscal year 2001 under the Child Care and Development Block Grant Act of 1990; or

''(B) in the case of any other State, the greater of—

''(i) the total amount required to be paid to the State under section 403 for fiscal year 1994 or 1995 (whichever is greater) with respect to expenditures for child care under subsections (g) and (i) of section 402 (as in effect before October 1, 1995); or

''(ii) the average of the total amounts required to be paid to the State for fiscal years 1992 through 1994 under the subsections referred to in clause (i).'';

(B) ALLOTMENT OF REMAINDER.—Section 418(a)(2)(B) (42 U.S.C. 618(a)(2)(B)) is amended to read as follows:

''(B) ALLOTMENTS TO STATES.—Of the total amount available for payments to States under this paragraph, as determined under subparagraph (A) of this paragraph—

''(i) an amount equal to 65 percent of the amount required to be paid to each of the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam for fiscal year 2001 under the Child Care and Development Block Grant Act of 1990, shall be allotted to the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam, respectively; and

''(ii) the remainder shall be allotted among the other States based on the formula used for determining the amount of Federal payments to each State under section 403(n) of this Act (as in effect before October 1, 1995).''.

(3) GRANT PAYMENT DISREGARDED FOR PURPOSES OF SECTION 1108 LIMITATION.—Section 1108(a)(2) (42 U.S.C. 1308(a)(2)), as amended by subsections (a)(2) and (b)(2) of this section, is amended by striking ''or 403(b)'' and inserting '', 403(b), or 418''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003, and shall apply to expenditures for fiscal years beginning with fiscal year 2004.

SEC. 107. DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.

(a) TRIBAL FAMILY ASSISTANCE GRANT.—Section 412(a)(1) (42 U.S.C. 612(a)(1)) is amended by striking ''1997, 1998, 1999, 2000, and 2001'' and inserting ''2004 through 2008''.

(b) GRANTS FOR INDIAN TRIBES THAT RECEIVED JOBS FUNDS.—Section 412(a)(2) (42 U.S.C. 612(a)(2)) is amended by striking ''1997, 1998, 1999, 2000, and 2001'' and inserting ''2004 through 2008''.

SEC. 108. EXTENSION OF TANF PROGRAM THROUGH FISCAL YEAR 2003.

Except as otherwise provided in this Act and the amendments made by this Act, activities authorized by part A of title IV of the Social Security Act, and by section 1108(b) of the Social Security Act, shall continue through September 30, 2003, in the manner authorized, and at the level provided, for fiscal year 2002.

SEC. 109. MATCHING GRANTS FOR THE TERRITORIES.

Section 1108(b)(2) (42 U.S.C. 1308(b)(2)) is amended by striking ''1997 through 2002'' and inserting ''2004 through 2008''.

TITLE II—POVERTY REDUCTION

SEC. 201. ADDITIONAL PURPOSE OF TANF PROGRAM.

Section 401(a) (42 U.S.C. 601(a)) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following:

''(5) reduce the extent and severity of poverty and promote self-sufficiency among families with children.''.

SEC. 202. CHILD POVERTY REDUCTION GRANTS.

Section 403(a) (42 U.S.C. 603(a)) is further amended by adding at the end the following:

''(7) BONUS TO REWARD STATES THAT REDUCE CHILD POVERTY.—

''(A) IN GENERAL.—Beginning with fiscal year 2004, the Secretary shall make a grant pursuant to this paragraph to each State for each fiscal year for which the State is a qualified child poverty reduction State.

''(B) AMOUNT OF GRANT.—

''(i) IN GENERAL.—Subject to this subparagraph, the amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall be an amount equal to—

''(I) the number of children who had not attained 18 years of age by the end of the then most recently completed calendar year and who resided in the State as of the end of such calendar year, divided by the number of such children who resided in the United States as of the end of such calendar year; multiplied by

''(II) the amount appropriated pursuant to subparagraph (F) for the fiscal year.

''(ii) LIMITATIONS.—

''(I) MINIMUM GRANT.—The amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall be not less than $1,000,000.

''(II) MAXIMUM GRANT.—The amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall not exceed an amount equal to 5 percent of the State family assistance grant for the fiscal year.

''(iii) PRO RATA INCREASE.—If the amount available for grants under this paragraph for a fiscal year is greater than the total amount of payments otherwise required to be made under this paragraph for the fiscal year, then the amount otherwise payable to any State for the fiscal year under this paragraph shall, subject to clause (ii)(II), be increased by such equal percentage as may be necessary to ensure that the total of the amounts payable for the fiscal year under this paragraph equals the amount available for the grants.

''(iv) PRO RATA REDUCTION.—If the amount available for grants under this paragraph for a fiscal year is less than the total amount of payments otherwise required to be made under this paragraph for the fiscal year, then the amount otherwise payable to any State for the fiscal year under this paragraph shall, subject to clause (ii)(I), be reduced by such equal percentage as may be necessary to ensure that the total of the amounts payable for the fiscal year under this paragraph equals the amount available for the grants.

''(C) USE OF GRANT.—A State to which a grant is made under this paragraph shall use the grant for any purpose for which a grant made under this part may be used.

''(D) DEFINITIONS.—In this paragraph:

''(i) QUALIFIED CHILD POVERTY REDUCTION STATE.—The term 'qualified child poverty reduction State' means, with respect to a fiscal year, a State if—

''(I) the child poverty rate achieved by the State for the then most recently completed calendar year for which such information is available is less than the lowest child poverty rate achieved by the State during the applicable period; and

''(II) the average depth of child poverty in the State for the then most recently completed calendar year for which such information is available is not greater than the average depth of child poverty in the State for the calendar year that precedes such then most recently completed calendar year.

''(ii) APPLICABLE PERIOD.—In clause (i), the term 'applicable period' means, with respect to a State and the calendar year referred to in clause (i)(I), the period that—

''(I) begins with the calendar year that, as of October 1, 2003, precedes the then most recently completed calendar year for which such information is available; and

''(II) ends with the calendar year that precedes the calendar year referred to clause (i)(I).

''(iii) CHILD POVERTY RATE.—The term 'child poverty rate' means, with respect to a State and a calendar year, the percentage of children residing in the State during the calendar year whose family income for the calendar year is less than the poverty line then applicable to the family.

''(iv) AVERAGE DEPTH OF CHILD POVERTY.—The term 'average depth of child poverty' means with respect to a State and a calendar year, the average dollar amount by which family income is exceeded by the poverty line, among children in the State whose family income for the calendar year is less than the applicable poverty line.

''(v) POVERTY LINE.—The term 'poverty line' has the meaning given the term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section applicable to a family of the size involved.

''(E) FAMILY INCOME DETERMINATIONS.—For purposes of this paragraph, family income includes cash income, child support payments, government cash payments, and benefits under the Food Stamp Act of 1977 that are received by any family member, and family income shall be determined after payment of all taxes and receipt of any tax refund or rebate by any family member.

''(F) APPROPRIATIONS.—

''(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2004 through 2008 $150,000,000 for grants under this paragraph.

''(ii) AVAILABILITY.—Amounts made available under clause (i) shall remain available until expended.''.

SEC. 203. REVIEW AND CONCILIATION PROCESS.

(a) REQUIREMENT.—Section 408(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

''(12) REVIEW AND CONCILIATION PROCESS REQUIREMENTS.—A State to which a grant is made under section 403 shall not impose a sanction against a person under the State program funded under this part, unless the State—

''(A) has attempted at least twice (using at least 2 different methods) to notify the person of the impending imposition of the sanction, the reason for the proposed sanction, the amount of the sanction, the length of time during which the proposed sanction would be in effect, and the steps required to come into compliance or to show good cause for noncompliance;

''(B) has afforded the person an opportunity—

''(i) to meet with the caseworker involved or another individual who has authority to determine whether to impose the sanction; and

''(ii) to explain why the person did not comply with the requirement on the basis of which the sanction is to be imposed;

''(C) has considered and taken any such explanation into account in determining to impose the sanction;

''(D) has specifically considered whether certain conditions exist, such as a physical or mental impairment, domestic violence, or limited proficiency in English, that contributed to the noncompliance of the person; and

''(E) in determining whether to impose the sanction, has used screening tools developed in consultation with individuals or groups with expertise in matters described in subparagraph (D).''.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

''(15) PENALTY FOR FAILURE OF STATE TO USE REVIEW AND CONCILIATION PROCESS.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(12) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

SEC. 204. REPLACEMENT OF CASELOAD REDUCTION CREDIT WITH EMPLOYMENT CREDIT.

(a) EMPLOYMENT CREDIT TO REWARD STATES IN WHICH FAMILIES LEAVE WELFARE FOR WORK; ADDITIONAL CREDIT FOR FAMILIES WITH HIGHER EARNINGS.—

(1) IN GENERAL.—Section 407(b) (42 U.S.C. 607(b)), as amended by section 503 of this Act, is amended by adding at the end the following:

''(5) EMPLOYMENT CREDIT.—

''(A) IN GENERAL.—The participation rate, determined under paragraph (1), of a State for a fiscal year shall be increased by the lesser of—

''(i) the number of percentage points (if any) of the employment credit for the State for the fiscal year; or

''(ii) the number of percentage points (if any) by which the participation rate, so determined, is less than 99 percent.

''(B) CALCULATION OF CREDIT.—

''(i) IN GENERAL.—The employment credit for a State for a fiscal year is an amount equal to—

''(I) twice the average quarterly number of families with an adult that ceased to receive assistance under the State program funded under this part during the preceding fiscal year (but only if the adult did not receive such assistance for at least 2 months after the cessation) and that was employed during the calendar quarter immediately succeeding the quarter in which the payments ceased; divided by

''(II) the average monthly number of families that include an adult who received cash payments under the State program funded under this part during the preceding fiscal year.

''(ii) SPECIAL RULE FOR FORMER RECIPIENTS WITH HIGHER EARNINGS.—In calculating the employment credit for a State for a fiscal year, a family that, in the quarter in which the wage was examined, earned at least 42 percent of the average quarterly wage in the State (determined on the basis of State unemployment data) shall be considered to be 1.5 families.

''(C) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to carry out this paragraph.

''(D) REPORTS ON AMOUNT OF CREDIT.—Not later than 6 months after the end of each calendar quarter, the Secretary shall report to the Congress and each State the amount of the employment credit for the State for the quarter. The Secretary may carry out this subparagraph using funds made available under this part for research.''.

(2) AUTHORITY OF SECRETARY TO USE INFORMATION IN NATIONAL DIRECTORY OF NEW HIRES.—Section 453(i) (42 U.S.C. 653(i)) is amended by adding at the end the following:

''(5) CALCULATION OF EMPLOYMENT CREDIT FOR PURPOSES OF DETERMINING STATE WORK PARTICIPATION RATES UNDER TANF.—The Secretary may use the information in the National Directory of New Hires for purposes of calculating State employment credits pursuant to section 407(b)(5).''.

(3) ELIMINATION OF CASELOAD REDUCTION CREDIT.—

(A) IN GENERAL.—Section 407(b) (42 U.S.C. 607(b)) is amended by striking paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

(B) CONFORMING AMENDMENT.—Section 453(i)(5) (42 U.S.C. 653(i)(5)), as added by paragraph (2) of this subsection, is amended by striking ''407(b)(5)'' and inserting ''407(b)(4)''.

SEC. 205. STATES TO RECEIVE PARTIAL CREDIT TOWARD WORK PARTICIPATION RATE FOR RECIPIENTS ENGAGED IN PART-TIME WORK.

Section 407(c)(1)(A) (42 U.S.C. 607(c)(1)(A)), as amended by section 307 of this Act, is amended by adding at the end the following flush sentence:

''For purposes of subsection (b)(1)(B)(i), a family that does not include a recipient who is participating in work activities for an average of 30 hours per week during a month but includes a recipient who is participating in such activities during the month for an average of at least 50 percent of the minimum average number of hours per week specified for the month in the table set forth in this subparagraph shall be counted as a percentage of a family that includes an adult or minor child head of household who is engaged in work for the month, which percentage shall be the number of hours for which the recipient participated in such activities during the month divided by the number of hours of such participation required of the recipient under this section for the month.''.

SEC. 206. TANF RECIPIENTS WHO QUALIFY FOR SUPPLEMENTAL SECURITY INCOME BENEFITS REMOVED FROM WORK PARTICIPATION RATE CALCULATION FOR ENTIRE YEAR.

Section 407(b)(1)(B)(ii) (42 U.S.C. 607(b)(1)(B)(ii)) is amended—

(1) in subclause (I), by inserting ''who has not become eligible for supplemental security income benefits under title XVI during the fiscal year'' before the semicolon; and

(2) in subclause (II), by inserting '', and that do not include an adult or minor child head of household who has become eligible for supplemental security income benefits under title XVI during the fiscal year'' before the period.

SEC. 207. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by sections 204 through 206 shall take effect on October 1, 2004.

(b) STATE OPTION TO PHASE-IN REPLACEMENT OF CASELOAD REDUCTION CREDIT WITH EMPLOYMENT CREDIT AND DELAY APPLICABILITY OF OTHER PROVISIONS.—A State may elect to have the amendments made by sections 204(b), 205, and 206 of this Act not apply to the State program funded under part A of title IV of the Social Security Act until October 1, 2005, and if the State makes the election, then, in determining the participation rate of the State for purposes of sections 407 and 409(a)(3) of the Social Security Act for fiscal year 2005, the State shall be credited with ½ of the reduction in the rate that would otherwise result from applying section 407(b)(5) of the Social Security Act (as added by section 204(a)(1) of this Act) to the State

for fiscal year 2005 and ½ of the reduction in the rate that would otherwise result from applying section 407(b)(2) of such Act (as so redesignated by section 503(2)(D) of this Act) to the State for fiscal year 2005.

TITLE III—REQUIRING AND REWARDING WORK

SEC. 301. EFFECT OF WAGE SUBSIDIES ON 5-YEAR LIMIT.

Section 408(a)(7) (42 U.S.C. 608(a)(7)) is amended by adding at the end the following:

''(H) LIMITATION ON MEANING OF 'ASSISTANCE' FOR FAMILIES WITH INCOME FROM EMPLOYMENT.—For purposes of this paragraph, at the option of the State, a benefit or service provided to a family during a month under the State program funded under this part shall not be considered assistance under the program if—

''(i) during the month, the family includes an adult or a minor child head of household who has received at least such amount of income from employment as the State may establish; and

''(ii) the average weekly earned income of the family for the month is at least $100.''.

SEC. 302. CHILD CARE.

(a) INCREASE IN ENTITLEMENT FUNDING.—

(1) IN GENERAL.—Section 418(a) (42 U.S.C. 618(a)) is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''and paragraph (6)'' after ''paragraph (3)'';

(B) in paragraph (3)—

(i) by striking ''and'' at the end of subparagraph (E);

(ii) in subparagraph (F), by striking ''fiscal year 2002.'' and inserting ''each of fiscal years 2002 through 2006; and''; and

(iii) by adding at the end the following:

''(G) $3,217,000,000 for fiscal year 2007; and

''(H) $3,717,000,000 for fiscal year 2008.'';

(C) by striking paragraph (4) and inserting the following:

''(4) AMOUNTS RESERVED FOR INDIAN TRIBES.—

''(A) IN GENERAL.—The Secretary shall reserve 2 percent of the aggregate amount appropriated under paragraphs (3) and (5) for each fiscal year for payments to Indian tribes and tribal organizations for each such fiscal year for the purpose of providing child care assistance.

''(B) USE OF FUNDS; APPLICATION OF CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.—Subsections (b) and (c) shall apply to amounts received under this paragraph in the same manner as such subsections apply to amounts received by a State under this section.'';

(D) by redesignating paragraph (5) as paragraph (7); and

(E) by inserting after paragraph (4) the following:

''(5) ADDITIONAL GENERAL ENTITLEMENT GRANTS.—

''(A) APPROPRIATION.—In addition to amounts appropriated under paragraph (3) for any fiscal year, there are appropriated for additional grants under paragraph (1)—

''(i) $1,250,000,000 for fiscal year 2004;

''(ii) $1,750,000,000 for fiscal year 2005; and

''(iii) $2,250,000,000 for each of fiscal years 2006 through 2008.

''(B) ADDITIONAL GRANT.—In addition to the grant paid to a State under paragraph (1) for each of fiscal years 2003 through 2007, of the amount available for additional grants under subparagraph (A) for a fiscal year, the Secretary shall pay the State an amount equal to the same proportion of such available amount as the proportion of the State's grant under paragraph (1) bears to the amount appropriated under paragraph (3) for the fiscal year.

''(6) REQUIREMENT FOR GRANT INCREASE.—Notwithstanding paragraphs (1), (2), and (5), the aggregate of the amounts paid to a State under this section for each of fiscal years 2003 through 2008 may not exceed the aggregate of the amounts paid to the State under this section for fiscal year 2002, unless the State ensures that the level of State expenditures for child care for the fiscal year is not less than the level of State expenditures for child care that were matched under a grant made to the State under paragraph (2); and that the State expended to meet its maintenance of effort obligation under paragraph (2) for fiscal year 2002.''.

(2) CONFORMING AMENDMENT.—Section 1108(a)(2) (42 U.S.C. 1308(a)(2)) is amended by striking ''or 413(f)'' and inserting ''413(f), or 418(a)(4)(B)''.

(b) AMENDMENTS TO THE CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended to read as follows:

''SEC. 658B. AUTHORIZATION OF APPROPRIATIONS; AMOUNTS AVAILABLE FOR INCENTIVE GRANTS TO IMPROVE QUALITY OF CHILD CARE SERVICES.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subchapter $2,350,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008.

''(b) AMOUNTS AVAILABLE FOR INCENTIVE GRANTS TO IMPROVE QUALITY OF CHILD CARE SERVICES.—Of the amount made available to carry out this subchapter, $500,000,000 shall be used for each of the fiscal years 2004 through 2008 to make grants under section 658H.''.

(2) STATE PLAN REQUIREMENTS.—Section 658E(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)) is amended—

(A) in subparagraph (A)—

(i) in clause (ii) by striking ''and'' at the end;

(ii) in clause (iii) by adding ''and'' at the end; and

(iii) by inserting after clause (iii) the following:

''(iv) in order to help ensure that parents have the freedom to choose quality center-based child care services, the State shall make significant effort to develop contracts with accredited child care providers in low-income and rural communities;'';

(B) by amending subparagraph (D) to read as follows:

''(D) CONSUMER EDUCATION INFORMATION.—Certify that the State will collect and disseminate to parents of eligible children and the general public, consumer education information that will promote informed child care choices, and describe how the State will inform parents receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other low-income parents about eligibility for assistance under this subchapter.'';

(C) by amending subparagraph (H) to read as follows:

''(H) MEETING THE NEEDS OF CERTAIN POPULATIONS.—Demonstrate the manner in which the State will meet the specific child care needs of families who are receiving assistance under a State program under part A of title IV of the Social Security Act, families who are attempting through work activities to transition off of such assistance program, families with children with disabilities and other special needs, low-income families not receiving cash assistance under a State program under part A of title IV of the Social Security Act, and families that are at risk of becoming dependent on such assistance.''; and

(D) by adding at the end the following:

''(I) AVAILABILITY OF STAFF.—Describe how the State will ensure that staff from the lead agency described in section 658D will be available, at the offices of the State program funded under part A of title IV of the Social Security Act, to provide information about eligibility for assistance under this subchapter and to assist individuals in applying for such assistance.

''(J) ELIGIBILITY REDETERMINATION.—Demonstrate that each child that receives assistance under this subchapter in the State will receive such assistance for not less than 1 year before the State redetermines the eligibility of the child under this subchapter.

''(K) SUPPLEMENT NOT SUPPLANT.—Provide assurances that the amounts paid to a State under this subchapter shall be used to supplement and not supplant other State or local funds expended or otherwise available to support payments for child care assistance and to increase the quality of available child care for eligible families under this subchapter.''.

(3) PAYMENT RATES.—Section 658E(c)(4)(A) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(4)(A)) is amended—

(A) by striking ''such access'' and inserting ''equal access to comparable quality and types of services''; and

(B) by adding at the end the following:

''(i) Market rate surveys (that reflect variations in the cost of child care services by locality) shall be conducted by the State not less often than at 2-year intervals, and the results of such surveys shall be used to implement payment rates that ensure equal access to comparable services as required by this subparagraph.

''(ii) Payment rates shall be adjusted at intervals between such surveys to reflect increases in the cost of living, in such manner as the Secretary may specify.

''(iii) Payment rates shall reflect variations in the cost of providing child care services for children of different ages and providing different types of care.''.

(4) CHILD CARE ACCOUNTABILITY IMPROVEMENTS.—Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended to read as follows:

''SEC. 658G. CHILD CARE ACCOUNTABILITY IMPROVEMENTS.

''(a) ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.—A State that receives funds to carry out this subchapter shall reserve and use not less than 12 percent of the funds for improvements in the quality of child care services provided in the State and in political subdivisions of the State.

''(1) Not less than 35 percent of the funds reserved under this subsection shall be used for activities that are designed to increase the quality and supply of child care services for children from birth through 3 years of age.

''(2) Funds reserved under this subsection shall be used for 1 or more activities consisting of—

''(A) providing for the development, establishment, expansion, operation, and coordination of, child care resource and referral services;

''(B) making grants or providing loans to eligible child care providers to assist the providers in meeting applicable State and local child care standards and recognized accreditation standards;

''(C) improving the ability of State or local government, as applicable, to monitor compliance with, and to enforce, State and local licensing and regulatory requirements (including registration requirements) applicable to child care providers;

''(D) providing training and technical assistance in areas relating to the provision of child care services, such as training relating

to promotion of health and safety, promotion of good nutrition, provision of first aid, recognition of communicable diseases, child abuse detection and prevention, and care of children with disabilities and other special needs;

''(E) improving salaries and other compensation paid to full-time and part-time staff who provide child care services for which assistance is made available under this subchapter;

''(F) making grants or providing financial assistance to eligible child care providers for training in child development and early education;

''(G) making grants or providing financial assistance to eligible child care providers to support delivery of early education and child development activities;

''(H) making grants or providing financial assistance to eligible child care providers to make minor renovations to such providers' physical environments that enhance the quality of the child care services they provide;

''(I) improving and expanding the supply of child care services for children with disabilities and other special needs;

''(J) increasing the supply of high quality inclusive child care for children with and without disabilities and other special needs;

''(K) supporting the system described in paragraph (2);

''(L) providing technical assistance to family child care providers and center-based child care providers to enable them to provide appropriate child care services for children with disabilities; and

''(M) other activities that can be demonstrated to increase the quality of child care services and parental choice.''.

''(b) CHILD CARE RESOURCE AND REFERRAL SYSTEM.—The State shall use a portion of the funds reserved under subsection (a) to support a system of local child care resource and referral organizations coordinated by a statewide, nonprofit, community-based child care resource and referral organization. The local child care resource and referral system shall—

''(1) provide parents in the State with information and support concerning child care options in their communities;

''(2) collect and analyze data on the supply of and demand for child care in political subdivisions within the State;

''(3) develop links with the business community or other organizations involved in providing child care services;

''(4) increase the supply and improve the quality of child care in the State and in political subdivisions in the State;

''(5) provide (or facilitate the provision of) specialists in health, mental health consultation, early literacy services for children with disabilities and other special needs, and infant and toddler care, to support or supplement community child care providers;

''(6) provide training or facilitate connections for training to community child care providers; or

''(7) hire disability specialists, and provide training and technical assistance to child care providers, to effectively meet the needs of children with disabilities.

(5) INCENTIVE GRANTS TO STATES.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended by inserting after section 658G the following:

''SEC. 658H. INCENTIVE GRANTS TO STATES.

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Secretary shall use the amount made available under section 658B(b) for a fiscal year to make grants to eligible States in accordance with this section.

''(2) ANNUAL PAYMENTS.—The Secretary shall make an annual payment for such a grant to each eligible State out of the allotment for that State determined under subsection (c).

''(b) ELIGIBLE STATES.—

''(1) IN GENERAL.—In this section, the term 'eligible State' means a State that—

''(A) has conducted a survey of the market rates for child care services in the State within the 2 years preceding the date of the submission of an application under paragraph (2); and

''(B) submits an application in accordance with paragraph (2).

''(2) APPLICATION.—

''(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, in addition to the information required under subparagraph (B), as the Secretary may require.

''(B) INFORMATION REQUIRED.—Each application submitted for a grant under this section shall—

''(i) detail the methodology and results of the State market rates survey conducted pursuant to paragraph (1)(A);

''(ii) describe the State's plan to increase payment rates from the initial baseline determined under clause (i);

''(iii) describe how the State will increase payment rates in accordance with the market survey results, for all types of child care providers who provide services for which assistance is made available under this subchapter;

''(iv) describe how rates are set to reflect the variations in the cost of providing care for children of different ages, different types of care, and in different localities in the State; and

''(v) describe how the State will prioritize increasing payment rates for care of higher-than-average quality, such as care by accredited providers, care that includes the provision of comprehensive services, care provided at nonstandard hours, care for children with disabilities and other special needs, care in low-income and rural communities, and care of a type that is in short supply.

''(3) CONTINUING ELIGIBILITY REQUIREMENT.—The Secretary may make an annual payment under this section to an eligible State only if—

''(A) the Secretary determines that the State has made progress, through the activities assisted under this subchapter, in maintaining increased payment rates; and

''(B) at least once every 2 years, the State conducts an update of the survey described in paragraph (1)(A).

''(4) REQUIREMENT OF MATCHING FUNDS.—

''(A) IN GENERAL.—To be eligible to receive a grant under this section, the State shall agree to make available State contributions from State sources toward the costs of the activities to be carried out by a State pursuant to subsection (d) in an amount that is not less than 20 percent of such costs.

''(B) DETERMINATION OF STATE CONTRIBUTIONS.—State contributions shall be in cash. Amounts provided by the Federal Government may not be included in determining the amount of such State contributions.

''(c) ALLOTMENTS TO ELIGIBLE STATES.—The amount made available under section 658B(b) for a fiscal year shall be allotted among the eligible States in the same manner as amounts are allotted under section 658O(b).

''(d) USE OF FUNDS.—An eligible State that receives a grant under this section shall use the funds received to significantly increase the payment rate for the provision of child care assistance in accordance with this subchapter up to the 150th percentile of the market rate survey described in subsection (b)(1)(A).

''(e) EVALUATIONS AND REPORTS.—

''(1) STATE EVALUATIONS.—Each eligible State shall submit to the Secretary, at such time and in such form and manner as the Secretary may require, information regarding the State's efforts to increase payment rates and the impact increased rates are having on the quality of, and accessibility to, child care in the State.

''(2) REPORTS TO CONGRESS.—The Secretary shall submit biennial reports to Congress on the information described in paragraph (1). Such reports shall include data from the applications submitted under subsection (b)(2) as a baseline for determining the progress of each eligible State in maintaining increased payment rates.

''(f) PAYMENT RATE.—In this section, the term 'payment rate' means the rate of reimbursement to providers for subsidized child care.''.

(6) ADMINISTRATION, ENFORCEMENT, AND EVALUATION.—Section 658I of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858g) is amended—

(A) in the heading by striking ''**AND ENFORCEMENT**'' and inserting ''**, ENFORCEMENT, AND EVALUATION**'';

(B) in subsection (a)(3) by inserting before the period at the end ''and including the establishment of a national training and technical assistance center specializing in infant and toddler care and their families''; and

(C) by adding at the end the following:

''(c) FEDERAL ADMINISTRATION AND EVALUATION ACTIVITIES.—The Secretary shall—

''(1) establish a national data system through grants, contracts or cooperative agreements to develop statistics on the supply of, demand for, and quality of child care, early education, and non-school-hours programs, including use of data collected through child care resource and referral organizations at the national, State, and local levels; and

''(2) prepare and submit to Congress an annual report on the supply of, demand for, and quality of child care, early education, and non-school-hours programs, using data collected through State and local child care resource and referral organizations and other sources.''.

(7) REPORTS.—Section 658K(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i(a)) is amended—

(A) in paragraph (1)(B)—

(i) in clause (ix) by striking ''and'' at the end;

(ii) in clause (x) by adding ''and'' at the end; and

(iii) by inserting after clause (x) the following:

''(xi) whether the child care provider is accredited by a national or State accrediting body;''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A) by striking ''aggregate data concerning'';

(ii) in subparagraph (D) by striking ''and'' at the end;

(iii) in subparagraph (E) by adding ''and'' at the end; and

(iv) by indenting the left margin of subparagraphs (A) through (E) 2 ems to the right and redesignating such subparagraphs as clauses (i) through (v), respectively;

(v) by inserting after clause (v), as so redesignated, the following:

''(vi) findings from market rate surveys, disaggregated by the types of services provided and by the sub-State localities, as appropriate;''; and

(vi) by inserting before clause (i), as so redesignated, the following:

''(A) information on how all of the funds reserved under section 658G were allocated and spent, and information on the effect of

those expenditures, to the maximum extent practicable; and

''(B) aggregate date concerning—''.

(8) DEFINITIONS.—Section 658P(4)(C) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(4)(C)) is amended—

(A) in clause (i) by striking ''or'' at the end;

(B) in clause (ii) by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(iii) is a foster child.''.

(9) CONFORMING AMENDMENTS.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended—

(A) in section 658E(c)(3)—

(i) in subparagraph (B) by striking ''through (5) of section 658A(b)'' and inserting ''through (6) of section 658A(c)''; and

(ii) in subparagraph (D) by striking ''1997 through 2002'' and inserting ''2004 through 2008'';

(B) in section 658K(a)(2) by striking ''1997'' and inserting ''2003''; and

(C) in section 658L—

(i) by striking ''July 31, 1998'' and inserting ''October 1, 2005'';

(ii) by striking ''Economic and Educational Opportunities'' and inserting ''Education and the Workforce''; and

(iii) by striking ''Labor and Human Resources'' and inserting ''Health, Education, Labor, and Pensions''.

(c) APPLICABILITY OF STATE OR LOCAL HEALTH AND SAFETY STANDARDS TO OTHER TANF CHILD CARE SPENDING.—Section 402(a) (42 U.S.C. 602(a)) is amended by adding at the end the following:

''(8) CERTIFICATION OF PROCEDURES TO ENSURE THAT CHILD CARE PROVIDERS COMPLY WITH APPLICABLE STATE OR LOCAL HEALTH AND SAFETY STANDARDS.—A certification by the chief executive officer of the State that procedures are in effect to ensure that any child care provider in the State that provides services for which assistance is provided under the State program funded under this part complies with all applicable State or local health and safety requirements as described in section 658E(c)(2)(F) of the Child Care and Development Block Grant Act of 1990.''.

(d) AVAILABILITY OF CHILD CARE FOR PARENTS REQUIRED TO WORK.—Section 407(e)(2) (42 U.S.C. 607(e)(2)) is amended by striking ''6'' and inserting ''13''.

SEC. 303. COMPETITIVE GRANTS TO IMPROVE ACCESS TO VARIOUS BENEFIT PROGRAMS.

(a) PURPOSES.—The purposes of this section are to—

(1) inform low-income families with children about programs available to families leaving welfare and other programs to support low-income families with children;

(2) provide incentives to States and counties to improve and coordinate application and renewal procedures for low-income family with children support programs; and

(3) track the extent to which low-income families with children receive the benefits and services for which they are eligible.

(b) DEFINITIONS.—In this section:

(1) LOCALITY.—The term locality means a municipality that does not administer a temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) (in this section referred to as ''TANF'').

(2) LOW-INCOME FAMILY WITH CHILDREN SUPPORT PROGRAM.—The term ''low-income family with children support program'' means a program designed to provide low-income families with assistance or benefits to enable the family to become self-sufficient and includes—

(A) TANF;

(B) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) (in this section referred to as ''food stamps'');

(C) the medicaid program funded under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(D) the State children's health insurance program (SCHIP) funded under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(E) the child care program funded under the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(F) the child support program funded under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

(G) the earned income tax credit under section 32 of the Internal Revenue Code of 1986;

(H) the low-income home energy assistance program (LIHEAP) established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C 8621 et seq.);

(I) the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

(J) programs under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

(K) any other Federal or State funded program designed to provide family and work support to low-income families with children.

(3) NONPROFIT.—The term ''nonprofit'', as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by 1 or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

(c) AUTHORIZATION OF GRANTS.—

(1) STATES AND COUNTIES.—

(A) IN GENERAL.—The Secretary is authorized to award grants to States and counties to pay the Federal share of the costs involved in improving the administration of low-income family with children support programs, including simplifying application, recertification, reporting, and verification rules, and promoting participation in such programs.

(B) FEDERAL SHARE.—The Federal share shall be 80 percent.

(2) NONPROFITS AND LOCALITIES.—The Secretary is authorized to award grants to nonprofits and localities to promote participation in low-income family with children support programs, and distribute information about and develop service centers for low-income family with children support programs.

(d) GRANT APPROVAL CRITERIA.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture, shall establish criteria for approval of an application for a grant under this section that include consideration of—

(A) the extent to which the proposal, if funded, is likely to result in improved service and higher participation rates in low-income children's support programs;

(B) an applicant's ability to reach hard-to-serve populations;

(C) the level of innovation in the applicant's grant proposal; and

(D) any partnerships between the public and private sector in the applicant's grant proposal.

(2) SEPARATE CRITERIA.—Separate criteria shall be established for the grants authorized under paragraphs (1) and (2) of subsection (c).

(e) USES OF FUNDS.—

(1) STATES AND COUNTIES.—

(A) IMPROVEMENTS IN PROGRAMS.—Grants awarded to States and counties under subsection (c)(1) shall be used to—

(i) simplify low-income family with children support program application, recertification, reporting, and verification rules;

(ii) create uniformity in eligibility criteria for low-income family with children support programs;

(iii) develop options for families to apply for low-income family with children support programs through the telephone, mail, facsimile, Internet, or electronic mail, and submit any recertifications or reports required for such families through these options;

(iv) co-locate eligibility workers for various low-income family with children support programs at strategically located sites;

(v) develop or enhance one-stop service centers for low-income family with children support programs, including establishing evening and weekend hours at these centers; and

(vi) improve training of staff in low-income families with children support programs to enhance their ability to enroll eligible applicants in low-income family with children support programs, provide case management, and refer eligible applicants to other appropriate programs.

(B) CUSTOMER SURVEYS.—

(i) IN GENERAL.—A grant awarded to a State or county under subsection (c)(1) shall be used to carry out a customer survey.

(ii) MODEL SURVEYS.—The customer survey under clause (i) of this subparagraph shall be modeled after a form developed by the Secretary under subsection (g).

(iii) REPORTS TO SECRETARY.—Not later than 1 year after a State or county is awarded a grant under subsection (c)(1), and annually thereafter, the State or county shall submit a report to the Secretary detailing the results of the customer survey carried out under clause (i) of this subparagraph.

(iv) REPORTS TO PUBLIC.—A State or county receiving a grant under subsection (c)(1) and the Secretary shall make the report required under clause (iii) of this subparagraph available to the public.

(v) PUBLIC COMMENT.—A State or county receiving a grant under subsection (c)(1) shall accept public comments and hold public hearings on the report made available under clause (iv) of this subparagraph.

(C) TRACKING SYSTEMS.—

(i) IN GENERAL.—A grant awarded to a State or county under subsection (c)(1) shall be used to implement a tracking system to determine the level of participation in low-income family with children support programs of the eligible population.

(ii) REPORTS.—Not later than 1 year after a State or county is awarded a grant under subsection (c)(1), and annually thereafter, the State or county shall submit a report to the Secretary detailing the effectiveness of the tracking system implemented under clause (i) of this subparagraph.

(D) IN-PERSON INTERVIEWS.—A State or county awarded a grant under subsection (c)(1) may expend funds made available under the grant to provide for reporting and recertification procedures through the telephone, mail, facsimile, Internet, or electronic mail.

(E) JURISDICTION-WIDE IMPLEMENTATION.—

(i) IN GENERAL.—A grant awarded to a State or county under subsection (c)(1) shall be used for activities throughout the jurisdiction.

(ii) EXCEPTION.—A State or county awarded a grant under subsection (c)(1) may use grant

funds to develop one-stop service centers and telephone, mail, facsimile, Internet, or electronic mail application and renewal procedures for low-income family with children support programs without regard to the requirements of clause (i) of this subparagraph.

(F) SUPPLEMENT NOT SUPPLANT.—Funds provided to a State or county under a grant awarded under subsection (c)(1) shall be used to supplement and not supplant other State or county public funds expended to provide support services for low-income families.

(2) NONPROFITS AND LOCALITIES.—A grant awarded to a nonprofit or locality under subsection (c)(2) shall be used to—

(A) develop one-stop service centers for low-income family with children support programs in cooperation with States and counties; or

(B) provide information about and referrals to low-income family with children support programs through the dissemination of materials at strategic locations, including schools, clinics, and shopping locations.

(f) APPLICATION.—

(1) IN GENERAL.—Each applicant desiring a grant under paragraph (1) or (2) of subsection (c) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) STATES AND COUNTIES.—

(A) NON-FEDERAL SHARE.—Each State or county applicant shall provide assurances that the applicant will pay the non-Federal share of the activities for which a grant is sought.

(B) PARTNERSHIPS.—Each State or county applicant shall submit a memorandum of understanding demonstrating that the applicant has entered into a partnership to coordinate its efforts under the grant with the efforts of other State and county agencies that have responsibility for providing low-income families with assistance or benefits.

(g) DUTIES OF THE SECRETARY.—

(1) SURVEY FORM.—The Secretary, in cooperation with other relevant agencies, shall develop a customer survey form to determine whether low-income families—

(A) encounter any impediments in applying for or renewing their participation in low-income family with children support programs; and

(B) are unaware of low-income family with children support programs for which they are eligible.

(2) REPORTS.—

(A) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress describing the uses of grant funds awarded under this section.

(B) RESULTS OF TRACKING SYSTEMS AND SURVEYS.—The Secretary shall submit a report to Congress detailing the results of the tracking systems implemented and customer surveys carried out by States and counties under subsection (e) as the information becomes available.

(h) MISCELLANEOUS.—

(1) MATCHING FUNDS.—Matching funds required from a State or county awarded a grant under subsection (c)(1) of this section may—

(A) include in-kind services and expenditures by municipalities and private entities; and

(B) be considered a qualified State expenditure for purposes of determining whether the State has satisfied the maintenance of effort requirements of the temporary assistance for needy families program under section 409(a)(7) of the Social Security Act (42 U.S.C. 609(a)(7)).

(2) LIMITATION ON EXPENDITURES.—Subject to paragraph (3) of this subsection, not more than 20 percent of a grant awarded under subsection (c) shall be expended on customer surveys or tracking systems.

(3) REVERSION OF FUNDS.—Any funds not expended by a grantee within 2 years after awarded a grant shall be available for redistribution among other grantees in such manner and amount as the Secretary may determine, unless the Secretary extends by regulation the 2-year time period to expend funds.

(4) NONAPPORTIONMENT.—Notwithstanding any other provision of law, a State, county, locality, or nonprofit awarded a grant under subsection (c) is not required to apportion the costs of providing information about low-income family with children support programs among all low-income family with children support programs.

(5) ADMINISTRATIVE COSTS OF THE SECRETARY.—Not more than 5 percent of the funds appropriated to carry out this section shall be expended on administrative costs of the Secretary.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for the period of fiscal years 2004 through 2008.

SEC. 304. ASSESSMENTS FOR TANF RECIPIENTS.

Section 408(b) (42 U.S.C. 608(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) ASSESSMENT.—The State agency responsible for administering the State program funded under this part shall, for each recipient of assistance under the program who is a head of household, make an initial assessment of the skills, prior work experience, and circumstances related to the employability of the recipient, including physical or mental impairments, proficiency in English, child care needs, and whether the recipient is a victim of domestic violence.'';

(2) in paragraph (2)(A), by striking ''may develop'' and inserting ''shall develop''; and

(3) by striking paragraph (4).

SEC. 305. APPLICABILITY OF WORKPLACE LAWS.

Section 408 (42 U.S.C. 608) is amended by adding at the end the following:

''(h) No individual engaged in any activity funded in whole or in part by the TANF program shall be subjected to discrimination based on race, color, religion, sex, national origin, age, or disability, nor shall such an individual be denied the benefits or protections of any Federal, State or local employment, civil rights, or health and safety law because of such individual's status as a participant in the TANF program.''.

SEC. 306. WORK PARTICIPATION REQUIREMENTS.

Section 407(a)(1) (42 U.S.C. 607(a)), as amended by section 503 of this Act, is amended to read as follows:

''(1) IN GENERAL.—A State to which a grant is made under section 403 for a fiscal year shall achieve a minimum participation rate equal to not less than—

''(A) 50 percent for fiscal year 2004;

''(B) 55 percent for fiscal year 2005;

''(C) 60 percent for fiscal year 2006;

''(D) 65 percent for fiscal year 2007; and

''(E) 70 percent for fiscal year 2008 and each succeeding fiscal year.''.

SEC. 307. HOURS OF WORK-RELATED ACTIVITIES.

Section 407(c)(1)(A) (42 U.S.C. 607(c)(1)(A)) is amended by striking ''20'' and inserting ''24''.

SEC. 308. STATE OPTION TO REQUIRE RECEIPIENTS TO ENGAGE IN WORK FOR 40 HOURS PER WEEK.

Section 407(c)(1)(A) (42 U.S.C. 607(c)(1)(A)) is amended by adding at the end the following flush sentence:

''At the option of a State, the State may require, a recipient not referred to in paragraph (2)(B) to engage in work for an average of 40 hours per week in each month in a particular fiscal year.''.

SEC. 309. REVISION AND SIMPLIFICATION OF THE TRANSITIONAL MEDICAL ASSISTANCE PROGRAM (TMA).

(a) OPTION OF CONTINUOUS ELIGIBILITY FOR 12 MONTHS; OPTION OF CONTINUING COVERAGE FOR UP TO AN ADDITIONAL YEAR.—

(1) OPTION OF CONTINUOUS ELIGIBILITY FOR 12 MONTHS BY MAKING REPORTING REQUIREMENTS OPTIONAL.—Section 1925(b) (42 U.S.C. 1396r–6(b)) is amended—

(A) in paragraph (1), by inserting '', at the option of a State,'' after ''and which'';

(B) in paragraph (2)(A), by inserting ''Subject to subparagraph (C)—'' after ''(A) NOTICES.—'';

(C) in paragraph (2)(B), by inserting ''Subject to subparagraph (C)—'' after ''(B) REPORTING REQUIREMENTS.—'';

(D) by adding at the end the following new subparagraph:

''(C) STATE OPTION TO WAIVE NOTICE AND REPORTING REQUIREMENTS.—A State may waive some or all of the reporting requirements under clauses (i) and (ii) of subparagraph (B). Insofar as it waives such a reporting requirement, the State need not provide for a notice under subparagraph (A) relating to such requirement.''; and

(E) in paragraph (3)(A)(iii), by inserting ''the State has not waived under paragraph (2)(C) the reporting requirement with respect to such month under paragraph (2)(B) and if'' after ''6-month period if''.

(2) STATE OPTION TO EXTEND ELIGIBILITY FOR LOW-INCOME INDIVIDUALS FOR UP TO 12 ADDITIONAL MONTHS.—Section 1925 (42 U.S.C. 1396r–6) is further amended—

(A) by redesignating subsections (c) through (f) as subsections (d) through (g); and

(B) by inserting after subsection (b) the following new subsection:

''(c) STATE OPTION OF UP TO 12 MONTHS OF ADDITIONAL ELIGIBILITY.—

''(1) IN GENERAL.—Notwithstanding any other provision of this title, each State plan approved under this title may provide, at the option of the State, that the State shall offer to each family which received assistance during the entire 6-month period under subsection (b) and which meets the applicable requirement of paragraph (2), in the last month of the period the option of extending coverage under this subsection for the succeeding period not to exceed 12 months.

''(2) INCOME RESTRICTION.—The option under paragraph (1) shall not be made available to a family for a succeeding period unless the State determines that the family's average gross monthly earnings (less such costs for such child care as is necessary for the employment of the caretaker relative) as of the end of the 6-month period under subsection (b) does not exceed 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

''(3) APPLICATION OF EXTENSION RULES.—The provisions of paragraphs (2), (3), (4), and (5) of subsection (b) shall apply to the extension provided under this subsection in the same manner as they apply to the extension provided under subsection (b)(1), except that for purposes of this subsection—

''(A) any reference to a 6-month period under subsection (b)(1) is deemed a reference to the extension period provided under paragraph (1) and any deadlines for any notices or reporting and the premium payment periods shall be modified to correspond to the appropriate calendar quarters of coverage provided under this subsection; and

''(B) any reference to a provision of subsection (a) or (b) is deemed a reference to the corresponding provision of subsection (b) or of this subsection, respectively.''.

(b) STATE OPTION TO WAIVE RECEIPT OF MEDICAID FOR 3 OF PREVIOUS 6 MONTHS TO QUALIFY FOR TMA.—Section 1925(a)(1) (42 U.S.C. 1396r–6(a)(1)) is amended by adding at the end the following: ''A State may, at its option, also apply the previous sentence in the case of a family that was receiving such aid for fewer than 3 months, or that had applied for and was eligible for such aid for fewer than 3 months, during the 6 immediately preceding months described in such sentence.''.

(c) ELIMINATION OF SUNSET FOR TMA.—

(1) Subsection (g) of section 1925 (42 U.S.C. 1396r–6), as redesignated under subsection (a)(2), is repealed.

(2) Section 1902(e)(1) (42 U.S.C. 1396a(e)(1)) is amended by striking ''(A) Nothwithstanding'' and all that follows through ''During such period, for'' in subparagraph (B) and inserting ''For''.

(d) CMS REPORT ON ENROLLMENT AND PARTICIPATION RATES UNDER TMA.—Section 1925, as amended by subsections (a)(2) and (c), is amended by adding at the end the following new subsection:

''(g) ADDITIONAL PROVISIONS.—

''(1) COLLECTION AND REPORTING OF PARTICIPATION INFORMATION.—Each State shall—

''(A) collect and submit to the Secretary, in a format specified by the Secretary, information on average monthly enrollment and average monthly participation rates for adults and children under this section; and

''(B) make such information publicly available.

Such information shall be submitted under subparagraph (A) at the same time and frequency in which other enrollment information under this title is submitted to the Secretary. Using such information, the Secretary shall submit to Congress annual reports concerning such rates.''.

(e) COORDINATION OF WORK.—Section 1925(g), as added by subsection (d), is amended by adding at the end the following new paragraph:

''(2) COORDINATION WITH ADMINISTRATION FOR CHILDREN AND FAMILIES.—The Administrator of the Centers for Medicare & Medicaid Services, in carrying out this section, shall work with the Assistant Secretary for the Administration for Children and Families to develop guidance or other technical assistance for States regarding best practices in guaranteeing access to transitional medical assistance under this section.''.

(f) ELIMINATION OF TMA REQUIREMENT FOR STATES THAT EXTEND COVERAGE TO CHILDREN AND PARENTS THROUGH 185 PERCENT OF POVERTY.—

(1) IN GENERAL.—Section 1925 is further amended by adding at the end the following new subsection:

''(h) PROVISIONS OPTIONAL FOR STATES THAT EXTEND COVERAGE TO CHILDREN AND PARENTS THROUGH 185 PERCENT OF POVERTY.—A State may (but is not required to) meet the requirements of subsections (a) and (b) if it provides for medical assistance under section 1931 to families (including both children and caretaker relatives) the average gross monthly earning of which (less such costs for such child care as is necessary for the employment of a caretaker relative) is at or below a level that is at least 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.''.

(2) CONFORMING AMENDMENTS.—Such section is further amended, in subsections (a)(1) and (b)(1), by inserting '', but subject to subsection (h),'' after ''Notwithstanding any other provision of this title,'' each place it appears.

(g) EXTENDING USE OF OUTSTATIONED WORKERS TO ACCEPT APPLICATIONS FOR TRANSITIONAL MEDICAL ASSISTANCE.—Section 1902(a)(55) (42 U.S.C. 1396a(a)(55)) is amended by inserting ''and under section 1931'' after ''(a)(10)(A)(ii)(IX)''.

(h) EFFECTIVE DATES.—(1) Except as provided in this subsection, the amendments made by this section shall apply to calendar quarters beginning on or after the date of the enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 310. ENSURING TANF FUNDS ARE NOT USED TO DISPLACE PUBLIC EMPLOYEES.

(a) WELFARE-TO-WORK WORKER PROTECTIONS.—Section 403(a)(5)(I) (42 U.S.C. 603(a)(5)(I)) is amended—

(1) by striking clauses (i) and (iv);

(2) by redesignating clauses (v) and (vi) as clauses (iv) and (v), respectively; and

(3) by inserting before clause (ii) the following:

''(i) NONDISPLACEMENT.—A State shall establish and maintain such procedures as are necessary to do the following with respect to activities funded in whole or in part under this part:

''(I) Prohibit the placement of an individual in a work activity specified in section 407(d) from resulting in the displacement of any employee or position (including partial displacement, such as a reduction in the hours of nonovertime work wages, or employment benefits, or fill any unfilled vacancy, or performing work when any other individual is on layoff from the same or any substantially equivalent job).

''(II) Prohibit the placement of an individual in a work activity specified in section 407(d) which would impair any contract for services, be inconsistent with any employment-related State or local law or regulation, or collective bargaining agreement, or infringe on the recall rights or promotional opportunities of any worker.

''(III) Maintain an impartial grievance procedure to resolve any complaints alleging violations of subclause (I) or (II) within 60 days after receipt of the complaint, and if a decision is adverse to the party who filed such a grievance or no decision has been reached, provided for the completion of an arbitration procedure within 75 days after receipt of the complaint or the adverse decision or conclusion of the 60-day period, whichever is earlier. The procedures shall include a right to a hearing. The procedures shall include remedies for violations of the requirement that shall include termination or suspension of payments, prohibition of the participant, reinstatemt of an employee, and other appropriate relief. The procedures shall specifiy that if a direct work activity engaged in by a recipient of assistance under the State program funded under this part involves a placement in a State agency or local government agency pursuant to this section and the agency experiences a net reduction in its overall workforce in a given year, there is a rebuttable presumption that the placement has resulted in displacement of the employees of the agency in violation of this subparagraph.''.

(b) STATE PLAN REQUIREMENT.—Section 402(a) (42 U.S.C. 602(a)) is amended by adding at the end the following:

''(5) A plan that outlines the resources and procedures that will be used to ensure that the State will establish and maintain the procedures described in section 403(a)(5)(I)(i).''.

SEC. 311. INCREASE IN FUNDING FOR SOCIAL SERVICES BLOCK GRANT.

Section 2003(c) (42 U.S.C. 1397b(c)) is amended by adding at the end the following:

''(12) $2,800,000,000 for the fiscal year 2004 and each fiscal year thereafter.''.

TITLE IV—HELPING WELFARE LEAVERS CLIMB THE EMPLOYMENT LADDER

SEC. 401. STATE PLAN REQUIREMENT ON EMPLOYMENT ADVANCEMENT.

(a) IN GENERAL.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

''(vii) Establish goals and take action to improve initial earnings, job advancement, and employment retention for individuals in and individuals leaving the program.''.

(b) INCLUSION IN ANNUAL REPORTS OF PROGRESS IN ACHIEVING EMPLOYMENT ADVANCEMENT GOALS.—Section 411(b) (42 U.S.C. 611(b)) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and'' ; and

(3) by adding at the end the following:

''(5) in each report submitted after fiscal year 2004, the progress made by the State in achieving the goals referred to in section 402(a)(1)(A)(vii) in the most recent State plan submitted pursuant to section 402(a).''.

SEC. 402. EMPLOYMENT ADVANCEMENT FUND.

Section 403(a) (42 U.S.C. 603(a)) is further amended by adding at the end the following:

''(8) EMPLOYMENT ADVANCEMENT FUND.—

''(A) IN GENERAL.—The Secretary shall provide grants to States and localities for research, evaluation, technical assistance, and demonstration projects that focus on—

''(i) improving wages for low-income workers, regardless of whether such workers are recipients of assistance under a State program funded under this part, through training and other services; and

''(ii) enhancing employment prospects for recipients of such assistance with barriers to employment, such as a physical or mental impairment, a substance abuse problem, or limited proficiency in English.

''(B) ADMINISTRATION.—

''(i) ALLOCATION OF FUNDS.—The Secretary shall allocate at least 40 percent of the funds made available pursuant to this paragraph for projects that focus on the matters described in subparagraph (A)(i), and at least 40 percent of the funds for projects that focus on the matters described in subparagraph (A)(ii).

''(ii) DIVERSITY OF PROJECTS.—The Secretary shall attempt to provide funds under this paragraph for diverse projects from geographically different areas.

''(C) AID UNDER THIS PARAGRAPH NOT 'ASSISTANCE'.—A benefit or service provided with funds made available under this paragraph shall not, for any purpose, be considered assistance under a State program funded under this part.

''(D) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2004 through 2008 $150,000,000 for grants under this paragraph.''.

SEC. 403. ELIMINATION OF LIMIT ON NUMBER OF TANF RECIPIENTS ENROLLED IN VOCATIONAL EDUCATION OR HIGH SCHOOL WHO MAY BE COUNTED TOWARDS THE WORK PARTICIPATION REQUIREMENT.

Section 407(c)(2) (42 U.S.C. 607(c)(2)) is amended by striking subparagraph (D).

SEC. 404. COUNTING OF UP TO 2 YEARS OF VOCATIONAL OR EDUCATIONAL TRAINING (INCLUDING POSTSECONDARY EDUCATION), WORK-STUDY, AND RELATED INTERNSHIPS AS WORK ACTIVITIES.

Section 407(d)(8) (42 U.S.C. 607(d)(8)) is amended to read as follows:

''(8) not more than 24 months of participation by an individual in—

''(A) vocational or educational training (including postsecondary education), at an eligible educational institution (as defined in section 404(h)(5)(A)) leading to attainment of a credential from the institution related to employment or a job skill;

''(B) a State or Federal work-study program under part C of title IV of the Higher Education Act of 1965 or an internship related to vocational or postsecondary education, supervised by an eligible educational institution (as defined in section 404(h)(5)(A)); or

''(C) a course of study leading to adult literacy, in which English is taught as a second language, or leading to a certificate of high school equivalency, if the State considers the activities important to improving the ability of the individual to find and maintain employment.''.

SEC. 405. LIMITED COUNTING OF CERTAIN ACTIVITIES LEADING TO EMPLOYMENT AS WORK ACTIVITY.

(a) IN GENERAL.—Section 407(d) (42 U.S.C. 607(d)) is amended—

(1) by striking ''and'' at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting ''; and''; and

(3) by adding at the end the following:

''(13) Up to 6 months of participation (as determined by the State) in services designed to improve future employment opportunities, including substance abuse treatment services, services to address sexual or domestic violence, and physical rehabilitation and mental health services.''.

(b) CONFORMING AMENDMENT.—Section 407(c)(1) (42 U.S.C. 607(c)(1)) is amended by striking ''and (12)'' each place it appears and inserting ''(12), and (13)''.

SEC. 406. CLARIFICATION OF AUTHORITY OF STATES TO USE TANF FUNDS CARRIED OVER FROM PRIOR YEARS TO PROVIDE TANF BENEFITS AND SERVICES.

Section 404(e) (42 U.S.C. 604(e)) is amended—

(1) in the subsection heading, by striking ''ASSISTANCE'' and inserting ''BENEFITS OR SERVICES''; and

(2) after the heading, by striking ''assistance'' and inserting ''any benefit or service that may be provided''.

SEC. 407. DEFINITION OF ASSISTANCE.

(a) IN GENERAL.—Section 419 (42 U.S.C. 619) is amended by adding at the end the following:

''(6) ASSISTANCE.—

''(A) IN GENERAL.—The term 'assistance' means payment, by cash, voucher, or other means, to or for an individual or family for the purpose of meeting a subsistence need of the individual or family (including food, clothing, shelter, and related items, but not including costs of transportation or child care).

''(B) EXCEPTION.—The term 'assistance' does not include a payment described in subparagraph (A) to or for an individual or family on a short-term, nonrecurring basis (as defined by the State).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 404(a)(1) (42 U.S.C. 604(a)(1)) is amended by striking ''assistance'' and inserting ''aid''.

(2) Section 404(f) (42 U.S.C. 604(f)) is amended by striking ''assistance'' and inserting ''benefits or services''.

(3) Section 408(a)(5)(B)(i) (42 U.S.C. 608(a)(5)(B)(i)) is amended in the heading by striking ''ASSISTANCE'' and inserting ''AID''.

SEC. 408. CONTINUATION OF PRE-WELFARE REFORM WAIVERS.

Section 415 (42 U.S.C. 615) is amended by adding at the end the following:

''(c) CONTINUATION OF WAIVERS APPROVED OR SUBMITTED BEFORE DATE OF ENACTMENT OF WELFARE REFORM.—Notwithstanding subsection (a), with respect to any State that is operating under a waiver described in subsection (a) which would otherwise expire on a date that occurs in the period that begins on September 30, 2002, and ends on September 30, 2008, the State may elect to continue to operate under the waiver, on the same terms and conditions as applied to the waiver on the day before such date, through September 30, 2008.''.

TITLE V—PROMOTING FAMILY FORMATION AND RESPONSIBLE PARENTING

SEC. 501. FAMILY FORMATION FUND.

Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended to read as follows:

''(2) FAMILY FORMATION FUND.—

''(A) IN GENERAL.—The Secretary shall provide grants to States and localities for research, technical assistance, and demonstration projects to promote and fund best practices in the following areas:

''(i) Promoting the formation of 2-parent families.

''(ii) Reducing teenage pregnancies.

''(iii) Increasing the ability of noncustodial parents to financially support and be involved with their children.

''(B) ALLOCATION OF FUNDS.—In making grants under this paragraph, the Secretary shall ensure that not less than 30 percent of the funds made available pursuant to this paragraph for a fiscal year are used in each of the areas described in subparagraph (A).

''(C) CONSIDERATION OF DOMESTIC VIOLENCE IMPACT.—In making grants under this paragraph, the Secretary shall consider the potential impact of a project on the incidence of domestic violence.

''(D) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2004 through 2008 $100,000,000 for grants under this paragraph.''.

SEC. 502. DISTRIBUTION OF CHILD SUPPORT COLLECTED BY STATES ON BEHALF OF CHILDREN RECEIVING CERTAIN WELFARE BENEFITS.

(a) MODIFICATION OF RULE REQUIRING ASSIGNMENT OF SUPPORT RIGHTS AS A CONDITION OF RECEIVING TANF.—Section 408(a)(3) (42 U.S.C. 608(a)(3)) is amended to read as follows:

''(3) NO ASSISTANCE FOR FAMILIES NOT ASSIGNING CERTAIN SUPPORT RIGHTS TO THE STATE.—A State to which a grant is made under section 403 shall require, as a condition of providing assistance to a family under the State program funded under this part, that a member of the family assign to the State any rights the family member may have (on behalf of the family member or of any other person for whom the family member has applied for or is receiving such assistance) to support from any other person, not exceeding the total amount of assistance paid to the family under the program, which accrues during the period that the family receives assistance under the program.''.

(b) INCREASING CHILD SUPPORT PAYMENTS TO FAMILIES AND SIMPLIFYING CHILD SUPPORT DISTRIBUTION RULES.—

(1) DISTRIBUTION RULES.—

(A) IN GENERAL.—Section 457(a) (42 U.S.C. 657(a)) is amended to read as follows:

''(a) IN GENERAL.—Subject to subsections (d) and (e), the amounts collected on behalf of a family as support by a State pursuant to a plan approved under this part shall be distributed as follows:

''(1) FAMILIES RECEIVING ASSISTANCE.—In the case of a family receiving assistance from the State, the State shall—

''(A) pay to the Federal Government the Federal share of the amount collected, subject to paragraph (3)(A);

''(B) retain, or pay to the family, the State share of the amount collected, subject to paragraph (3)(B); and

''(C) pay to the family any remaining amount.

''(2) FAMILIES THAT FORMERLY RECEIVED ASSISTANCE.—In the case of a family that formerly received assistance from the State:

''(A) CURRENT SUPPORT.—To the extent that the amount collected does not exceed the current support amount, the State shall pay the amount to the family.

''(B) ARREARAGES.—To the extent that the amount collected exceeds the current support amount, the State—

''(i) shall first pay to the family the excess amount, to the extent necessary to satisfy support arrearages not assigned pursuant to section 408(a)(3);

''(ii) if the amount collected exceeds the amount required to be paid to the family under clause (i), shall—

''(I) pay to the Federal Government, the Federal share of the excess amount described in this clause, subject to paragraph (3)(A); and

''(II) retain, or pay to the family, the State share of the excess amount described in this clause, subject to paragraph (3)(B); and

''(iii) shall pay to the family any remaining amount.

''(3) LIMITATIONS.—

''(A) FEDERAL REIMBURSEMENTS.—The total of the amounts paid by the State to the Federal Government under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the Federal share of the amount assigned with respect to the family pursuant to section 408(a)(3).

''(B) STATE REIMBURSEMENTS.—The total of the amounts retained by the State under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the State share of the amount assigned with respect to the family pursuant to section 408(a)(3).

''(4) FAMILIES THAT NEVER RECEIVED ASSISTANCE.—In the case of any other family, the State shall pay the amount collected to the family.

''(5) FAMILIES UNDER CERTAIN AGREEMENTS.—Notwithstanding paragraphs (1) through (4), in the case of an amount collected for a family in accordance with a cooperative agreement under section 454(33), the State shall distribute the amount collected pursuant to the terms of the agreement.

''(6) STATE FINANCING OPTIONS.—To the extent that the State share of the amount payable to a family for a month pursuant to paragraph (2)(B) of this subsection exceeds the amount that the State estimates (under procedures approved by the Secretary) would have been payable to the family for the month pursuant to former section 457(a)(2)

(as in effect for the State immediately before the date this subsection first applies to the State) if such former section had remained in effect, the State may elect to use the grant made to the State under section 403(a) to pay the amount, or to have the payment considered a qualified State expenditure for purposes of section 409(a)(7), but not both.

''(7) STATE OPTION TO PASS THROUGH ADDITIONAL SUPPORT WITH FEDERAL FINANCIAL PARTICIPATION.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is not a recipient of assistance under the State program funded under part A, to the extent that the State pays the amount to the family and disregards the payment for purposes of paying benefits under the State program funded under part A.

''(B) RECIPIENTS OF TANF FOR LESS THAN 5 YEARS.—Notwithstanding paragraphs (1) and (2), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is a recipient of assistance under the State program funded under part A and that has received the assistance for not more than 5 years after the date of the enactment of this paragraph, to the extent that the State pays the amount to the family.''.

(B) APPROVAL OF ESTIMATION PROCEDURES.—Not later than October 1, 2003, the Secretary of Health and Human Services, in consultation with the States (as defined for purposes of part D of title IV of the Social Security Act), shall establish the procedures to be used to make the estimate described in section 457(a)(6) of such Act.

(2) CURRENT SUPPORT AMOUNT DEFINED.—Section 457(c) (42 U.S.C. 657(c)) is amended by adding at the end the following:

''(5) CURRENT SUPPORT AMOUNT.—The term 'current support amount' means, with respect to amounts collected as support on behalf of a family, the amount designated as the monthly support obligation of the noncustodial parent in the order requiring the support.''.

(c) BAN ON RECOVERY OF MEDICAID COSTS FOR CERTAIN BIRTHS.—Section 454 (42 U.S.C. 654) is amended—

(1) by striking ''and'' at the end of paragraph (32);

(2) by striking the period at the end of paragraph (33) and inserting ''; and''; and

(3) by inserting after paragraph (33) the following:

''(34) provide that the State shall not use the State program operated under this part to collect any amount owed to the State by reason of costs incurred under the State plan approved under title XIX for the birth of a child for whom support rights have been assigned pursuant to section 408(a)(3), 471(a)(17), or 1912.''.

(d) STATE OPTION TO DISCONTINUE CERTAIN SUPPORT ASSIGNMENTS.—Section 457(b) (42 U.S.C. 657(b)) is amended by striking ''shall'' and inserting ''may''.

(e) CONFORMING AMENDMENTS.—

(1) Section 409(a)(7)(B)(i)(I)(aa) (42 U.S.C. 609(a)(7)(B)(i)(I)(aa)) is amended by striking ''457(a)(1)(B)'' and inserting ''457(a)(1)''.

(2) Section 404(a) (42 U.S.C. 604(a)) is amended—

(A) by striking ''or'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(C) by adding at the end the following:

''(3) to fund payment of an amount pursuant to clause (i) or (ii) of section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to use the grant to fund the payment.''.

(3) Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

''(V) PORTIONS OF CERTAIN CHILD SUPPORT PAYMENTS COLLECTED ON BEHALF OF AND DISTRIBUTED TO FAMILIES NO LONGER RECEIVING ASSISTANCE.—Any amount paid by a State pursuant to clause (i) or (ii) of section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to have the payment considered a qualified State expenditure.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and section 901(b) of this Act, the amendments made by this section shall take effect on October 1, 2007, and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(2) STATE OPTION TO ACCELERATE EFFECTIVE DATE.—A State may elect to have the amendments made by this section apply to the State and to amounts collected by the State, on and after such date as the State may select that is after the date of the enactment of this Act and before the effective date provided in paragraph (1).

SEC. 503. ELIMINATION OF SEPARATE WORK PARTICIPATION RATE FOR 2-PARENT FAMILIES.

Section 407 (42 U.S.C. 607) is amended—

(1) in subsection (a), by striking paragraph (2); and

(2) in subsection (b)—

(A) by striking paragraph (2);

(B) in paragraph (4), by striking ''paragraphs (1)(B) and (2)(B)'' and inserting ''paragraph (1)(B)'';

(C) in paragraph (5), by striking ''rates'' and inserting ''rate''; and

(D) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

SEC. 504. BAN ON IMPOSITION OF STRICTER ELIGIBILITY CRITERIA FOR 2-PARENT FAMILIES; STATE OPT-OUT.

(a) PROHIBITION.—Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(13) BAN ON IMPOSITION OF STRICTER ELIGIBILITY CRITERIA FOR 2-PARENT FAMILIES.—

''(A) IN GENERAL.—In determining the eligibility of a 2-parent family for assistance under a State program funded under this part, the State shall not impose a requirement that does not apply in determining the eligibility of a 1-parent family for such assistance.

''(B) STATE OPT-OUT.—Subparagraph (A) shall not apply to a State if the State legislature, by law, has elected to make subparagraph (A) inapplicable to the State.''.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

''(16) PENALTY FOR IMPOSITION OF STRICTER ELIGIBILITY CRITERIA FOR 2-PARENT FAMILIES.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(13) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

SEC. 505. EXTENSION OF ABSTINENCE EDUCATION FUNDING UNDER MATERNAL AND CHILD HEALTH PROGRAM.

(a) IN GENERAL.—Section 510(d) (42 U.S.C. 710(d)) is amended by striking ''2002'' and inserting ''2008''.

(b) PURPOSE OF ALLOTMENTS.—For each of the fiscal years 2004 through 2008, section 510(b)(1) of the Social Security Act is deemed to read as follows: ''(1) The purpose of an allotment under subsection (a) to a State is to enable the State to provide abstinence education, and at the option of the State—

''(A) programs that the State defines as an appropriate approach to abstinence education that educates those who are currently sexually active or at risk of sexual activity about methods to reduce unintended pregnancy or other health risks; and

''(B) where appropriate, mentoring, counseling, and adult supervision to promote abstinence from sexual activity, with a focus on those groups which are most likely to bear children out-of-wedlock.''.

(c) MEDICALLY AND SCIENTIFICALLY ACCURATE INFORMATION.—For each of the fiscal years 2004 through 2008, there is deemed to appear in the matter preceding subparagraph (A) of section 510(b)(2) of such Act the phrase ''a medically and scientifically accurate educational'' in lieu of the phrase ''an educational'', and there is deemed to appear after and below subparagraph (H) of such section the following:

''For purposes of this section, the term 'medically accurate', with respect to information, means information that is supported by research, recognized as accurate and objective by leading medical, psychological, psychiatric, and public health organizations and agencies, and where relevant, published in peer review journals.''.

(d) EFFECTIVE MODELS FOR PROGRAMS.—For each of the fiscal years 2004 through 2008, section 510 of such Act is deemed to have at the end the following subsection:

''(e)(1) None of the funds appropriated in this section shall be expended for a program unless the program is based on a model that has been demonstrated to be effective in reducing unwanted pregnancy, or in reducing the transmission of a sexually transmitted disease or the human immunodeficiency virus.

''(2) The requirement of paragraph (1) shall not apply to programs that have been approved and funded under this section on or before April 19, 2002.''.

(e) COMPARATIVE EVALUATION OF ABSTINENCE EDUCATION PROGRAMS.—

(1) STUDY.—The Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall, in consultation with an advisory panel of researchers identified by the Board on Children Youth and Families of the National Academy of Sciences, conduct an experimental study directly or through contract or interagency agreement which assesses the relative efficacy of two approaches to abstinence education for adolescents. The study design should enable a comparison of the efficacy of an abstinence program which precludes education about contraception with a similar abstinence program which includes education about contraception. Key outcomes that should be measured in the study include rates of sexual activity, pregnancy, birth, and sexually transmitted diseases.

(2) REPORT.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit a report to Congress the available findings regarding the comparative analysis.

(3) FUNDING.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2008.

TITLE VI—RESTORING FAIRNESS FOR IMMIGRANT FAMILIES

SEC. 601. TREATMENT OF ALIENS UNDER THE TANF PROGRAM.

(a) EXCEPTION TO 5-YEAR BAN FOR QUALIFIED ALIENS.—Section 403(c)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)) is amended by adding at the end the following:

''(L) Benefits under the Temporary Assistance for Needy Families program described in section 402(b)(3)(A).''.

(b) BENEFITS NOT SUBJECT TO REIMBURSEMENT.—Section 423(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1138a note) is amended by adding at the end the following:

''(12) Benefits under part A of title IV of the Social Security Act except for cash assistance provided to a sponsored alien who is subject to deeming pursuant to section 408(h) of the Social Security Act.''.

(c) TREATMENT OF ALIENS.—Section 408 (42 U.S.C. 608) is amended by adding at the end the following:

''(h) SPECIAL RULES RELATING TO THE TREATMENT OF 213A ALIENS.—

''(1) IN GENERAL.—In determining whether a 213A alien is eligible for cash assistance under a State program funded under this part, and in determining the amount or types of such assistance to be provided to the alien, the State shall apply the rules of paragraphs (1), (2), (3), (5), and (6) of subsection (f) of this section by substituting '213A' for 'non-213A' each place it appears, subject to section 421(e) of the Personal Responsibility and Work Opportunity Reconcilation Act of 1996, and subject to section 421(f) of such Act (which shall be applied by substituting 'section 408(h) of the Social Security Act' for 'subsection (a)').

''(2) 213A ALIEN DEFINED.—An alien is a 213A alien for purposes of this subsection if the affidavit of support or similar agreement with respect to the alien that was executed by the sponsor of the alien's entry into the United States was executed pursuant to section 213A of the Immigration and Nationality Act.''.

(d) EFFECTIVE DATE AND APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 2003.

(2) APPLICABILITY.—The amendments made by this section shall apply to benefits provided on or after the effective date of this section.

SEC. 602. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND SCHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (4)''; and

(2) by adding at the end the following new paragraph:

''(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title, notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within either or both of the following eligibility categories:

''(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

''(ii) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

''(B) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.''.

(b) SCHIP.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) as amended by section 803 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554, is amended by redesignating subparagraphs (C) and (D) as subparagraph (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

''(C) Section 1903(v)(4) (relating to optional coverage of categories of permanent resident alien children), but only if the State has elected to apply such section to the category of children under title XIX.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2003, and apply to medical assistance and child health assistance furnished on or after such date.

SEC. 603. ELIGIBILITY OF DISABLED CHILDREN WHO ARE QUALIFIED ALIENS FOR SSI.

(a) IN GENERAL.—Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by inserting after subparagraph (K) the following new subparagraph:

''(L) SSI EXCEPTION FOR DISABLED CHILDREN.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(A), paragraph (1) shall not apply to a child who is considered disabled for purposes of the supplemental security income program under title XVI of the Social Security Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2003, and apply to benefits furnished on or after such date.

TITLE VII—ENSURING STATE ACCOUNTABILITY

SEC. 701. EXTENSION OF MAINTENANCE-OF-EFFORT REQUIREMENT.

Section 409(a)(7) (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A) by striking ''fiscal year 1998, 1999, 2000, 2001, 2002, or 2003'' and inserting ''fiscal year 2003, 2004, 2005, 2006, 2007, 2008, or 2009''; and

(2) in subparagraph (B)(ii)—

(A) by inserting ''preceding'' before ''fiscal year''; and

(B) by striking ''for fiscal years 1997 through 2002,''.

SEC. 702. BAN ON USING FEDERAL TANF FUNDS TO REPLACE STATE AND LOCAL SPENDING THAT DOES NOT MEET THE DEFINITION OF QUALIFIED STATE EXPENDITURES.

(a) PROHIBITION.—Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(14) BAN ON USING FEDERAL TANF FUNDS TO REPLACE STATE OR LOCAL SPENDING THAT DOES NOT MEET THE DEFINITION OF QUALIFIED STATE EXPENDITURES.—A State to which a grant is made under section 403 and a sub-State entity that receives funds from such a grant shall not expend any part of the grant funds to supplant State or local spending for benefits or services which are not qualified State expenditures (within the meaning of section 409(a)(7)(B)(i)).''.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

''(17) PENALTY FOR USING FEDERAL TANF FUNDS TO REPLACE STATE OR LOCAL SPENDING THAT DOES NOT MEET THE DEFINITION OF QUALIFIED STATE EXPENDITURES.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(14) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

TITLE VIII—IMPROVING INFORMATION ABOUT TANF RECIPIENTS AND PROGRAMS

SEC. 801. EXTENSION OF FUNDING OF STUDIES AND DEMONSTRATIONS.

Section 413(h)(1) (42 U.S.C. 613(h)(1)) is amended by striking ''2002'' and inserting ''2008''.

SEC. 802. LONGITUDINAL STUDIES OF EMPLOYMENT AND EARNINGS OF TANF LEAVERS.

Section 413 (42 U.S.C. 613) is amended—

(1) in subsection (h)(1)—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(E) the cost of conducting the studies described in subsection (k).''; and

(2) by adding at the end the following:

''(k) LONGITUDINAL STUDIES OF EMPLOYMENT AND EARNINGS OF TANF LEAVERS.—

''(1) IN GENERAL.—The Secretary, directly or through grants, contracts, or interagency agreements shall conduct a study in each eligible State of a statistically relevant cohort of individuals who leave the State program funded under this part during fiscal year 2004 and individuals who leave the program during fiscal year 2006, which uses State unemployment insurance data to track the employment and earnings status of the individuals during the 3-year period beginning at the time the individuals leave the program.

''(2) REPORTS.—The Secretary shall annually publish the findings of the studies conducted pursuant to paragraph (1) of this subsection, and shall annually publish the earnings data used in making determinations under section 407(b).''.

SEC. 803. INCLUSION OF DISABILITY STATUS IN INFORMATION STATES REPORT ABOUT TANF FAMILIES.

Section 411(a)(1)(A) (42 U.S.C. 611(a)(1)(A)) is amended by adding at the end the following:

''(xviii) Whether the head of the family has a significant physical or mental impairment.

SEC. 804. ANNUAL REPORT TO THE CONGRESS TO INCLUDE GREATER DETAIL ABOUT STATE PROGRAMS FUNDED UNDER TANF.

Section 411(b)(3) (42 U.S.C. 611(b)(3)), as amended by section 401(b)(1) of this Act, is amended to read as follows:

''(3) the characteristics of each State program funded under this part, including, with respect to each program funded with amounts provided under this part or with amounts the expenditure of which is counted as a qualified State expenditure for purposes of section 409(a)(7)—

''(A) the name of the program;

''(B) whether the program is authorized at a sub-State level (such as at the county level);

''(C) the purpose of the program;

''(D) the main activities of the program;

''(E) the total amount received by the program from amounts provided under this part;

''(F) the total of the amounts received by the program that are amounts the expenditure of which are counted as qualified State expenditures for purposes of section 409(a)(7);

''(G) the total funding level of the program;

''(H) the total number of individuals served by the program, and the number of such individuals served specifically with funds provided under this part or with amounts the expenditure of which are counted as qualified State expenditures for purposes of section 409(a)(7); and

''(I) the eligibility criteria for participation in the program;''.

SEC. 805. ENHANCEMENT OF UNDERSTANDING OF THE REASONS INDIVIDUALS LEAVE STATE TANF PROGRAMS.

(a) DEVELOPMENT OF COMPREHENSIVE LIST OF CASE CLOSURE REASONS.—The Secretary of Health and Human Services shall develop, in consultation with States and policy experts, a comprehensive list of reasons why individuals leave State programs funded under this part. The list shall be aimed at substantially reducing the number of case closures under the programs for which a reason is not known.

(b) INCLUSION IN QUARTERLY STATE REPORTS.—Section 411(a)(1)(A)(xvi) (42 U.S.C. 611(a)(1)(A)(xvi)) is amended—

(1) by striking ''or'' at the end of subclause (IV);

(2) by striking the period at the end and inserting ''; or''; or

(3) by adding at the end the following:

''(VI) a reason specified in the list developed under section 805(a) of the Next Step in Reforming Welfare Act.''.

SEC. 806. STANDARDIZED STATE PLANS.

Within 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services, after consulting with the States, shall establish a standardized format which States shall use to submit plans under section 402(a) of the Social Security Act for fiscal year 2005 and thereafter.

SEC. 807. STUDY BY THE CENSUS BUREAU.

(a) IN GENERAL.—Section 414(a) (42 U.S.C. 614(a)) is amended to read as follows:

''(a) IN GENERAL.—The Bureau of the Census shall implement a new longitudinal survey of program dynamics, developed in consultation with the Secretary and made available to interested parties, to allow for the assessment of the outcomes of continued welfare reform on the economic and child well-being of low-income families with children, including those who received assistance or services from a State program funded under this part, and, to the extent possible, shall provide State representative samples.''.

(b) APPROPRIATION.—Section 414(b) (42 U.S.C. 614(b)) is amended by striking ''1996,'' and all that follows through ''2002'' and inserting ''2004 through 2008''.

SEC. 808. ACCESS TO WELFARE; WELFARE OUTCOMES.

Section 411 (42 U.S.C. 611) is amended by adding at the end the following:

''(c) ANNUAL REPORTS ON WELFARE ACCESS AND OUTCOMES.—

''(1) STATE REPORTS.—Not later than January 1 of each fiscal year, each eligible State shall collect and report to the Secretary, with respect to the preceding fiscal year, the following information:

''(A) The number of applications for assistance from the State program funded under this part, the percentage that are approved versus those that are disapproved, and the reasons for disapproval, broken down by race.

''(B) A copy of all rules and policies governing the State program funded under this part that are not required by Federal law, and a summary of the rules and policies, including the amounts and types of assistance provided and the types of sanctions imposed under the program.

''(C) The types of occupations of, types of job training received by, and types and levels of educational attainment of recipients of assistance from the State program funded under this part, broken down by gender and race.

''(2) USE OF SAMPLING.—A State may comply with this subsection by using a scientifically acceptable sampling method approved by the Secretary.

''(3) REPORT TO THE CONGRESS.—Not later than June 1 of each fiscal year, the Secretary shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, publish in the Federal Register, and make available to the public a compilation of the reports submitted pursuant to paragraph (1) for the preceding fiscal year.''.

TITLE IX—EFFECTIVE DATE

SEC. 901. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in sections 208 and 502(f) and in subsection (b) of this section, the amendments made by this Act shall take effect on October 1, 2003, and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under section 402(a) or 454 of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such section 402(a) or 454 solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

The CHAIRMAN pro tempore. Pursuant to House Resolution 69, the gentleman from Maryland (Mr. CARDIN) and a Member opposed each will control 20 minutes.

Mr. HERGER. Mr. Chairman, I rise in opposition to the substitute and I yield 10 minutes to the gentlewoman from Washington (Ms. DUNN) for purposes of control.

The CHAIRMAN pro tempore. Without objection, the gentlewoman from Washington (Ms. DUNN) will control 10 minutes, the gentleman from California (Mr. HERGER) 10 minutes, and the gentleman from Maryland (Mr. CARDIN) 20 minutes.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, I yield myself such time as I may consume.

I would like to thank the gentleman from Wisconsin (Mr. KIND) and the gentlewoman from California (Ms. WOOLSEY) for joining me in offering this substitute. I want to thank the gentleman from New York (Mr. RANGEL), the gentleman from Michigan (Mr. LEVIN), the gentleman from California (Mr. GEORGE MILLER), and many other members of the Democratic Caucus who helped us in bringing forward this substitute.

As I said during general debate, the underlying bill before us is the wrong bill at the wrong time in order to help people that are currently in the welfare system. It is time to take welfare to the next step. Yes, we have been successful in removing individuals from the cash assistance rolls, but we have not been as successful as getting American families and children out of poverty. It is time to take welfare reform to the next step and to help American families escape not only cash assistance in welfare but poverty. There are significant differences between the underlying bill and the substitute. The substitute maintains State flexibility. It allows the States to provide education and training for the people that are on welfare.

Mr. Chairman, we have made a commitment in this Congress to education, leave no child behind. We say it is important for everyone except for someone who is on welfare. That is wrong. Our bill maintains and expands the flexibility to the State in education and training. Under the majority bill, if a State has a person working 20 hours a week in a traditional job and receiving 20 hours of job training, that person does not qualify for TANF assistance. That is wrong. The States should have the flexibility to tailor the program. Our bill, our substitute, allows that to continue. If a State chooses to cover legal immigrants, the State should have that option. There should be State flexibility. The underlying bill does not permit it; the substitute permits it.

The underlying bill provides for an unfunded mandate on our States, according to the Congressional Budget Office, $11 billion of extra expenditure by our States, and we only provide $1 billion of extra assistance. Under the bill before us, we provide $11 billion of additional child support to our States so they have the dollars necessary in order to carry out this very important program.

Mr. Chairman, a lot has changed since last year. Our States are struggling with large deficits. We should act as a partner with our States. We should not dictate to our States how they must configure their work requirements. We should trust the States as we did in 1996, allow them to provide the programs necessary to get people off of welfare, to get people in employment.

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Our bill provides for a meaningful work requirement for real jobs so that American families can succeed in our economic system.

Mr. Chairman, I urge my colleagues, who have been bragging about the success of the 1996 law, to build upon it. Do not destroy it. Listen to what our governors are saying when they tell you, without this substitute, we are moving backwards with unfunded mandates on the States. We have a chance to correct it.

I urge Members to support the substitute.

Ms. DUNN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when you pass major reform of a part of government as huge, as magnificent as welfare, you need to make sure that nobody falls through the cracks. That is the reason we are looking at this bill once again, 6 years after our accomplishment of welfare reform. It gives us a chance to review all the areas of the legislation and to make mid-course corrections where we need to.

Mr. Chairman, I rise in opposition to the Cardin substitute and in strong support of H.R. 4, the Personal Responsibility, Work and Family Promotion Act. This is critical legislation which builds on the great successes of the 1996 law to move people out of poverty into self-sufficiency. I want to thank my colleagues who worked very hard to bring this very important legislation to the floor once again today.

In 1996, we made historic changes to the welfare program. We transformed the welfare system from a permanent entitlement program that tolerated an average of 13 years on government dependence to a temporary assistance program that provided people the incentives to start working again, provided them the opportunities to gain the necessary skills to retain a job and provided them the great feeling of worth that comes from becoming self-sufficient.

We have an opportunity today to build upon our successes while improving this program to further assist individuals and families move out of poverty.

A terribly important element of encouraging welfare recipients to work is providing access to child care services. As a single parent who raised two children, I understand that quality child care is not an option, but a necessity, especially for many working mothers. Nothing is more important than the well-being of our children.

Mr. Chairman, I am very happy that this legislation gives working women greater access to child care services. As more parents, especially single mothers, enter the workforce, we must ensure they can access child care services to fit their needs.

For these reasons, our bill provides an additional $2 billion for child care, despite the fact that the welfare rolls have declined by 60 percent and despite the fact that the welfare reform bill has more than tripled spending on child care over the last 6 years, because we need to help in the area of infant care, of evening and weekend care and care for disabled children.

Our bill also gives States much greater flexibility to transfer more TANF funds toward child care services. This means an additional $3 billion over our additional $2 billion will be available for child care. The additional funding, along with the new flexibility options, will help States to offer more child care services for parents and for single mothers on the path toward a better future.

Mr. HERGER. Mr. Chairman, I reserve the balance of my time.

Mr. CARDIN. Mr. Chairman, I yield 2½ minutes to my friend, the gentleman from Wisconsin (Mr. KLECZKA), a distinguished member of the Committee on Ways and Means.

Mr. KLECZKA. Mr. Chairman, our Nation's economy has hit an extraordinary low. Since January 2001, 1.7 million jobs have been lost and unemployment stands at the highest rate in 8 years. Estimates show that 8.6 million Americans are actively searching for work, but unable to find it.

In my State of Wisconsin, we are experiencing a 5.4 percent unemployment rate. Over 42,000 people from the area I represent are out of work. In times like this, our Nation's social safety net must be extended, not retracted. Welfare rolls may have dropped, but poverty and hardship have not.

The success in the welfare reform bill that my Republican colleagues point to is an illusion. Our economic landscape is much different than it was during the welfare debate of the late 1990s. Then jobs were plentiful; today, they are not.

Now welfare reform will be put to the test. Instead of providing poor individuals with appropriate skills, training and education, the Republican welfare reform bill goes in a complete opposite direction.

H.R. 4 significantly reduces the ability of States to get individuals into innovative training and education programs. Under the bill, welfare recipients must work 40 hours per week. The first 24 must involve so-called direct work activities. Vocational training would be removed from the list of core activities counting for the 24-hour requirement. This eliminates the capability for individuals to spend the necessary time developing skills through education. Instead, they are forced to find jobs, if they are available, such as in fast food restaurants, dry cleaners and custodial work. This type of work offers no chance for advancement, no benefits and no decent wage to support a family.

Evidence shows that an overwhelming obstacle to work for parents is lack of affordable child care. The Republican welfare bill grossly underestimates funds for needed child care services. If a parent must expand the work hours, as is mandated under this legislation, the least we can do is give them access to child care.

In comparison, the Democratic substitute addresses the reality welfare families face in time of a recession. Our bill would allow welfare recipients to get vocational and education training as part of their work requirement. This includes obtaining a GED or taking English as a second language in classes. The Democratic substitute also commits an additional $11 billion for child care over the next 5 years. Providing child care is the only way that parents will be able to get work.

Mr. Chairman, what we need today is a meaningful reform bill that will create the incentive to work and not the approach advocated by my Republican colleagues.

I urge Members to support the Cardin substitute.

Ms. DUNN. Mr. Chairman, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. HART), who, even though a junior Member, has been very active in our work to provide additional child care money.

Ms. HART. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I rise in support of H.R. 4, and bring to everyone's attention the importance of what we are doing: We are reauthorizing something that has worked, a government program that works.

Welfare reform has raised over 3 million children out of poverty. Those that claim that is not true cannot support their claim with evidence. We know what has happened in the years that welfare reform has existed. We know that many people are now working, mothers, fathers, supporting their children and moving up out of poverty.

We have listened to the States, we have listened to those who have received welfare benefits in the past, those who are moving off the rolls; and they tell us some things need to change. Those things are adjusted in H.R. 4. One of the most important is that there is more opportunity for men and women who are single parents to get child care for their children while they work, while they go to school, while they reach higher and attain the points they want to: the American dream, a better job, a home, a better example for their children.

Mr. Chairman, I support H.R. 4 because it supports the American dream.

Mr. CARDIN. Mr. Chairman, it is my privilege to yield 3½ to the gentleman from Wisconsin (Mr. KIND), one of the coauthors of the substitute.

(Mr. KIND asked and was given permission to revise and extend his remarks.)

Mr. KIND. Mr. Chairman, first of all, I want to commend my colleagues, the gentleman from Maryland (Mr. CARDIN) as well as the gentlewoman from California (Ms. WOOLSEY), for working to put together what I think is an admirable and quality substitute measure.

For whatever reason, the majority party here today has a bill before us deciding to bypass the democratic process here in the House, bypassing the committee work, not giving an opportunity to 54 new Members of the House of Representatives to deal with

one of the most important pieces of legislation in the 108th Congress. This bad process has resulted in bad policy.

Let me put this in context: The legislation before us today is the single most important piece of legislation dealing with antipoverty programs that this session of Congress will address and that Congress has the opportunity to address for many years to come. But instead of working together to produce a meaningful bill that can empower people with real work opportunities and with empowering tools such as education and job training, they produced a bill which, I am afraid, is doomed to failure.

The key to implementation of this bill is getting the States to do it well. We did a survey of the States, and they came back and said they need basically two ingredients: Give us the flexibility, give us the tools, and we will finish the job. But instead of receiving the flexibility, they get a straitjacket. Instead of receiving the tools, they get a $12 billion unfunded mandate in H.R. 4, making it impossible for them to deal with changed economic circumstances, as well as the flexibility to empower people to become true, meaningful participants in our society.

Instead of rewarding States to get meaningful employment for recipients on TANF, they are still going to receive credit for merely reducing their caseload. That has worked over the last few years, but many of those no longer on the caseload, we have lost. We have no idea where they went or how well they're doing.

If anyone thinks this has a chance of succeeding by underfunding the required child care program, they do not understand that the parent or parents are not going to enter the workforce unless they know their children are taken care of.

This is an experiment being offered today, Mr. Chairman, but I am afraid it is doomed to failure. I do not know how a Member of the Wisconsin delegation, which was a pioneer in welfare reform, can support this bill that limits the flexibility of our State and State agencies, and then also provides a $89 million unfunded mandate to our State when we have serious budget difficulties already.

Furthermore, the Republican bill strips vocational education as wanting—the work requirements; our substitute allows it because it is the backbone to economic development programs throughout Wisconsin and the rest of the Nation. We can't have meaningful welfare reform without vocational education playing an important role.

We have an opportunity to still get this right, to deal with the flexibility issue, to deal with the funding issue, to allow recipients in TANF to get the type of skills and work qualifications that they need to gain meaningful employment and to stay off the welfare rolls forever. But, instead, we are falling back on an outdated program that may have worked during the boom of the 1990s in reducing caseloads, but I am afraid it is doomed to failure with the bad economic performance today.

Ms. DUNN. Mr. Chairman, I yield 1 minute to the gentlewoman from West Virginia (Mrs. CAPITO), who has been very effective in securing $2 billion additional for child care.

Mrs. CAPITO. Mr. Chairman, I stand before you today to offer and lend my support to H.R. 4, and most specifically because of the essential $2 billion in additional funds for child care.

As a representative of an economically distressed State, thousands of women and men in my district are reliant upon government-assisted child care so they can be on their road to self-sufficiency. Over 25 percent of the children in the State of West Virginia are reliant on government-supported child care. This increase in funding will ensure that these families will benefit, grow and prosper and go on to new and better lives.

People are in genuine need of quality, safe and affordable child care for their children. H.R. 4 will not only continue to guarantee this, but will also, with the increased $2 billion in child care, open the program up to more and larger families.

Mr. Chairman, I urge all of my colleagues to stand up and support the increased funding for child care. It is desperately needed by parents and children alike.

Mr. CARDIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), who has been one of the key architects of the Democratic substitute.

I really congratulate her for her work on this.

Ms. WOOLSEY. Mr. Chairman, I thank the gentleman for yielding me time and for his good work.

The Cardin-Woolsey-Kind substitute makes poverty reduction a core purpose of welfare reform. It offers bonuses to States that reduce child poverty.

The Democratic substitute gives low-income parents access to real education, such as an AA degree, vocational training, literacy classes, English as a second language or GED studies. Our substitute gives families the support and services they need while they are working and learning, like an additional $11 billion in mandatory funding for child care over 5 years.

□ 1500

We know that States are struggling right now to meet the demand for child care. Twenty States currently have waiting lists for child care; and in my State of California, only 19 percent of the children and families on welfare received any type of child care assistance. This is before the Republican challenge to send welfare moms to work for 40 hours a week. There is no way that their small increase in H.R. 4 for child care funding will be able to meet this expanded need.

Nobody knows more than I do how important child care is when you are struggling and working. I was a mother on welfare 35 years ago. I had college education, I had great job skills, I was in the workforce, and I needed AFDC in order to get the health care, the child care, and the food stamps that I needed. But it was not until my mother moved from Seattle, Washington, to California that I was able to grow in my job and, within 6 months, I was promoted to management because I could think about my job while I was at work and I did not have to worry about my children.

So my story is a good story, and let that be something my colleagues hold in their minds. My colleagues have never been there. I have.

Welfare moms can only succeed if they get the education and the skills they need for a job that will support their family through good economies and bad economies. The Woolsey-Kind-Cardin substitute will break the cycle of poverty, and it will strengthen families. It is welfare reform that meets the needs of this current economy, an economy where jobs are scarce, where child care is scarce, and where an education counts greater than ever before. Vote for our substitute and against H.R. 4.

Ms. DUNN. Mr. Chairman, what the gentlewoman from California may not know is that if she opposes H.R. 4, she will be voting against $477 million additional dollars for child care in the State of California.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON), very much an advocate of child care from her background and experience.

Mrs. WILSON of New Mexico. Mr. Chairman, I thank the gentlewoman from Washington for yielding me this time. To my colleague from California I would say that what we have in common on both sides of the aisle today is that we are all moms. We all worry about child care for our kids, whether it is the gentlewoman from Washington (Ms. DUNN), who raised her two boys on her own, or the gentlewoman from West Virginia (Mrs. CAPITO) and her daughter and son, or my two little bugs at home. We all care about the quality of child care where our kids are concerned.

I used to operate the child care system in New Mexico as the cabinet Secretary for Children, and one of the things that was clear to me under welfare reform is that we needed adequate support for child care, for women to be able to go back to work. That means increasing the payment rates for child care. It means having child care available at odd hours and on weekends so people can do shift work. We needed to increase funds. And we have, by $2 billion, in this bill, while the number of families depending on welfare and on child care is going down. That is a good thing.

Poverty has gone down in America because moms have been able to get

jobs and go back to work. Now we have to focus on improving the quality of that child care, because what we are talking about is early education for the youngest American citizens, and a lot of it takes place outside of Head Start, which is the Cadillac of early childhood education in this country.

So I support this bill and I oppose the substitute, and I want to commend the gentlewoman from Washington (Ms. DUNN), the gentlewoman from West Virginia (Mrs. CAPITO), the gentlewoman from Connecticut (Mrs. JOHNSON), and the gentlewoman from Pennsylvania (Ms. HART) for their work over the last 2 years to focus on this problem of child care and really get something done about it.

Mr. CARDIN. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), one of the architects of the provisions in this bill, particularly as it relates to real work requirements.

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Chairman, the American dream is not to live in poverty; the American dream is working, and working out of poverty. There is a basic fact: huge numbers of women who have moved from welfare to work remain in poverty. And this bill restricts the flexibility of the States to tailor plans to help people move up the ladder, whether by education or by other means.

The pivot of the rationale of the Republicans, that 58 percent of welfare recipients are not working, those figures are indeed more than questionable. The National Governors Association disagrees with it. And I urge everybody to go back to their States and look at the figures, the data behind those who are on welfare, how many have kids with disabilities, how many have other problems, so we see what the reality is.

Quickly, child care. I do not know how you on the majority side stand up and say you are for adequate child care when it is only $2 billion; CBO says it is billions inadequate. If we take into account inflation, it is $5 billion to $6 billion inadequate. How do you say that? Mr. Chairman, $1 billion is so inadequate that only it is mandatory and $1 billion is discretionary, if appropriated. It is a smoke screen.

And then this figure of $16,000 TANF per family. That is not only fuzzy math, that is phony math, because it includes all the child care for all working families, allocated or ascribed to people who are on TANF. And also another thing it does, it takes all of the programs of TANF that are not cash assistance and forgets about that as part of the TANF program.

The Cardin, et al bill is a bill to help people move to work out of poverty. That is where America wants to go and where this House should be going. Support the Cardin bill.

Ms. DUNN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. BROWN-WAITE), A NEW MEMBER OF THE UNITED STATES CONGRESS, TO TALK ABOUT THE CHILD CARE PROVISIONS IN H.R. 4.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise in support of H.R. 4 and against the substitute.

When I was a Florida senator, we passed welfare reform before the Federal Government did. We certainly adopted the Federal Government's further welfare reform; and what we found was families became families, not welfare families; that women finally had some self-confidence, and self-confidence enough not only to get a job, but to take advantage of their employers' education programs, and they took advantage of their employers' education programs. I happen to know firsthand because I teach college, and many of the young women that I had in college, young and middle-aged women that I had in college had been previous welfare recipients. They were grateful. They were very grateful that we had a situation in America where they could break that cycle. Because guess what? Their mother and their grandmother also in many instances were on welfare.

The bill that we have before us allocates more funding for child care and health care for welfare families ensuring that welfare families are cared for, and that those on welfare have access to health care while trying to secure work. We all know that for many years people stayed on welfare, particularly single women, stayed on welfare because of the health care benefits. We are extending them.

I think it is very important to remember that the House and Senate committees with jurisdiction on this issue held more than 20 hearings reviewing this legislation during the 107th Congress and heard testimony from more than 60 witnesses. It has been adequately reviewed, and it enjoys the support of so many Members of this body but, more importantly, people back home, including those people who had previously been welfare recipients.

I would ask my colleagues to join me in support of H.R. 4 to bring the real kind of assistance to people on welfare that they actually need. The substitute would only set welfare reform back.

Mr. CARDIN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I am somewhat confused. I have listened to the debate from the other side and I think they are supporting my substitute, but then at the end they say they are not. They all say they are for child care support, and yet we know in California alone this bill will cost $2.8 billion, more than all of the money that has been provided in this bill, which is only $1 billion of mandatory funding. So if you are for child care support for the welfare recipients, I assume my colleagues will be supporting the substitute. It is the only opportunity we are going to have to provide the additional monies.

Ms. DUNN. Mr. Chairman, I yield myself such time as I may consume.

I want to reiterate some things that we have heard talked about when we refer to child care. This year, an additional $2 billion will be provided for child care over and above what has been spent in the last 6 years in the welfare reform bill. The fact is that the dollars spent for child care over that period of time have tripled.

In addition, we want to help the States with their flexibility. If they wish, they can shift up to 50 percent of their TANF funds, $5.5 billion of which remain in State coffers right now, to child care. Why do we do this, Mr. Chairman? We do it because we think that the 1996 welfare reform bill has been tremendously successful. Caseloads are down by 60 percent. Nearly 3 million children have been lifted out of poverty. More people are now on the path to independence. Employment of single mothers has risen by 70 percent, but we know much more needs to be done to bridge the gap between a paycheck and a government handout. We think that if we increase the funding for child care, this will help. It will help a lot.

So I maintain, Mr. Chairman, that we must defeat this other bill, and we need to support H.R. 4. It is our proposal. It has worked in the past. It will increase effectiveness in the future.

Mr. CARDIN. Mr. Chairman, I reserve the balance of my time.

Mr. HERGER. Mr. Chairman, I yield 1 minute to the gentleman from Nevada (Mr. PORTER) for the sake of a colloquy.

Mr. PORTER. Mr. Chairman, I rise to ask my distinguished colleague from California to engage in a colloquy.

Mr. Chairman, I want to thank the chairman for bringing this important bill to the floor. I represent a State that has grown more than 75 percent since the 1990 census. As with many States, after the 9–11 catastrophe, Nevada saw an increase in the need for temporary assistance for needy families. Without the existing supplemental TANF program, Nevada and other growing States would not be able to meet their commitments.

I want to thank the gentleman for reauthorizing the supplemental grants and the contingency funds, and I would ask the chairman for his favorable consideration in the future for measures to prevent State population growth from outstripping available resources for needy families.

Mr. HERGER. Mr. Chairman, if the gentleman will yield, I appreciate the gentleman's comments. I agree it is important to continue to provide States with the resources and flexibility necessary for them to address the needs of the residents. The 1996 welfare reform law included specific provisions designed to address the concerns for growing States such as Nevada. Those provisions are retained and extended in this bill. As we move forward, we will continue to take every

step to see that this legislation includes adequate resources for the States to serve low-income families and children, including in States with growing populations.

Mr. CARDIN. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in support of our Democratic alternative. Unfortunately, the bill that has been offered by the other side of the aisle is a bill that is not really designed to get rid of poverty, and that is what we are trying to do. Our bill would move welfare recipients into real jobs and out of poverty; but more than that, we would allow for State flexibility to tailor services to help welfare recipients move into employment.

I am very concerned about having State flexibility because we are in a time of high unemployment and it does not seem to be getting any better. Those people who have been on for 5 years and they have to come off, we are dumping them out into an economy where we do not have jobs for them; but if the States have the flexibility to tailor the programs based on meeting the needs of the recipients, then I think it is fair. It is fair that not only do we have that flexibility, but we continue to have child care, child care support, and we continue to have fairness for our immigrant families.

NOTICE

Incomplete record of House proceedings.

Today's House proceedings will be continued in the next issue of the Record.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, THURSDAY, FEBRUARY 13, 2003 No. 27

Senate

The Senate met at 11 a.m. and was called to order by the Honorable CONRAD R. BURNS, a Senator from the State of Montana.

PRAYER

The guest Chaplain, Monsignor Robert J. Fuhrman, offered the following prayer:

Lord God of life and love, Creator of heaven and Earth, morning has again filled the sky and we ask for Your grace. The men and women of this Senate and every American face a world of uncertain promises and fragile peace. Strengthen, bless, and guide our Senators with Your warm light. Then threats and fear will cease to make us weak, for we can do all things in You. Give the Senate wisdom, Lord, the intended at Your throne. With wisdom they will be courageous in leadership, proud servants of a free people. Perfect in them the art of willing service, Lord. Show them and all of us the way. Help us to know what is right and to protect that which is good in this wonderful Nation and this beautiful world. Bless us, protect us from all evil, and give us Your peace. Amen.

Mr. LAUTENBERG. Mr. President, I rise today to welcome the Reverend Monsignor Robert J. Fuhrman to the Senate. Monsignor Fuhrman hails from Saddle River, NJ, and we are very happy that he is joining us today as the Senate's guest Chaplain. Monsignor Fuhrman was ordained to the priesthood in 1981. He received his bachelor's degree from Seton Hall University in 1977 and he currently serves as pastor at St. Gabriel the Archangel Church in Saddle River. He is also currently on the board of directors of the Society for the Propagation of the Faith, which is a mission support agency of the Catholic Church. In this capacity he has daily contact with missionaries providing important services in developing countries around the world.

I am always excited when we can welcome someone from New Jersey to the Senate Chamber and I am honored to welcome Monsignor Robert J. Fuhrman to lead us in our morning prayer.

PLEDGE OF ALLEGIANCE

The PRESIDING OFFICER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 13, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CONRAD R. BURNS, a Senator from the State of Montana, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BURNS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senate majority leader is recognized.

SCHEDULE

Mr. FRIST. The Senate will resume consideration of the nomination of Miguel Estrada to be a circuit judge for the DC Circuit. This is now the sixth day of debate on this judicial nominee. I thank Chairman HATCH, chairman of the Judiciary Committee, for leading the debate on Miguel Estrada last night. I believe Senator HATCH laid out very clearly the qualifications of this nominee, as well as the traditional practice and process of our judicial confirmations.

I thank all Members on this side of the aisle for their questions last night. I believe those questions and answers provide a great insight and clear away much of the rhetoric surrounding this well-qualified nominee.

Again last night I attempted to reach an agreement as to when we might have an up-or-down vote on the Estrada nomination. All of my proposals were rejected. I hope out of a sense of fairness my Democratic colleagues would rethink their objection and allow the time certain for an up-or-down vote on Miguel Estrada.

With respect to the omnibus appropriations conference report, the House filed the report late, very late, last night. The House is expected to act on that conference report later today. Therefore, it is my intention the Senate will be able to complete action on that measure on Friday.

I will be working with the Democratic leader in an effort to reach a time agreement on that conference report. Rollcall votes are, therefore, possible during today's and tomorrow's session.

The ACTING PRESIDENT pro tempore. The distinguished minority leader from South Dakota.

Mr. DASCHLE. I ask the distinguished majority leader if it is his intention to bring the bill up tomorrow? There have been questions about the schedule tomorrow. You did indicate it was more likely it would come up tomorrow rather than tonight?

Mr. FRIST. Mr. President, in response, it may well be tonight, in which case we could consider moving ahead tonight. It depends on when the House finishes their business and delivers it to us. A number of Senators have asked. Looking realistically, it is likely to be tomorrow. But if we receive it

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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earlier, I will be more than happy to work on it tomorrow.

I might turn to the distinguished chairman and ask for his perspective on what we might see over the course of today.

Mr. STEVENS. Mr. President, it is my understanding the House will not get to the bill until quite late tonight so I presume we will not receive it until tomorrow.

Mr. DASCHLE. I thank the chairman and the distinguished majority leader.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume executive session and the consideration of Executive Calendar No. 21, which the clerk will report.

The legislative clerk read the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

The ACTING PRESIDENT pro tempore. The distinguished minority leader.

Mr. DASCHLE. I thank the presiding officer.

Let me say in response to the majority leader, it has been 8 days now since Miguel Estrada's nomination came to the Senate floor. The issue in this case is not only Mr. Estrada's qualifications. An even more immediate issue is Mr. Estrada's continued refusal to fill out what, for all intents and purposes, is a job application. Mr. Estrada is asking for a lifetime appointment to the second most powerful court in the land, the court just below the Supreme Court, and yet he refuses to answer the simple questions that are asked routinely of men and women who are nominated to the Federal bench.

We do not need more time to debate the nomination. We need more answers. Without those answers, debate is hollow because we lack the basic information we need to make an informed judgment about Mr. Estrada's fitness. We are prepared to wait as long as we have to for his answers. Whether that wait lasts an hour, a day, a week, or even longer, is up to the administration and Mr. Estrada.

The Constitution does not suggest, it does not hint that maybe it would be a good idea for us to advise the President on his nominees and withhold or offer our consent. The Constitution requires the Senate to advise the President on the nominees and offer or withhold our consent. By refusing to answer even the most basic questions, Mr. Estrada is not only stonewalling the Senate, he is undermining the Constitution. He is preventing the Senate from exercising our fundamental constitutional responsibility in this matter.

I will simply say to my colleagues: We will not relent on this matter. We are united in our resolve to fulfill our obligation under the Constitution.

There have been efforts made by some on the other side to confuse people. They want the American people to believe that Democrats have been unfair in our handling of judicial nominations. I think most people know better than that. In the last 17 months, we confirmed 100 Federal judges. All of those judges were nominated by President Bush and all of them, one can assume, are quite conservative judges.

Our Republican colleagues have even suggested that this debate may be about Mr. Estrada's ethnicity. Some of his supporters have suggested—incredibly—that if you ask Mr. Estrada to answer questions, you are somehow hostile to the rights of Hispanic Americans. They have asserted on the floor of the Senate and also on the floor of the House that those who ask questions are somehow anti-Hispanic.

That charge is desperate and, frankly, offensive, and it is obviously untrue. In fact, the Congressional Hispanic Caucus, which unanimously opposed Mr. Estrada's nomination, has actually demanded an apology from those who have made this false claim. Regrettably, we have heard no apology from those who have had the poor judgment to make such unfounded allegations. Even one of the groups that supports Mr. Estrada's nomination has denounced those allegations by Republicans. So I hope we are not going to hear any more of that ill-advised talk on the Senate floor.

The fact is, many groups have expressed concern over Mr. Estrada's refusal to answer the Senate's questions. Among them, few have spoken out more forcefully than the organizations representing Hispanic Americans.

His nomination is opposed by every member of the Congressional Hispanic Caucus, by the Mexican-American Legal Defense and Education Fund, and the Puerto Rican Legal Defense and Education Fund.

Leaders of the Mexican-American Legal Defense and Education Fund said:

> It is unclear whether Mr. Estrada would be fair to Latino plaintiffs as well as others who would appear before him with claims under the First Amendment, the Fifth Amendment, and Due Process clauses of the Constitution.

They continued:

> Further, we found evidence that suggests that [Mr. Estrada] may not serve as a fair and impartial jurist on allegations brought before him in the areas of racial profiling, immigration and abusive or improper police practices . . . .
>
> We have concerns about whether he would fairly review standing issues for organizations representing minority interests, affirmative action programs or claims by low-income consumers.
>
> We are also unsure, after a careful review of his record, whether he would fairly protect labor rights of immigrant workers, or the rights of minority voters under the Voting Rights Act.

All this, not from some Democratic Senator, not from some partisan Democrat, but from one of the most respected Hispanic groups to speak out on this issue, on either side.

Other Hispanic groups, including the Puerto Rican Legal Defense and Education Fund have expressed very similar concerns.

If these perceptions are inaccurate, Mr. Estrada could disprove them—if he would stop stonewalling. But, unfortunately, so far he has refused to do so.

As I said, there is far too much we don't know about Mr. Estrada. We will do everything we can to prevent his nomination from coming to a vote until he provides this Senate and the American people with some straight answers.

Perhaps the most troubling aspect of this situation is not the red herrings. It is not the cynical or false accusations of obstructionism or anti-Hispanic bigotry, as offensive as those charges are. What is even more troubling is what the Senate is not doing right now.

We have made it clear that the Senate cannot vote on the Estrada nomination until the necessary information is provided. Yet our Republican colleagues have chosen to force this fight onto the floor rather than to take up other, more urgent business.

Americans who watched as this debate stretched late into the night last night must have been mystified. They know we are facing daunting challenges at this critical moment in our history. Our Nation may be on the verge of war. We are told that America is at a high risk of terrorist attack. People are experiencing great anxiety about their safety and the safety of their loved ones. What is more, millions of Americans are out of work and our economy is in trouble.

Why—Americans must have asked themselves last night—with all of the great challenges confronting our nation, why has the Republican majority chosen to pick this fight at this time?

I don't understand, and I doubt that people at home do, either.

America faces serious, even life-and-death challenges: homeland security, the economy. That is what the Senate should be working on day and night. That is a good reason for an all-night session.

Miguel Estrada should stop the stonewalling. He should answer the Senate's questions and we should get on with addressing the real, urgent issues confronting our country—the economy, the terrorist attacks, and war in Iraq.

We can wait and we can talk, or we can set this nomination aside until we have the information to make an informed judgment and, in the meantime, we can deal with the issues that

are of far greater consequence and far greater concern to the American people. Until we deal with those concerns, we are not really meeting our responsibilities.

(The remarks of Mr. DASCHLE pertaining to the introduction of S. 385 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mrs. FEINSTEIN. Mr. President, I had an opportunity to come to the floor once before and express my views about the nominee who is before the Senate for confirmation, Miguel Estrada. But I want to make a few additional points at this time, and I hope I don't repeat myself.

I want to say for my part and for the part of many others in the body that this is not a debate we were eager to begin; this is not a debate we are eager to continue; but this is a debate that really goes to the heart of the separation of powers and the checks and balances that the Founders of this Nation so carefully crafted more than 200 years ago.

The President makes nominations to the Federal judiciary. This is true. But it is a judiciary that Congress fashioned, and it is a judiciary that the Senate has been given the constitutional responsibility to help fill, through our advice and consent role.

I am one who has always believed that every nominee should get a full and fair hearing and that every nominee should then get an up-or-down vote. For too long, I watched one after another Clinton nominee languish without any such courtesy, and with no explanation as to why. Many of his nominees were minorities who never even got the chance to speak to the Committee.

Chairman HATCH and I had many conversations during that time about moving more nominees through the committee. And I know he did more than many in his caucus would have liked him to do to move nominees. For that, I thank him. I believe deep in his heart he also believes nominees should move through and get a hearing. But still, too many nominees were stopped from even the most basic of rights during the nomination process—a hearing—a basic right for someone who is nominated to the Judiciary Committee. They should have a right to have a hearing, in my view.

In this case, the Democrat-controlled Senate gave Miguel Estrada a full and fair hearing and every opportunity to show the committee what kind of judge he would be. But he did not use that opportunity well.

Although I believe that every nominee deserves an up-or-down vote, an up-or-down vote on final confirmation should only occur after the Senate has had a full opportunity to learn about the nominee and to properly judge whether or not that nominee can serve impartially in the Federal judiciary. In this case, I don't believe we have enough information to make such a decision, as a direct result of the lack of cooperation by this nominee and by the White House. As a result, we should not be asked to make such an important decision.

I want to clearly state this is not an issue of retaliation, as some have suggested. It is true that the Republican Senate did block a number of very qualified Hispanic nominees—female nominees, and so on—under President Clinton.

And it is true that many on this floor have mentioned those nominees—Enrique Moreno, for instance. But they were mentioned not to begin some tit-for-tat exchange of blocked nominations. Quite the contrary. Under Chairman LEAHY, the Judiciary Committee and the Democrat-controlled Senate confirmed 100 nominees in just over a year.

Mr. Estrada has already been given far better treatment than many were given by the other side in the recent past. All we ask for is some basic answers to the most basic of questions. Think about this: Before us now, we have a 41-year-old nominee about whom we know little. He has been nominated to a crucial appellate court, the DC Circuit, which is, at present, evenly split. That raises the question, Do we have a right to know if this judicial nominee can be impartial? I believe we do.

In this case, this nominee, for some reason, has been very controversial from the beginning. We have heard from many who have worked with Mr. Estrada or even supervised him, and many who have watched him work throughout the years.

Without exception, all of these individuals believe Mr. Estrada is bright. And I am confident that every Democrat in this body agrees with that assessment. But that is not the problem. And that is not the question today.

Without exception, all these individuals believe Mr. Estrada to be well educated, as my colleagues on the other side of the aisle have indicated throughout the last few days. But that, too, is an issue that is not in doubt, and it is not the problem.

And essentially, without exception, all of these individuals believe Mr. Estrada is conservative. Some believe him to be very conservative, some less so, but all recognize him to be a conservative. Even Mr. Estrada himself, as I understand it, would likely describe himself in this manner. But make no mistake, this is not about whether or not Miguel Estrada is conservative.

I have already voted for nominees whom I know to be conservative, as have most, if not all, of my Democratic colleagues.

At the present time, I have just given my proxy to the Judiciary Committee that is considering three nominees to appellate courts who are, in fact, conservative. And I will vote yes on those nominees.

So the question is not whether this nominee—or any nominee—is liberal or conservative, White or Hispanic, Jewish or Catholic, or any other group or inclination. The question with this nominee—and with every nominee—is whether the nominee can put aside personal beliefs to rule fairly and impartially on the cases that come before him or her.

In some cases, we can get a clear idea of how a nominee would handle the responsibilities of a Federal judgeship. But in this case, as we tried to get a clear idea of how this nominee would handle these responsibilities, we were really stymied at every turn.

On the one hand, we have letters, phone calls. To my office, we have received almost 8,000 phone calls in opposition to this nominee; and less than 400 in favor. All these phone calls seem to indicate the belief that Mr. Estrada is an ideologue who cannot be trusted with a circuit court judgeship.

We have Professor Paul Bender, Mr. Estrada's direct supervisor at the Department of Justice, who said to the press that he believed Estrada to be so ''ideologically driven that he couldn't be trusted to state the law in a fair, neutral way.'' Mr. Bender recently sent a letter to the chairman of the Judiciary Committee essentially reaffirming this statement.

We have major Hispanic organizations—just those groups one might expect to most strongly support Mr. Estrada—strongly opposing him instead.

On the other hand, as we look for facts to counteract such serious concerns, we have almost nothing.

Miguel Estrada has never been a judge, so we have no record of judicial decisionmaking to examine. This in itself is not dispositive, but it is the first area where we find no record to help us in our decisions.

Mr. Estrada is not a prolific writer, so again, unlike many, we have no real record of writings or speeches to examine. Again, this alone would not be dispositive, but, as I said earlier this week, in a sense, it is strike two in terms of where we can get information about this nominee.

We have not been granted access to the memos he wrote at the Department of Justice, so we can only take the word of the man who supervised him that those memos were ideologically driven and could not be trusted. That is strike three.

Mr. Estrada refused to adequately participate in his own confirmation hearing, so we have no real answers to these questions. And the questions are legitimate.

Even when given time to think about his answers, even when he was given questions in written form, he refused to answer those questions, using precisely the same language he used to refuse to answer at his hearing.

For instance, when Senator DURBIN asked this nominee, in writing: ''Do you have an opinion on the merits of Roe v. Wade?'' Mr. Estrada responded, as he did to me in committee, ''it

would not be appropriate for me to express such a view without doing the intensive work that a judge hearing the case would have to undertake—not only reading briefs and hearing the arguments of counsel, but also independently investigating the relevant constitutional text, case law, and history.''

In the hearing, I asked him: Do you believe Roe was correctly decided? And he said he could not answer that question.

When Senator KENNEDY asked Mr. Estrada, in writing, how he would have resolved a case that came before the DC Circuit and was then decided by the Supreme Court—Hoffman Plastics—Mr. Estrada again answered that because he had not read the briefs and was not present at oral argument, he could not answer.

When Senator KENNEDY asked him about the Maryland/DC/Delaware Broadcasters case, again Mr. Estrada said he could not, or would not, answer.

When Senator DURBIN asked Mr. Estrada to name any judge, living or dead, whom he would seek to emulate, Mr. Estrada said he could name not one judge he would emulate.

In contrast, let me take a moment to talk about Judge Richard Paez, a well-qualified Hispanic nominee sent to the Senate by President Clinton and eventually confirmed to the Ninth Circuit Court of Appeals.

Judge Paez spent more than 1,500 days before this Senate before he finally got a vote. And this came despite the fact that he answered every question put to him.

For instance, Senator SESSIONS asked him: ''Which Supreme Court Justice or federal judge has most influenced your judicial philosophy?'' Judge Paez named Judge Harry Hupp, a man he appeared before as a litigator, and a colleague of his on the district court bench.

Senator SESSIONS asked Richard Paez: ''In your opinion what is the greatest Supreme Court decision in American history?'' Judge Paez did not refuse to answer, or claim that he could not give an answer because he had not been present at oral arguments. Instead, he simply named Brown v. Board of Education.

Senator SESSIONS then asked: ''What is the worst Supreme Court decision?'' Judge Paez answered: ''Dred Scott.'' This is the decision where the Supreme Court ruled, essentially, ''once a slave, always a slave.''

Miguel Estrada, on the other hand, would not answer these types of questions.

Senator SCHUMER asked him to name any Supreme Court case he thought was wrongly decided.

He did not simply say he thinks Plessy v. Ferguson was wrongly decided. That is the case that upheld the concept of separate but equal. And even the Supreme Court has since overturned it. I know of few people who would claim Plessy was correctly decided. But Miguel Estrada apparently thinks he could not say so without having heard the oral arguments. He did not say he disagreed with the Dred Scott decision, which upheld slavery. He did not say he believed Korematsu, which upheld the right of the United States to put American citizens of Japanese descent into internment camps. He named none of these cases. He simply said he could not answer the question.

This is in direct contrast to a recent experience with Jeffrey Sutton during his hearing less than 2 weeks ago. Mr. Sutton is also a controversial nominee, but he answered every question put to him. We got a good sense of how he would think and act as a judge. I, myself, who was concerned about him initially, felt he was a strong advocate, but he knew the difference. He could separate himself from the positions of advocacy and become a fair and impartial judge. So I have given my proxy right now to be carried out to vote yes for Judge Sutton. Mr. Estrada, on the other hand, did his best to keep from putting himself on record on any issue of real substance.

Quite frankly, there are options. One, return this nominee to the Judiciary Committee for answers. The Senate deserves the answers. Democratic nominees were asked by distinguished Republican Senators to answer questions such as this, and they did. Even of those, many had judicial records. Many had prolific writings. Many had speeches so that there were tools we could go to to understand what their thinking was. But in this case we have no speeches. We have no writings. We have no record. Therefore, the answers to the questions become extraordinarily dispositive. They also become meaningful to any Senator who wants to cast an informed vote.

It is that simple. That is what this debate is about. We cannot possibly fulfill our constitutional duty to advise and consent to nominees if we are not given the necessary information about the nominee.

In a case where you have a critical circuit such as the DC Circuit, not only the plumbing grounds for the U.S. Supreme Court, but handling environmental appeals, Superfund appeals, wetlands appeals, OSHA appeals, all kinds of administrative case law appeals, how this court is tilted becomes important to us, particularly if we take this job of confirmation of nominees seriously.

There is another option. That option is appoint Miguel Estrada to a district court. Give him an opportunity to gain that record. He is 41 years old. He is younger than my daughter. Give him an opportunity to gain that record. Remember, this is a man who will serve for 30, 40, possibly even 50 years. It is a lifetime appointment. We are entitled to answers to these questions.

In Miguel Estrada's questionnaire, he admitted to having written no books, articles, or reports of any kind, save one Law Review article in law school. That was titled ''The Policies Behind Lending Limits.'' He wrote that in 1985. At Miguel Estrada's hearing, he would not comment on whether any case had ever been wrongly decided, even cases that have been overturned. He would not name any single judge he would want to emulate on the bench in any way. He would not answer written questions put to him that would help us learn more about how he thinks about cases and how he would judge them. He would not even try to convince the Justice Department to turn over some of the memos he wrote for the Solicitor General's Office, nor would he himself turn them over.

If this nominee is confirmed, we believe we would be sending a signal that stonewalling the Judiciary Committee and the full Senate is the way to succeed on the way to a judgeship. That is the wrong signal and the wrong message.

In effect, we would be abdicating our constitutional role, our constitutional duty to advise and consent to nominees, because we would never again be able to learn enough about a nominee to make reasoned decisions.

Nominees could become increasingly young, increasingly ideological, and increasingly silent. The courts would soon be packed with judges of unknown disposition, unknown temperament, and unknown proclivities to judge fairly and impartially.

We should take our constitutional duties more seriously than that. We simply are determined not to let that happen.

I would like to read the concluding sentence from the editorial in today's New York Times:

> The White House can call this politics or obstruction. But in fact it is Senators doing their jobs.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank my colleague from California. She laid out the facts beautifully. I will attempt to try and talk about this issue from my perspective as someone who worked so hard on getting a couple of nominees through the Senate. Senator FEINSTEIN touched on those particular cases. They are relevant to what we are doing here.

I remind colleagues—I know they are aware of this, but it is worth repeating—we are talking about a lifetime appointment to one of the most important courts in the Nation, the U.S. Court of Appeals for the District of Columbia. It is a lifetime appointment. It is very important when we are looking at these types of appointments.

I have voted for well over 90 percent of the President's appointees up to this time. It is very unusual for me to stand up here and say: We need more information. It is important to go back to the Constitution and read exactly what it tells us we have to do. Section 2:

> [The President] shall have the Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of

the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for . . .

There has been a lot of discussion that we are in essence interfering with the rights of the President. It is very clear: If we sit back and don't do the work of advice and consent, we don't deserve to be in the Senate. This is where the rubber meets the road. This is where we have to play a role. Advice and consent just means that.

I want to relate a story, when Senator HATCH, who is now distinguished chairman of the Judiciary Committee, was chairman before Senator LEAHY and President Clinton was President at that time. Senator HATCH had a very direct conversation with me, and I am sure he did with other Democrats. What I like about Senator HATCH is, you kind of know where he is coming from.

He said: Senator BOXER, you have to send me moderates. Don't send me any liberals. Don't send me any progressives. Don't send me any activists. I want moderates for the bench. I am telling you here now, if they are not, they are not going anywhere. I had a little conversation with him about that but realized this was the pragmatics of politics and this is what we are going to do.

In essence, the nominees I had recommended to the President and President Clinton were mainstream moderate candidates. Even with that, a lot of them had a hard time here. But they made it, and I want to talk about how long it took and how many questions they had to answer and what we went through to make it happen.

I feel sometimes like Alice in Wonderland when I hear the kind of double standard that seems to be coming forward. This man, Mr. Estrada, cannot answer any questions, but look at how many questions they asked Margaret Morrow. Margaret Morrow—we recommended her to President Clinton. She was a distinguished lawyer in a business law firm. She is as straightforward as motherhood and apple pie. They asked her question on question on question. These are Republicans on the Judiciary Committee. She waited maybe 2 years before she could be voted on. Here is the interesting thing. Not only did the Republicans ask her every question known to humankind about everything she had ever written, they had to see everything she ever wrote, and everything else. They then went back and asked her how she voted in elections in California dealing with referendum. It was amazing. The first question was, How did you vote on every memorandum, I think it was, in the last 10 years. She was so stunned with it, she said: Barbara, this is between me and the secrecy of the ballot box. I said: If you want to move forward, you are going to have to respond.

We went to Senator GRASSLEY, who wanted answers to these questions, and he limited it to the 10 most controversial referendums. I am talking about the ones that deal with every single hot button issue. She answered the questions. Believe me, it is really a personal issue, how you vote when you get to the ballot box.

Now there is a big fuss about our getting answers to questions such as: Will you give us one Supreme Court case you didn't agree with or send us your writings, for which there is adequate precedent.

So under the Constitution, the President and the Senate share the power to appoint the principal officers of the United States. I read the Constitution and, if we were to do otherwise, it really would be a dereliction of our duty if we rolled over and said whatever any President wants, just go ahead and roll over the Senate. Not me; I don't care if I have to stand here all night—and I might have to at the rate this is going.

I am here because I have to represent the 35 million people of California. When someone comes up to me in the grocery store and says, I noticed they had a vote on Miguel Estrada to the second most important court in the land, what does he think? I would say that I have no idea.

I have to tell you, there are a lot of groups against Miguel Estrada and they have their reasons. I will list the groups—a lot of Hispanic groups and a lot of other civil rights groups. They have their reasons.

I need to see what he stands for. If I get these papers—that is the reason we are not permitting a vote because if we would get these papers, we would permit a vote here. He may well win that vote or he may lose that vote. That is the fair thing. But advise and consent—before you can consent, you have to see who this man is. Maybe when I see his writings—and I hope we get answers to our questions—I certainly would have no interest in holding this up at all.

Blind judgment is not the proper way to confirm someone to the Federal court. As I said, if I were to engage in blind judgment, I would not be true to my constitutional responsibilities and what I owe the people of my State. Frankly, I told them I would vote for mainstream people, just as President Bush said he would nominate mainstream people. That is what he promised us. The night the Supreme Court decided the election, he said eloquently, ''I am going to govern from the center.''

Maybe Miguel Estrada is from the center. Nobody here can tell you because he cannot even name one Supreme Court case he disagreed with—even the one on making slavery legal. So these are very serious matters, very serious matters.

Stealth maneuvers are appropriate for the military but not for judicial nominees. By evading questions about his record, Mr. Estrada is trying to slip into a lifetime position on the Federal bench without sharing information about his record. So if we were to just say, OK, we don't know anything, the man cannot name a case he disagrees with and won't show us any writings, and we just have the vote, what will happen when we get a Supreme Court nominee for a vote?

We have reason to believe there are some who are advising these nominees not to say anything about anything. I will talk about that later. It was really at a Federalist Society luncheon last year that a panelist coached potential nominees on how to get confirmed by the Senate. This has been written about in the legal times.

The simple instructions that came were—I am quoting because this isn't very nice language, but it is the language that was used—''Keep your mouth shut.''

What a situation. It is an honor to be nominated by the President, a chance to tell people what you believe in—not to talk about a case before the court or one that is coming. That is not what we are saying.

I represent the largest percentage of Hispanics in the United States. There are close to 11 million Californians who are Latinos. That is approximately 33 percent of my State. I resent roundly some of the comments by my colleagues on the other side that somehow those of us who are saying to Miguel Estrada: answer the question, be a grown up, this is a serious job, that are against minorities. If it wasn't such a serious charge, it would be, in a way, laughable.

I could tell you that the organizations that oppose Mr. Estrada, or have raised concerns, most of them are Latino. They know, in the case of the Democrats in my State, who fights for the Latinos. That isn't even a question. I fought hard to get a Mexican-American nominee, Richard Paez, a position on the Central District Court of California. Mr. President, he became the first Mexican American to sit on that court, and it was a struggle. It was a struggle. President Clinton nominated him. Judge Paez was so stellar in the district court that he was nominated by President Clinton to the circuit court. He had to wait 4—count them—not months, not weeks, but 4 years before the Senate acted on his nomination.

Judge Paez was voted out of committee three times, Mr. President, three times, and still he had to endure 4 years of waiting before the Senate acted on his nomination.

He was nominated in three different Congresses before his confirmation in March 2000. He was the first Hispanic to sit on the district court. He had extensive experience as a judge on State courts, as well as Federal courts, with lawyer reviews in the Almanac of the Federal Judiciary such as ''well prepared,'' ''runs a good courtroom,'' ''excellent judicial temperament,'' ''fair,'' ''evenhanded,'' and ''gets to the right result.''

Who held him up for 4 years? Not the Democrats. The Republicans.

He answered every question. Every single bit of his writing was analyzed. There were more written questions asked and answered. He was strongly supported by Hispanic groups, such as the Mexican American Legal Defense Fund, in contrast to Mr. Estrada, who has a huge number of Hispanic groups with great concern about his nomination.

I have to tell you when I hear some of the comments from the other side—it is really amazing—I can only think that this is all about politics because reality is not even in the game. This Republican Senate fought so hard against Judge Paez. Four years they made him wait and made him answer question after question—written and oral—and would not stop there.

When his nomination finally came to the floor, there was a filibuster, and it was finally broken.

I have to say as someone who fought for that first Latino to sit on the court in California and for one who fought to get the first Asian American judge on the Eastern District of California, Anthony Ishii, another wonderful appointment by President Clinton. It is extraordinary to me to hear some of the rhetoric from the other side. I have some news for the other side: Tell the man to answer the questions just as they asked Richard Paez, just as they asked Margaret Morrow, just as they asked every single nominee by President Clinton. They asked them to answer the questions. They called them back. They sent them long questionnaires in the mail. How about saying the man the Republicans support has to do the same? It is pretty simple. Then we will not be here wasting this precious time we should be using to discuss homeland security and other issues.

I will tell my colleagues right now, I will stand here as long as it takes until I get answers to those questions because otherwise, I do not deserve to be here. My people in California should boot me out if I roll over and play dead simply because the President says: I want this man; he does not want to answer the questions; and the Federalist Society tells him to keep his mouth shut. This is not what we do in an open society. In an open society, there is no room for secrecy in the judge selection process.

This is the greatest country in the world. If somebody is nominated for this position, they should be proud to talk about what are the Supreme Court cases they may not agree with or some they do. They should be proud to say: Yes, I will make sure you get my writings because I am proud of my writings.

The American people do not like secrecy. They do not like it. I hope they are, in fact, listening to this debate because I want to state again what we Democrats are doing. It is not a handful. The President said a handful of people—I forget his exact words. I think it was a handful of people were stopping this nomination. The fact is, there are a lot of us from different parts of the country and different philosophies who are saying: Just give us the information. Some of us may wind up voting for Mr. Estrada; some of us may not. Give us the information. We need it. We deserve it. It is in the Constitution.

The Constitution does not say the President shall have everyone he wants. Read it. It gives equal power—equal power—to the Senate. I say to my colleagues on the other side, where is their self-respect for the Senate? That is what it is about. It is unfortunate it turned out to be a partisan split.

I keep remembering back to Margaret Morrow and how many questions the Republicans asked her. Oh, my God. There were two hearings: One in 1996 and one in 1997. There was round after round of followup questions, including how she voted in every California ballot measure for 10 long years. I ask you, Mr. President—maybe you would remember. If you lived in California, I assure you, there would be, oh God, hundreds of referenda. Finally, Senator GRASSLEY, who was asking her this, said: OK, just tell us how you voted on the 10 most controversial ballot measures.

I want to read a partial list of people who are supporting us in this delay: The Congressional Hispanic Caucus; the Congressional Black Caucus—these are elected leaders who have fought hard to get minorities on the bench. This is extraordinary for them to have to stand up and say: We want more minorities on the bench, but we want to know who they are; we do not know who this guy is.

Hispanic organizations: Puerto Rican Legal Defense and Education Fund; Mexican American Legal Defense and Educational Fund; National Association of Latino Elected and Appointed Officials, National Council of La Raza, National Puerto Rican Coalition, California La Raza Lawyers, Puerto Rican Bar Association of Illinois, Southwest Voter Registration Education Project, Labor Council for Latin American Advancement, 52 Latino labor leaders.

Mr. President, these are people who fight hard to put minorities on the bench, and they are very concerned. Do you think this is easy for them? This is not easy for them. It is brave of them. They are doing it because they are very concerned.

There is a list of 52 leaders. I will not read the list. We also have the Leadership Conference on Civil Rights and the Alliance for Justice. We have the Mexican American Legal Defense and Education Fund, Lawyers for Civil Rights Under Law, Alliance for Justice, and it goes on.

I also want to read an article that was in the Legal Times. We put it in the RECORD, but I think it is worth listening to it:

> President George W. Bush's judicial nominees received some very specific confirmation advice last week: Keep your mouth shut.
>
> The warning came from someone who had been a part of the process, Laurence Silberman, a senior judge at the U.S. Court of Appeals. . . .

And it goes on. He advises: Don't answer any questions. Don't answer them and, he basically said, you will land a judgeship.

This is dangerous. Talk about the role of the Senate. The Senate cannot do its work on advice and consent if we are stonewalled.

My view on this nomination is clear. I am happy to vote up or down on this nominee any day of the week, but he has to answer the questions. Period. End of quote.

Someone who is afraid to answer questions either does not know the answer, has something he does not want to say, or is hiding something. It makes no sense at all. Answer the questions. If Senator HATCH brings the committee back and Mr. Estrada gets a chance to answer these questions that Senator FEINSTEIN and others have laid out—believe me, I have no interest in knowing how he voted for the last 10 years like the Republicans asked one of my nominees. I think that is going way too far. I do not care about that. I thought it was outrageous when the Republicans asked that of Margaret Morrow. I could not believe it. She was stunned, but she answered it. Even though it is a secret ballot, she answered it because she respected the Senators who asked her the questions. She respected the process. She respected the Constitutional requirement of advice and consent.

So we go from a woman who was asked by the Republicans to tell how she voted on a series of referenda in her home State on the most controversial issues to a candidate where the Republicans say it is fine, forget about it, we are not going to give any answers. It is a remarkable thing. I make that point today. We need to hear from this nominee. We owe it to the American people.

What do my colleagues think this is? This is not some dictatorship. This is not some situation where one man, the President, nominates someone and says, OK, that is it, I can tell the Senate who I want and that is the end of it. If the Founders wanted that, they would not have written this article, which is very clear. As was pointed out by Senator SCHUMER, if we go back to the Federalist Papers, there was a big debate over who should have the power. At one point, it was going to be the Senate that had the full power, but then in the end it was a compromise. So if we assume that what is written in this Constitution is what we swore to uphold, then to do any less is to essentially throw this away.

I do not care what people say, I am not going to do that. They can say anything they want about me, it is OK. I will take the case to my people. I will tell my people it would be far easier to

roll over, but I am not going to do it. If Mr. Estrada answers the question, I will not be standing here. I will be calling for a vote and let the chips fall where they may.

I do not know how my Republicans friends will vote on Mr. Estrada. I am assuming they will support him, and he will be a judge. Or maybe they will find out something in his record that is worrisome that they do not like. I do not know what is in the record because he will not show us the record.

As long as this Constitution is the basis of our Government, we should respect it. What happens when the next judge comes before us? The President may say this is a good deal, my guy did not have to answer anything and he will go on to do whatever he wants, and then he sends someone else who has no record and will not show writings and will not answer questions and listens to the Federalist Society where they say keep your mouth shut, which is exactly what they said. Where are we headed?

This is not a partisan question. I would feel the same way if President Clinton were still President and sent down a nominee who would not answer questions. I went out of my way on Margaret Morrow and on Richard Paez. One was held up for 22 months. One was voted out of three Congresses, waited 4 years. There were oral questions, written questions, more questions. The session ends, and there is a renomination. Again, there are questions; appearances again, writings again. If we go down this road of not asking questions and not demanding answers to basic questions such as was there ever a Supreme Court case you did not agree with, and a man or woman says, you know what, I cannot answer that question, that is a frightening answer. Maybe he agreed with all of them. I do not know, because he will not answer the question.

Mr. President, I believe I have the floor until 12:30, although I technically have it as long as I wish.

The PRESIDING OFFICER (Mr. BENNETT). There is no unanimous consent. The Senator has the floor as long as she is able to stand.

Mrs. BOXER. I thank the Chair. I see one of my colleagues. I do not intend to go on much longer than about 15 minutes, but I want to talk about a couple of other issues.

THE CHALLENGES FACING OUR NATION

Mrs. BOXER. Mr. President, we are making the case about advise and consent but many of our people around the country are worried about what is coming in these next couple of days. The country is on alert. People are asking me, should I really go out and get duct tape? What can I do?

I have been around politics for a very long time. I was elected to the House in 1982. These are the toughest times I have seen, and I have seen some tough ones. We have an economy that is not performing. We have a budget which has turned from surplus to deficit.

The very people who said deficits were terrible when Democrats were in the majority are saying deficits are now fine as long as they are not more than so many percent of the gross national product, no problem. Unfortunately for those people, Alan Greenspan said deficits do matter, and we have an economy that is the worst that it has been in 50 years. On top of that, we have Osama bin Laden who apparently issued a warning to Americans and he told the Iraqi people that if the Americans come in there, do what it takes to hurt them all around the world.

We have the tragedy and sadness of the Shuttle *Columbia*. We have the news that North Korea possesses perhaps the ability to hit the west coast, where I live and my people I represent live and not far from where the Presiding Officer lives. We have a lot of challenges.

What I say today is measured in my comments because whatever the future holds for us, and I think many people fear it is war, we are going to pull together as one. Looking at all of these challenges I mentioned, and I exclude from that the shuttle tragedy, but the North Korea situation, the Iraq situation, the Osama bin Laden situation, the economic situation, I believe this administration has seen these crises and they have amplified them. I do not think they are solving them. I think they are amplifying them. I do not see the path to a prosperous economy in any of the plans. I see more deficits as far as the eye can see. I do not see a path for job creation. I do not see a path where we are protected in our homeland. I see my local responders saying, Where is the help that was promised?

I do not see that. I do not see a path to peace in Iraq. I see a lot of energy and focus on a path to war. I do not see the path—and I have lived through many administrations, Republican and Democratic. I wish the President would put the same focus and attention on avoiding war and disarming Iraq as he does on war to disarm Iraq. War may be inevitable. It should not be a first resort or a second. It should be a very last.

Looking at North Korea, why are we not talking to them? We have brilliant people in the State Department.

As far as I can tell from my post on the Foreign Relations Committee, we have not elevated this to the same level as Iraq in any way, shape, or form. They keep saying we will resolve this diplomatically. I am glad. But I don't see that focus. What I see is when the North Koreans want to talk, they fly to New Mexico to talk to Bill Richardson. Something is wrong with that. We need to do better.

I see issues turning into problems, turning into crises, and I don't see them being resolved; I see them getting worse. I can tell you, when I go home, people are coming up to me in the supermarket—Democrats, Republicans, Independents—tugging at my sleeve, literally. They say: We are anxious. We are worried. We are scared.

I am waiting for the type of leadership in this administration on all of these issues that will help us see the light at the end of the tunnel. We will pull together as Americans, regardless. The greatest Nation in the world, we will meet our challenges. But there is much more we need to do—not more deficits as far as the eye can see. That is not going to help. Not talk about war, war, war, and ignoring the chance that we can avoid it and achieve the total disarmament of Iraq. I don't see the kind of help to our hometowns, if you will, to get ready.

Someone said it right—this is not original on my part; I believe it was a mayor of one of our Midwest cities. She said when people fear an attack by a terrorist, they are going to call 9–1–1. They are not going to call the Senate, and they are not calling the President. They will call 9–1–1.

What are we doing? We lauded the firemen and the policemen, as well we should have. The best way to honor them is to give them the help they need. Guess what this administration is doing. It is canceling the COPS program. These are the grants to our local law enforcement people who are going to get the 9–1–1 call if, God forbid, there is an attack on our homeland.

This President is spending a lot of money in the budget. But talk to the people back home, and they are not happy with the unfunded mandates they are seeing. We see an unprecedented attack on the environment. Talk about danger, I will tell you about danger. As we worry about chemical and biological attacks, Osama bin Laden, why have we lost the focus on getting him? The President was fierce in his resolve to get Osama bin Laden, and we have not achieved that up until this point. We fear the chemical and biological attack.

Seventy million Americans—and that includes 10 million children—live within 4 miles of a Superfund site which contains these dreadful chemicals that harm our children and all of us. What have they done? They have slowed the cleanups and are now telling taxpayers they have to pick up all of the costs of that program because they do not want to continue a fee on the polluters, which was something put into place under Republican and Democratic administrations. This is a crisis, and it is being amplified by this administration.

I look around and I see the fund sites proliferating. Under President Clinton, we cleaned up an average of 87 sites a year. It is down to 40 sites. It is down to the taxpayers now picking up the tab, and people are beginning to be very fearful about their children's health.

There are many issues that confront us. I will close with this. Last night, the Republicans stayed in the Chamber to make their point. That was a good thing to do. I am in the Chamber today

to make my point. Give me the information, folks. Tell this man to answer the same number of questions you asked Richard Paez. Tell this man to answer the same number of questions you asked Margaret Morrow to answer. Tell this man to answer the same number of questions and in the same depth as President Clinton's nominees answered. And if you do not like that approach, simply ask him to answer the questions that some of President Bush's nominees answered.

We are not going to stand here and treat this Constitution as some relic. We have equal power with the President. If we were not to ask for these answers, we do not deserve to be here.

I see a couple of my friends on the floor, and I have to say, I am ready to vote on Miguel Estrada as soon as he answers the questions. I am not going to roll over for any President, Republican or Democrat, if they send us people who are either too scared to answer the questions or we are told by some Federalist Society expert to keep your mouth shut and it will go well. It is wrong.

I have some self-respect as a Senator. Do you know who gave it to me? I was not born with it. The people who sent me here—35 million strong—believe me, they did not all send me here, but of those who voted, a majority did. Do you know what I told them? I told them that the makeup of the courts is very important and the power of the courts is very important. I promised them that before I cast a vote, aye or nay on anyone, I would have information and I would always tell you why I was voting yes or no. And I have voted for more than 90 percent of this President's nominees. I don't know how I will vote on this one. I might vote for him if I see his writings. I might. I might not. I may find that he does not come from the center, which is what President Bush promised. We would get judges from the center.

They can stay here all night and talk and talk and talk and talk. But I will be ready to vote when I have seen the answers to the questions, the same kind of questions they asked Margaret Morrow, Richard Paez, and every one of Bill Clinton's nominees.

Double standards do not sell with me. I worked very well with Senator HATCH and colleagues on the Judiciary Committee on both sides of the aisle when I had people I was very interested in getting through the process. And I said to them: You deserve to know every single thing you are asking for, and I will work with these nominees and make sure they give you those answers.

That is respect. That is respect for the job we are supposed to do. I respect this job. I respect the people I represent too much to roll over and say to this President or any other: Send nominees down who will not answer questions. It does not matter to me. It is your choice.

If I were to do that, I would be belying this Constitution. When I got elected to this body, I held up my hand and I swore to protect and defend it. It means everything to me. It is more important than me. It is more important than any other Senator. It is more important than any President. This is the document that has kept us going as the greatest democracy in the world all these years. And God forbid we turn our back on it. If we do, we will not recognize the country we will have.

I see coming, if we roll over on this one, a judge selection process that is essentially a secret process. That is something I cannot support, I will never support, even if I am the only one left who feels that way—and I doubt that will be the case because there are very strong feelings on my side of the aisle that the judicial selection process should be an open process, an honest process, a fair process.

I appreciate the chance to express my views on these issues and other issues. It is time we solve the problems we are facing and not create new ones. A new problem we are creating is judicial nominees who will not talk. That is a new problem. I hope, as a result of what we are doing today, the Republicans will go back, they will chat with Mr. Estrada, they will tell him to answer the questions, and we can get on with a vote and the other important business we have before us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, the Honorable Senator from California laid out a very touching and moving litany of the times in which we live. These are difficult times, with the prospect of dealing with a brutal dictator in Iraq, a dictator who has used weapons of mass destruction against his own people, has shown no hesitation to use poison gas, chemicals, and biological weapons, a dictator who clearly has ignored resolution after resolution of the United Nations over a 12-year period, who poses a threat to all of us. That crisis looms out there. The day of decision is coming soon. As the President has noted, Saddam Hussein will either disarm or be disarmed. We have to be concerned about what is happening in North Korea where they are talking about restarting a nuclear program that they agreed to abort.

We have problems of recession. A lot of folks in my State are worried about where the next paycheck is going to come from, worried about the state of the economy. We have a lot of concerns out there. This is a time of great uncertainty. This magnificent, august body, the Senate, one of the greatest deliberative bodies in the world, instead of focusing its efforts on dealing with those issues of great concern, we are involved and engaged in trying to break off a filibuster from my honorable colleagues on the other side who are not going to allow us to have a vote, a simple up-or-down vote—that is all we are asking for—on the nomination of Miguel Estrada to the circuit court of appeals.

I have been here a little over a month. I don't have that great sense of history that my colleagues, such as Mr. BYRD, the Honorable Senator from West Virginia, has. He is a walking history of the Senate. I sit here in awe as I listen to him.

I listen to the honorable chair of the Judiciary Committee, Senator HATCH, who has been here a long time. I still get chills standing where I am standing, looking at this great sense of history. Yet we are sitting here, and I was listening last night, and we are talking about the nomination of the first Hispanic to serve on the circuit court, and what I am listening to is a litany of who did what to whom before. You would almost think that we were the Hatfields and McCoys instead of Democrats and Republicans. You would think we were the Earps and Youngers at the OK Corral.

I don't know who did what in the past. I don't know why a particular judge in the past perhaps took a long period of time before they got a chance to have a vote on the floor of the Senate. I don't know who was right yesterday and who was wrong. But this is today. This is a time when I got elected. I can tell you the citizens of Minnesota were saying they wanted to get past the bitter partisanship that stops the Senate from doing its business. They want public figures to simply get something done, move on, take care of the flood problem, the disaster problems we have had in northwest Minnesota, the drought that is affecting other parts of the country, get an energy bill through, get a budget—that would not be a bad thing for the U.S. Government—get a budget passed. Moms and dads have to deal with that all the time. We have folks out there clamoring for us to just do what we have been elected to do, to do our business.

Instead, I listened last night to the Honorable Senator from New York and the Honorable Senator from Illinois, and they had pictures of candidates in the past who, for some reason or other, did not get through the Judiciary Committee fast enough. We went back and forth and back and forth and back and forth. You know, that was yesterday.

We are never going to be younger than we are today. The proverbial: Today is the first day of the rest of your life. What would be so hard for us, as a deliberative body, to say we are going to start with today, we are going to make sure—we are going to put aside all the sins of yesterday and make sure that, from here on, when folks come up, they have a hearing and they have a vote?

By the way, I have to say I have heard my honorable colleagues on the other side of the aisle talk about Mr. Estrada not answering questions. This has been shown last night; Senator HATCH showed it many times. This is the transcript of the hearing, the all-day hearing in which he answered question after question after question.

Maybe he gave answers folks on the other side of the aisle did not like, but he answered questions. He answered questions. Then, after the hearing itself, a few Senators—I understand two Senators on the other side of the aisle—sent written questions, which he answered. So he has answered the questions.

What we have today, unfortunately, is we are getting caught up in the worst kind of partisan wrangling based on what folks did yesterday.

I think we are better than that. I think this august, deliberative body is better than that. I think it would be good for America today, in this new millennium, this new century, to forget what happened in the last millennium. Let's move forward on this one and say what we are going to do and say a nominee of any President, whether it is a Republican President or President not of my party, will get a fair hearing and a vote, up or down. In fact, when I ran for office, I answered a question in one of the debates, and I said I would use the same standard to judge a nominee from the President of another party as I would to judge a nominee from President Bush. That is what I think we were elected to do.

If we can just get past what happened yesterday, if we can stop talking about who said what to whom and when, then we can kind of move on here to act fairly, act deliberately, and, by the way, act with great respect for this Constitution that we all love.

I heard a wonderful discourse from the Senator from New York yesterday about the Constitution. I love the Constitution. What we are asking for Mr. Estrada is follow the dictates of the Constitution.

Does the Senator from Pennsylvania have a question?

Mr. SANTORUM. I ask the Senator from Minnesota to yield for a unanimous consent request.

Mr. COLEMAN. I yield for that purpose.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask unanimous consent that at 1 p.m. today, the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I ask my friend from Minnesota through the Chair how much longer he is going to speak because we do have a Member in the Chamber who wishes to speak.

Mr. COLEMAN. Mr. President, I say to the Honorable Democratic whip, I will speak not more than 10 minutes if this understanding is accepted.

Mr. REID. We have two over here. That leaves only 5 minutes for each of them. They have been here waiting for some time.

Mr. COLEMAN. Mr. President, I say to the Honorable Democratic whip, less than 10 minutes. I can move to the other portion of what I was going to speak about if the Senator from Nebraska seeks the floor.

Mr. REID. If my friend would be kind enough to divide the remaining 20 minutes between Senator NELSON of Nebraska and Senator STABENOW of Michigan?

Mr. COLEMAN. I have no problem with that.

The PRESIDING OFFICER. Is that proposed as a unanimous consent request?

Mr. REID. It is.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

Without objection, it is so ordered.

Is there objection to the request of the Senator from Nevada?

Without objection, it is so ordered.

AUTHORITY FOR COMMITTEE TO MEET

Mr. SANTORUM. I further ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup past the hour of 1 o'clock.

Mr. REID. On behalf of Senator KENNEDY, I object.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. In deference to my colleagues, the Senators from Nebraska and Michigan, I will shorten my comments with regard to the Estrada nomination.

I want to say this to America. I hope they are listening. They should be listening. These are important times. What my colleagues on the other side are doing by engaging in this filibuster is really changing the constitutional standard. And we love this Constitution. It talks about the Senate's role in providing advice and consent. In practice that has always meant 51 votes—a majority. The Constitution specifically lays out when a super majority is needed. What we are witnessing now is a change in the way we abide by this important document, where we will now require 60 votes to get our nation's judges confirmed. That is not good for America, and that is certainly not what our Founders wanted to do.

The PRESIDING OFFICER. The Senator from Michigan.

URGENT NEEDS FOR HOMETOWN SECURITY

Ms. STABENOW. Mr. President, I rise today to speak, once again, about the urgent needs in our local communities for hometown security—efforts for us to support local police and firefighters and emergency medical workers, including those in our local emergency rooms at our hospitals. These people are on the front lines of any terrorist attack that our citizens may face in the days or weeks or months ahead.

Many of us have been talking, since just after 9/11, about the importance of partnering with local communities, and that it is not enough to ask our local sheriffs, firefighters, police officers, and others in the communities, to assume this additional set of duties relating to national security without having the support and assistance of the Federal Government.

I commend all of my colleagues and the President for coming together to make sure our men and women in the armed services have what they need at this critical time. We have come forward with substantial increases in the Department of Defense, and I am sure we will continue to do so.

But when it comes to the home front, we have not yet done what needs to be done. There is a growing sense of urgency and bewilderment in our communities here at home about why this has not occurred and why the President is not supporting the efforts that we have put forward.

I have been holding meetings around Michigan—I believe eight different meetings now—from Detroit to Macomb County, Oakland County; I was in Port Huron, MI, on Monday; on over to Lansing and Kalamazoo, and all the way up to Marquette in the Upper Peninsula of Michigan—and I hear the same thing over and over: We need help purchasing updated radio equipment; we can't talk to one another; the city versus the county or county to county. In some cases, in smaller communities, the fire department cannot talk to the police department. We need a better dispatch system. We need better communications systems. We need, frankly, to be doing this on a statewide and national basis. But the communities do not have the resources to do it alone.

We hear about training, not only having a trainer come in—whether it is for bioterrorism, whether it is other types of training that is needed—but we are hearing from local law enforcement and others that when you have a training certification, and you take 10 police officers away from their normal duties of patrolling our streets and keeping the citizens safe, and they sit in training, no matter how important it is, the police chief still has to replace those 10 officers so the citizens remain safe while that is happening, while the training is occurring. That takes additional dollars.

There are multiple costs to training that we need to be supporting in order to be able to get this done as quickly as possible and as thoroughly as possible. And certainly we need additional personnel, different kinds of personnel, in our local communities.

I am sure my colleagues have received many letters. I have received many letters in addition to the personal conversations that I have had with people across Michigan. Let me share parts of a couple letters from mayors in Michigan.

The mayor from the city of Birmingham wrote to the President and sent me a copy:

> Mr. President, I am writing to express my deep concern that funding for first responders promised nearly a year ago has still not been provided to America's cities, towns and villages. As you know, the nation's local municipalities have carried the burden for homeland security during the 15 months since the September 11 attacks, with only the promise of federal support.

This was written back in December.

The absence of federal funding for police, firefighters and emergency response staff has been a disappointment for many city leaders across the country as their concerns were voiced at the recent National League of Cities conference held earlier this year.

I have a similar letter that has come from the mayor of Cadillac, in northern Michigan, again expressing grave concerns and saying:

At the recent National League of Cities conference in Salt Lake City, city leaders from across the country voiced their deep disappointment regarding the absence of federal funding for police, firefighters and emergency response staff.

The city of Fenton, in Michigan, the city of East Lansing, in my own home county—mayors, county officials, police chiefs, sheriffs—and of both parties; this is not Republican and Democrat; this is not urban and rural; this is not a question of one part of the country against another—everyone, every community is saying this same thing.

I am deeply concerned not only about past actions but what is occurring right now in this current budget bill that we will have in front of us tomorrow.

Let me, first, indicate and remind us that last summer we passed an emergency supplemental that included $2.5 billion, passed by the Senate with bipartisan support, passed by the House with bipartisan support, and sent to the President, an emergency supplemental including $2.5 billion for local communities. It was on the President's desk. All he had to do was sign it. And he would not declare it as an emergency and would not sign it and release the funds.

We have come back again and again. Twice this last month, in January, Senator BYRD stood in this Chamber and eloquently spoke about the needs of communities and first responders. Again, we could not get the support.

And now in the omnibus budget bill that will be coming before us, despite a unanimous Senate appropriations vote back last July on a series of items that deal with transportation security, border security, community policing, Federal emergency management, firefighter grants, equipment and communications, emergency operations, port container security—and on and on and on—we now have in front of us a bill that, in fact, will cut from that amount supported unanimously by the Senate Appropriations Committee $4.4 billion from homeland security from what we passed, what the Appropriations Committee passed and recommended to us last summer based on the needs presented to them from communities.

We could go down the list. I am deeply concerned when I see the cuts in community policing, the firefighter grants, the inoperable communications equipment grants, which I am hearing so much concern about, emergency operations, et cetera.

It is time for us to act. It is time for us to hear what our communities are saying. I urge my colleagues to join with us in making sure we truly keep our communities safe.

The PRESIDING OFFICER. The time of the Senator has expired.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

There being no objection, the Senate, at 1 p.m., recessed subject to the call of the Chair and reassembled at 2:07 p.m., when called to order by the Presiding Officer (Mr. ALEXANDER).

EXECUTIVE SESSION

NOMINATION OF MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT—*Continued*

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. I thank the Chair.

(The remarks of Mr. EDWARDS pertaining to the introduction of the legislation are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. EDWARDS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I will discuss the topic on the floor, the nomination process.

It is interesting the Senator from North Carolina has a bill he thinks is important and probably is important, yet questions are not able to move forward on any of those bills because we are tied up in doing something that is not at all useful, not at all productive, but it continues. Those important things we have to do are not being done, and as a matter of fact will not be done, apparently, for some time.

I rise more to talk a little bit about the disappointment I have in the process in which we find ourselves. There is not much point in talking about the nominee, Mr. Estrada. He has been talked about forever. I can't think of another thing that could be said that has not already been said. What we can do is talk a little about the process being created. Talk about the obstruction that is taking place and the Congress that is faced with a great many important issues we need to get considered.

We all recognize in any issue, particularly of a nominee, it is perfectly legitimate that people have different points of view. That is not unusual. Indeed, that is the way it ought to be. It also is appropriate for people to come to the floor after the committee has acted and to share those points of view and to do whatever they feel appropriate to try and convince others to share that point of view. That is the way it is supposed to be. Finally, after that is done in a reasonable limit of time, we have a vote, an up-or-down vote, so those who feel one way can vote one way, those who feel the other can vote the other. Not a very unusual process. On the contrary, it is the very well-accepted process.

That is not what has happened here. That is not what has happened.

As has been said before, it is time to move forward. It is time to move on. It is time to deal with the dozens of other important issues out there for this country and for the people of this country, issues that to people in the country are much more meaningful and have more to do with their business and welfare than we have here. I cannot imagine there is more to say from the other side of the aisle in opposition. They are opposed; fine. That is fine. They are able to convince anyone else? I don't think so. We have been working on this for about a week. It looks as if we will be here some more.

It is very disappointing for those who would like to do things that are most important to do. Among other things, of course, the White House has responded. The letter was sent to the President renewing the request to him for confidential judicial memoranda that have never before been released. The response of Mr. Gonzales, the counselor to the President, basically indicates they respect the Senate's constitutional role in the confirmation process, and they agree the Senate must make an informed judgment consistent with the traditional role and practices. However, requests for these kinds of papers have no persuasive support in history and the precedent of judicial appointments. It is not there. It has not been done.

Relevant history and procedures convincingly demonstrate that would be shifting standards. There is no basis for doing that.

In conclusion, the President's counselor said: Miguel Estrada is a well-qualified, well-respected judicial nominee with very strong bipartisan support. Based on our reading of history, we believe you have ample information about this nominee and have had more than enough time to consider questions about his qualifications and his ability. We urge you to stop the unfair treatment and the filibuster and allow an up-or-down vote to confirm Mr. Estrada.

I agree with that. Certainly, that is the case. I am not here to talk about the legal aspects of it, just the operational aspects of it, and make it clear, this man was before the committee from 10 in the morning until 5 in the evening, answering all the questions, answered written questions subsequent to that, and we continue to carry on with it.

It is interesting that a number of newspapers throughout the country who generally do not get very involved in these things have in this case. The St. Louis Post-Dispatch editorial, entitled ''A Filibuster is No Fix,'' said:

Democrats are trying to decide whether to filibuster the nomination of Miguel Estrada to the powerful federal appeals court for the District of Columbia. They consider Mr. Estrada a stealth conservative who is being groomed for the U.S. Supreme Court as a Hispanic Clarence Thomas. The Democrats' fear may turn out to be valid. But the filibuster is the parliamentary equivalent of declaring war. Instead of declaring war, the Democrats should sue for peace and try to fix the process.

That is the St. Louis Post-Dispatch.

The Atlanta Journal-Constitution:

Miguel Estrada, a Harvard-educated lawyer who has argued 15 cases before the Supreme Court, is well qualified for the federal appellate bench. Democrats, who are threatening to stall a vote on this confirmation, are choosing the wrong target.

The Florida Times-Union:

If the system were functioning as the founders intended, Miguel Estrada would be confirmed quickly to the federal D.C. Circuit Court of Appeals.

He is extremely qualified in both education and experience—and the American Bar Association unanimously ordered its highest possible rating.

We heard all that. We know that.

People out in the country are saying this is not the right process. We have been through this. We have had enough. We need something different.

The Tampa Tribune:

Leading the charge are committee members picked by the Democratic leadership precisely because of their ideological bent. Until the new Congress was seated, they thought nothing of thwarting the constitutional mandate that gives the Senate—the full Senate—the advise and consent power over the judicial nominations.

So it goes on, and most remarks are very similar all over the country. The Washington Post, not known for its conservatism, particularly, has indicated this is not the way. This nomination in no way deserves a filibuster.

It is not just being talked about here, it is pretty much all over the country.

I go back to the point I made in the beginning, that we have a lot of things to do. We are supposed to be dealing now, and hopefully, today or tomorrow, we will deal with the 11 appropriations that were not passed last year. We have been operating almost half of this year on CRs, instead of doing what we are supposed to do with appropriations.

Certainly, as the Senator discussed, we have homeland security at a new threat level. I can't imagine people in the country are thinking more about this nomination than they are about terrorism and homeland security and the economy and health care and pharmaceuticals. Where do you suppose this would rate among those things? Or national energy policy, which again we didn't do last year because it was pulled out of the committee.

We had a pretty dysfunctional Congress last time. Now we have a chance to move forward and do some things, and we are blocking ourselves by carrying on this kind of conversation.

Mr. Estrada has had a full hearing, under both Republican and Democrat control. There is nothing left to say. It is time to come to the snubbing post and decide for or against. It is time to have an up-or-down vote. We have been considering this nominee since last week. Obviously, it is becoming nothing more than a delaying tactic. We owe the nominee, we owe ourselves, we owe the American people a decision, and then to move on to all those other issues that confront us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I concur with everything just stated by Senator THOMAS. We have been debating this nomination, now, for over a week. As a new Member of this body, and as a new member of the Senate Judiciary Committee, I have a difficult time understanding, as a lawyer, why the delay when you have an individual who has the qualifications this man has, who has the legal background this man has, who has the legal training this man has—both from an educational standpoint as well as a practical standpoint, having practiced law.

He clerked for a judge. He was involved with the Government side of practicing law, being in the Solicitor General's Office. He argued cases at the appellate level, at every appellate level all the way to the U.S. Supreme Court. He has been very successful at every level in his judicial career. Why, just from a purely legal standpoint, we have not already moved to a vote on this man is just beyond me.

But it goes a little further than that. Miguel Estrada is a true success story. He is a man who, if anybody ever lived the American dream, is living it. He is a man who, at 17 years of age, came to the United States from Honduras speaking very little English. He is a man who was not self-taught but who entered the educational system in this country and took advantage of that educational system, just the way all Americans subscribe to do.

This man not only had a great academic record but he went on to law school at Harvard University and was editor in chief of the Law Review.

As a law school student at the University of Tennessee—where the Presiding Officer formerly served as president—I did not make the Law Review. I worked hard, but I didn't quite get there. But here is a man who achieved great success. Anybody who is editor in chief of the Law Review at any school of law is the most outstanding student in his class at that law school—in almost every situation. Miguel Estrada achieved that pinnacle in his education career.

He then went on to clerk for a judge, and not just any judge, he clerked for a judge at a very high level. Then, as I said, he went to work for the Federal Government, as an assistant to the Solicitor General, not just in a Republican administration but also in the Clinton administration.

So he is not a judge who should be perceived in any way as an activist, particularly a conservative activist. I don't look at other graduates of this great institution, graduates from Harvard, who are particular activists. They are good solid citizens, but they are not conservative activists, certainly. To perceive Miguel Estrada as an activist—I have heard him so characterized—certainly doesn't fit the man when you look at his background.

I want to highlight a few things about Miguel Estrada. He is truly an American success story who represents the mainstream of American law and American values. He came to this country, at age 17, an immigrant from Honduras, speaking very little English. He has risen to the top of his profession, a magna cum laude graduate of Harvard Law School, law clerk to Supreme Court Justice Anthony Kennedy, Federal prosecutor in New York, Assistant to the Solicitor General of the United States for 1 year in the Bush administration and for 4 years in the Clinton administration, and leading appellate lawyer at a national law firm.

Miguel Estrada has argued 15 cases before the Supreme Court of the United States, including 1 case in which he represented a death row inmate pro bono.

He has strong bipartisan support from prominent Democrats, including many high-ranking officials in the Clinton administration such as Ron Klain, Seth Waxman, Bob Litt, and Randy Moss.

The American Bar Association unanimously rated Miguel Estrada well-qualified. That is its highest possible ranking.

Miguel Estrada has strong support in the Hispanic community, including from LULAC, the Hispanic National Bar Association, the U.S. Hispanic Chamber of Commerce, and numerous other Hispanic organizations. This is truly a very historic appointment.

If confirmed, Estrada would be the first Hispanic ever to serve on the DC Circuit Court. Many consider the DC Circuit Court to be the second most important Federal court in America. Miguel Estrada's nomination has been pending now since May 9, 2001. We should bring this nomination to the floor of this body and let it go for an up-or-down vote.

Those who have been very vocal and emotional and very passionate, pleading against the confirmation of Miguel Estrada, will have their day. They can vote no. But this man, and America, deserves to have a vote on this very well qualified lawyer, and a very well qualified man.

Those of us who believe strongly that Miguel Estrada should be confirmed will also have our day. We will have our opportunity to stand up and say: You have earned this, Mr. Estrada. You

have earned the right, not just to have your nomination brought to the floor of the Senate, but we think you have earned the right to be confirmed to the Circuit Court for the District of Columbia.

You have been here in America for now over 25 years. We think you have worked hard to achieve the educational benefits that have been afforded to you. We think you have worked hard to come from a very lowly—not necessarily menial background, because I don't know all the details of his background, but I know Honduras is a very poor country. I know he started out with a very rough, hard life before he came to America—and probably for awhile after he got here.

But he has taken advantage of the opportunities that were presented to him, the same opportunities that everybody in this body has had over the years, to achieve an education and a profession in America—America, the land of the free and the home of the brave. This man chose to come to our country and abide by all of the laws, take advantage of the opportunities that were afforded to him, and he has done that. He has achieved great success.

Everybody who has written in support of him and from the standpoint of folks who have worked with him, both Republicans and Democrats, have said two things consistently about this man.

First, from an intellectual standpoint, he is second to none. He has all of the intellect necessary that would be required of any member of the bench.

The second thing that has been said about him by every individual Republican or Democrat that has written and who he worked for is that this man is one of the hardest working men and one of the most dedicated men they have ever had in their employment. That is true, irrespective of whether it is the law firm in which he has worked, whether it is the judges he has clerked for, or whether it is the individuals in the Office of the Solicitor General for whom he worked. They have been very consistent in stating that this man deserves to be confirmed by this body.

We have just had another hearing this morning on another set of judges before the Judiciary Committee. I went to the meeting this morning with the idea that we were going to vote out a minimum of three judges who have been appointed by President Bush for circuit courts in different parts of the country. When I got to that meeting today, it became very obvious that the same folks who are opposing Miguel Estrada's confirmation on the floor of the Senate did not want those nominees to be voted out of the Judiciary Committee today. We did, in fact, wind up voting out 1 nominee, but we left on the table probably 8, 9, or 10 other judges who should have been voted out. There was no reason not to vote those judges out.

But once again, it was a dilatory tactic being imposed on the judicial system in this country by the same folks who are now opposing Miguel Estrada within the Judiciary Committee who decided we should not vote those nominees out.

I just do not think that is right. I don't think that is the real system that our forefathers intended us to operate under when it comes to the appointment of judges to the Federal bench in this country.

I say in closing that I am overwhelmed by the opportunity to serve the people of my State in this great institution. I am in awe of the individuals with whom I serve here on both sides of the aisle who I know are very passionate. They are here for the same reason I am here; and that is, to make America a better place for us and for our children to live.

But I don't understand sometimes why we take issues such as the confirmation of Miguel Estrada and delay and delay and delay and obstruct and obstruct and obstruct at a time in the history of our country when we are fighting to win the war on terrorism—when we are literally under siege.

If you go outside today on the streets of Washington, DC, you see police cars on virtually every corner with their lights flashing indicating they are on high alert. At a time in the history of our country when we are on the brink of possibly going to war and putting young men and women who wear the uniform of the United States of America in harm's way, I just don't understand. And the people who are calling my office don't understand why we are not dealing with issues of that nature instead of seeing the obstructionist attitude that is taking place on the floor of the Senate.

I certainly hope we are able to conclude this debate which has been long lasting now for over a week. There has been much said on both sides of the aisle about this man. I think it is time to bring the nomination of Miguel Estrada to a vote. Let those folks who have been vocal and have been emotional cast their vote in the way they think is proper and let those of us who believe—I think a majority of us do believe—he is qualified and he ought to be confirmed have a vote to confirm Miguel Estrada to the Circuit Court for the District of Columbia.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I rise to speak about the nomination which, sadly, strikes me as, frankly, an arrogant nomination and an anticonstitutional nomination of Miguel Estrada to be the very first ''secret'' judge ever nominated for the U.S. Court of Appeals for the District of Columbia, or for any other court in the Federal system.

Over the past few days we have had a considerable amount of debate on this nomination. While I believe the debate has been good, I have been troubled by several of the accusations put forward about the nature of the opposition to the nomination of Mr. Estrada. I wanted to come to the floor today to discuss this nomination.

Let me set the record straight about what this debate is about and what it is not about.

First, this debate is not about obstructing President Bush's judicial nominee. Under Senator LEAHY's leadership, Democrats have had a remarkable record of approving President Bush's nominees to the Federal court. While Democrats controlled the Senate, we confirmed more than six nominees per month. The rate of confirmations by the Republican-led Senate was much lower in comparison—3.2 nominees confirmed per month during the 104th Congress; 4.25 nominees confirmed per month during the 105th Congress; and 3.04 nominees confirmed per month during the 106th Congress. In fact, the Democrat-led Senate confirmed more nominees in 1 day than the Republican majority confirmed during the entire 1996 session.

On November 14, 2002, the Senate confirmed 18 judicial nominees. In 1996, the Republican majority allowed only 17 district court judges to be confirmed and did not confirm a single circuit court nominee.

Some of the outrage and some of the expressions of self-righteousness, if you will, strike me as badly put.

Personally, I have voted for more than 98 percent of President Bush's judicial nominees—98 percent—including three judges who were unanimously confirmed earlier this week—all conservative Republican judges, no doubt, with my support and my vote.

The record demonstrates our commitment to move qualified nominees quickly through the hearing process and to have a vote on the floor in order to fill the backlog of vacancies on the Federal bench that was created, frankly, by a failure to confirm President Clinton's judicial nominees.

Let me also state—I am saddened this has to be even raised in this Chamber—that this debate is not about race. I have heard some colleagues say the only reason the Democrats are opposed to Mr. Estrada's nomination is that he is Hispanic. Nothing could be further from the truth. Closer examination of the facts reveals what I think everybody knows; that is, the Democrats have a solid record when it comes to approving Latino candidates to the bench. In fact, 80 percent of the Hispanic appellate judges currently serving were appointed by President Clinton.

During the 107th Congress, Democrats held hearings and swiftly confirmed six of President Bush's Hispanic judicial nominees—six of President Bush's Hispanic judicial nominees approved by a Democratic Senate.

Using race as an issue in this debate is a red herring. And that is a kind way to put it. To understand this, you have to only look at the ever-growing list of Hispanic organizations that have expressed their strong opposition to Mr.

Estrada's nomination—the Hispanic organizations that have expressed their opposition to Mr. Estrada as a ''secret'' nomination. These groups include the Congressional Hispanic Caucus, the Mexican American Legal Defense Fund, the Leadership Conference on Civil Rights, and the Puerto Rican Legal Defense and Education Fund, to name but a few.

To claim that Democrats oppose Mr. Estrada's nomination based on his race is offensive, and it is not worthy of the great traditions of this Senate.

So if the opposition to Mr. Estrada's nomination is not about obstructing President Bush's judicial nominees or about race, then what is this debate about? Simply put, it is about the constitutional duties of the Senate.

When I was sworn in to this Senate, with great pride, great conviction, I swore an oath to God to uphold the Constitution of the United States. Article II, section 2, of the U.S. Constitution gives the President the power to appoint judges with the ''Advice and Consent of the Senate.'' I take this responsibility very seriously.

The Senate is not a rubberstamp for the nominations of a President—Republican or Democrat. The Senate has a coequal role to play in the approval of nominees from a President. The Constitution requires this body to play that role.

I must follow my constitutional duty to carefully scrutinize each nomination as it comes before the Senate. I render my best judgment as to whether or not the individual is fit and qualified to serve on the court to which he or she has been nominated.

In order to make that judgment, I rely on material provided to the Senate Judiciary Committee by the nominee, his or her legal record, and independent analysis of outside organizations, such as the American Bar Association. In addition, I use the statements and responses to questions put to the nominee during his or her confirmation hearing. All of these sources allow me to make an informed decision on each nominee's qualifications to serve.

I have attempted to follow this process as I have examined Mr. Estrada's nomination, as I have the dozens and dozens and dozens of previous President Bush nominees for whom I have voted, conservative Republican judges, and I voted for them with pride.

But throughout my time in the Senate, I have never seen a nominee with more of a stealth record than Mr. Estrada. Despite a full hearing by the Senate Judiciary Committee, there is simply not enough information about Mr. Estrada's judicial views for me to be able to fulfill my responsibility of advice and consent.

Let me take a few moments to outline Mr. Estrada's failure—utter failure—to provide the information necessary to confirm his nomination to the U.S. Court of Appeals for the District of Columbia.

We are talking here not about a Cabinet position, a political position that will come and go. We are talking about the approval of an individual for a lifetime appointment, someone who will serve in the second highest court of the land for the rest of the lifetimes of many of us here in this body.

First, during his confirmation hearing, Mr. Estrada refused to comment on a single Supreme Court case. Now, this is an individual who has never served on the bench and so has no record on the bench. He has not been an academic scholar, so he has no writings that are publicly available for anybody to review.

Most other nominees have long experience either on the bench or in academia, and we can examine their record with great scrutiny. I may approve or disapprove of their views on one thing or another, but at least I know what their views are. And overwhelmingly I have voted for them because I knew what their views were. I may have disagreed with some of their views but, nonetheless, found them to be competent, capable individuals for whom I could vote.

But in this instance, Mr. Estrada refused, and has no other record, and refused to comment on a single Supreme Court case. While I understand that nominees often do not like to comment on cases and issues that one day may be appear before them—and I understand that, certainly—Mr. Estrada refused to give the committee a single example of a Supreme Court decision that he disagreed with throughout the entire history of the U.S. Supreme Court.

Mr. Estrada may not want to create a record for himself by stating his views on a controversial case such as Roe v. Wade—I understand that—but did his coaching to avoid answering questions include commenting on, say, the Dred Scott case? Rather than addressing the issue, he simply refused to give the committee an answer.

Several attempts were made by members of the Judiciary Committee to get Mr. Estrada to elaborate on his approach to legal issues. Despite being asked specific questions about his judicial philosophy, he refused to give the committee an answer—refused. Even when asked to name a single judge—living or dead—whom he admires or would like to emulate, he refused to give the committee an answer.

Finally, members of the Judiciary Committee have asked Mr. Estrada to provide the Senate with legal memos or other analysis which he has prepared in the past and which could possibly shed some light on his judicial thinking. So far, Mr. Estrada has refused to provide this additional information as well.

One of our colleagues has argued that this request for information is merely a delaying tactic or beyond what is truly needed to confirm Mr. Estrada. Yet our Republican friends had no problems asking Democratic judicial nominees for extensive documentation. This included asking Marsha Berzon, nominated to the Ninth Circuit, for the minutes to every single meeting of the California ACLU during her entire membership period with that organization. It was argued, then, that such information was required by the Senate to be diligent in examining the qualifications of judicial nominees.

If this type of information was necessary to confirm judges in the past, I believe it is fair to ask Mr. Estrada to supply enough information to the Senate to help us understand his judicial philosophy. No stealth judges. No secret judges.

Conservative Republican judges? Yes, of course. President Bush is President of the United States. He is our President. He has the opportunity and the authority to nominate these individuals to the bench. And they have been overwhelmingly approved by this Senate, Democrats and Republicans alike. That is not the question.

The question is, What kind of precedent are we going to set to begin to approve individuals to lifetime appointments to the bench while having utterly no concept of where the individual is in terms of his judicial philosophy?

Mr. Estrada may well be qualified to serve on the U.S. Court of Appeals. He may well be qualified. Unfortunately, it appears he has been coached, he has been advised to say nothing, to elude all questions, and to avoid providing the Senate with any information that would help us to construct an opinion about his thoughts on judicial issues.

I ask each of my colleagues to consider the precedent we will set for future Presidents, future nominees, and, indeed, for this Senate if we confirm a nominee who has refused to provide the Senate with sufficient information. I fear it is a step toward making the Senate merely a rubberstamp for this or any other President's nominations and would, in fact, be an abrogation of our constitutional duties.

We swore an oath to uphold the Constitution of the United States, not to surrender the role of the Senate's responsibilities for advice and consent. The precedent that would be set here would lead to a circumstance where Presidents, perhaps of both political parties, in the future would routinely nominate people to the bench who had some ideological ax to grind, some out-of-the-mainstream judicial views, but who had never sat on the bench before. It would be considered to be a disadvantage to have served on the bench before. It would be considered to be a disadvantage to have been a scholar and written about your views. And we would wind up getting a succession of these stealth candidates who had no record and who also, on top of that, refused to respond to the Senate relative to their judicial philosophy. This would be catastrophic to the integrity of the Federal bench.

Unless we are able to get more complete information, I will vote against Mr. Estrada. My vote is not based on

race. I am proud to have voted for Hispanic nominee after Hispanic nominee. That is not the question. Nor is it an attempt to block President Bush's nominees because I am proud of the dozens and dozens and dozens of President Bush nominees for whom I also have voted.

Even though I may have disagreed to some extent with their political and judicial philosophy, at least I understood where they were coming from, and I knew what they were. They seemed to be, in my best judgment, largely in the mainstream of contemporary American jurisprudence.

I will vote against Mr. Estrada because I believe it would make a mockery of my constitutional obligation for advice and consent to confirm a nominee to a lifetime appointment to the appellate bench, the second highest court in the land, who has refused to answer basic questions and who has no record. What a precedent, what an ugly precedent it would be for this Nation to accept that. This Senate deserves better. The American people deserve better.

I lay before my colleagues my rationale for taking this position on this particular individual. It is my hope that never again will we see this kind of stealth, secret process, this assumption that the Senate will abrogate its advice and consent obligations brought before this body.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Alaska.

TONGASS LAND USE MANAGEMENT

Mr. STEVENS. Mr. President, the appropriations bill, the omnibus bill, as we call it, will be here soon. I wanted to comment about stories pertaining to a provision I have in the bill and the change I sought to make in it.

The Tongass language in this omnibus bill that will come back to the Senate is the same language in the bill when it passed the Senate. It was not challenged in the Senate. The language provides that the record of decision for the 2003 supplemental environmental impact statement for the 1997 Tongass Land Use Management Plan shall not be subject to administrative appeal or judicial review.

During the consideration of the omnibus bill, I did suggest some modification of that language. It led to considerable discussion in the press. I might add there are a whole series of provisions in this bill as it comes back that were modified in conference by many Senators, many Members of the House of Representatives. The process by which we do that in many ways has been discussed by other Senators. At a later time I want to discuss the process by which Senators comment upon the work of other Members of the Senate.

In any event, for instance, in the Los Angeles Times, Senator BOXER said:

> The stewardship proposal could allow logging of 10 million acres in California if the riders remain in the bill. I intend to discuss them at great length on the Senate floor.

My amendment did not apply to California at all.

The Senator from California also is reported as saying in another release I have that:

> This is a dangerous backdoor attempt to silence the public, states, and localities, and to stop our citizens from going to court to protest these destructive riders.

The provision to stop going to court was in the Senate bill.

In another article in the Grand Forks Herald, there is this statement:

> The riders would remove Alaska's Tongass and Chugach forests from protection under the national roadless policy and require the Forest Service to offer timber sales to meet market demand regardless of the effects on habitat and the forests' other resources.

I could go on and on with these articles that are in the papers and in the news releases throughout the country.

What I want to do is set the record straight on what the situation is in the Tongass and how we got where we are today. It is a long saga. It takes a little while to relate to the Senate.

In 1997, after 10 years of planning and $13 million of the taxpayers' money, the Tongass Land Use Management Plan was completed. I opposed that plan because it contained drastic reductions in the timber harvest. I thought the levels were much lower than they needed to be. There were numerous scientists who found the Tongass could sustain far greater development support than what was included in the report.

Today, just 6 years later, that plan seems like the golden age of the Tongass timber industry. I now find myself defending that plan, which Democrats and environmentalists then supported because those same extreme environmentalists and their friends from the previous administration have done so much damage to Alaska's timber industry since that time.

The Tongass Land Use Management Plan reduced the allowable sale quantity (ASQ), for the Tongass to 267 million board feet. That is the plan I am talking about that we are now defending. Of the allowable 267 million board feet of timber, less than 220 million board feet would be economically harvestible under the plan. It provided access to only 676,000 acres of the 17 million acre Tongass National Forest.

Furthermore, it established that timber harvesting on Federal land would be managed over 100-year and 120-year rotations. These rotations provided more than enough time for forest revitalization.

The Tongass is the only forest in Alaska in which timber may be harvested. I call the Senate's attention to this. Our other forest, which is 5.5 million acres, the Chugach, is under a forest management plan which has reduced timber harvesting to zero. This renders the Chugach forest almost completely closed to logging. There are some small inholding tracks that could be logged, but none of them are being logged, to my knowledge. Last year less than 1 million board feet of salvageable timber ravaged by disease was sold from the Chugach. There is no real commercial harvest there.

Many groups and individuals frame the current debate about the Tongass as an argument about whether or not the forest should be saved. The terms of the 1997 plan made by the Clinton administration make it clear that framing the issue this way is very misleading. The 1997 plan set aside 93 percent of all forested areas in the Tongass National Forest in my home State.

Under the Tongass amendment I asked Congress to approve, that land will remain completely untouched. It will not touch any of the land, 93 percent, that is reserved, set aside. It would remain completely untouched. Clearly the vast majority of the Tongass has already been saved for future generations. Yet they want more. There is 7 percent of the forest that is still open to logging under the agreement made in 1980.

My State's timber industry has experienced a swift decline, threatening thousands of Alaskan families who depend upon that industry for their livelihood. Today timber communities in southeast Alaska have been devastated by unemployment due in large part to jobs lost in the timber industry. I point out to the Senate this bill we will vote on tonight will contain $3.1 billion for the farm community that has been devastated by about a 15 percent reduction in income. My timber industry will receive nothing even though it has been totally devastated by the actions taken by the Clinton administration.

The Tongass once supported 4,000 timber jobs. Today two-thirds of those jobs have disappeared, and all of them will disappear if the roadless policy is applied to the area set aside for logging in the Tongass format and the Tongass Land Use plan.

In the last 10 years, diseased supply and frivolous lawsuits waged by extreme environmental groups have led to the closure of all of our pulp mills. There is not a single pulp mill left in Alaska. When those mills closed, they took southeast Alaska's best jobs with them. I hasten to point out, as I said, when farming fell 15 percent, Congress declared a disaster. That is $3.1 billion we put up for the farmers. They are no different than loggers. The only difference is, loggers have been affected by actions of the Department of Agriculture. It is the Department of Agriculture that asks us to protect the farmers.

The situation in the Tongass has not only cost us thousands of jobs, it has also cost the Government valuable tax dollars. The Government may soon have to pay the Alaska Pulp Company $750 million for the Clinton administration's illegal cancellation of timber contracts in the Tongass. That money should be paid to Alaska's workers.

The rapid decline in Alaska's timber industry is due to two main causes: the

Clinton administration's policy barring logging and roadbuilding on 58.5 million acres of national forest, including the Tongass, and frivolous lawsuits brought by the multibillion-dollar environmental lobby in an effort to lock up public resources on public land.

First, let me talk about the plan implemented by the Clinton administration's final days in office. When Congress passed the Tongass Act in 1947, we set what we called the ASQ level for the Tongass at 1.38 billion board feet per year. That level was slowly eroded. In 1980, the level was reduced to 450 million board feet per year under the Alaska National Interest Lands Act. In 1997, the Tongass land management plan further reduced the level to 267 million board feet. By 2001, the harvest level in the Tongass was only 48 million board feet—from 1.3-plus billion board feet to less than 48 million board feet. When you talk about a disaster, clearly this drastic reduction is one of the most serious disasters for the timber industry.

To give my fellow Senators some perspective, Southeast Alaska has more than 18 million acres of forest land, 95 percent of which is in a national forest and only 850 timber jobs left today. Arkansas has 19 million acres of forest land, 8 percent of which is national forest and 43,000 timber jobs.

Pennsylvania has 17 million acres of forest land, 2 percent of which is in a national forest, and 82,000 timber jobs.

New York has 19 million acres of forest land, 4 percent of which is national forest, and 51,000 timber jobs.

Last year, while Alaska harvested 34 million board feet, New York harvested nearly 900 million board feet of timber.

This history and disparity between how national forest lands are administered in other States and how they are administered in Alaska shows that reductions in the ASQ levels are unfair, unreasonable, and unlawful.

The 1980 Alaska National Interest Lands Conservation Act provided the proper balance between protecting and preserving Alaska's heritage and providing economic and social opportunities to the people of the State of Alaska. That 1980 Act specifically prohibited the changes the Clinton administration made to the Tongass management plan in 1999. Section 708(b) of the 1980 Act specifically states that there will be no ''further statewide roadless area review and evaluation of national forest systems lands in the State of Alaska'' without the express authorization of Congress—none. We call that one of the ''no more clauses.'' That was the one concession Congress gave to us when it withdrew over a hundred million acres of our State for national interest lands and disallowed any type of development by the people of the State of Alaska.

Section 1326 of that same act—again, deemed the ''no more clause''—prohibits review of any future conservation area greater than 5,000 acres without congressional approval. Clearly, the study of the 18 million acre Tongass was not authorized; it was not previously reviewed by Congress.

The roadless plan was first announced by the Clinton administration in 1999. I hope Senators will listen to this. In the fall of 2000, I received a call from the Clinton administration assuring me as chairman of the Appropriations Committee and the Senator from Alaska that the Tongass would be excluded from the roadless plan. The proposed rule upon which hearings were held specifically excluded Alaska.

Let me consider that now, and I hope the Senate will consider it. As chairman of the Appropriations Committee, the Clinton administration sought my help on many issues in the year 2000 as we considered the 2001 appropriations bills. I was in a position then to hold them to their commitment on the roadless areas.

After the election was over and the appropriations bills had passed, President Clinton personally applied the roadless plan to the Tongass by Executive order. It was not included in the proposed rule upon which hearings were held, but at the last minute the President personally added Alaska to the plan.

In their rush to lock up Alaska on their way out the door, the administration ignored the concerns of my State, the Alaskan Natives, and our timber communities, and they specifically violated the law.

Lawsuits brought by extreme environmentalists have created an equally troubling situation. The lawsuits have forced the Forest Service to keep revising its plans. The groups filing these suits are abusing the National Environmental Policy Act, an act which I cosponsored along with Senator Jackson in the 1970s.

As a cosponsor, I believe I knew the original intent. When we passed that act, we intended it to be used to assess the environmental impact of major Federal decisions. Radical environmentalists have used it to create an absolute barrier to resource development or commercial use on any public lands.

Each time we complete an environmental impact study, it costs the taxpayers up to $10 million and locks up public resources for years. In effect, this practice has created a class of professional environmental lawyers whose only practice is to prevent the utilization of resources on public lands.

I have been a lawyer for 50 years and I have never seen such development. I have never seen such single-minded people who use a law designed to protect our environment to produce income for themselves, at a cost to the taxpayers and the people of this Nation.

No one seeks to limit due process or debate on these issues, but the extremists have exhausted the time period for a reasonable review process. I ask colleagues to remember new roadless areas are illegal in Alaska under these clauses I have read, unless specifically approved by Congress. This would not even be an issue if the Clinton Justice Department had raised the ''no more clause'' when they defended the Tongass land management plan in Federal court. Neither did the Federal district court judge.

Mr. President, I have a letter from the Ketchikan Gateway Borough, one of our major political subdivisions in Alaska. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KETCHIKAN GATEWAY BOROUGH,
OFFICE OF THE BOROUGH MANAGER,
Ketchikan, AK.

Re: Amendments relating to Tongass timber issues

Senator TED STEVENS,
Hart Building, Washington, DC.

DEAR SENATOR STEVENS: On behalf of the Ketchikan Gateway Borough, I would like to thank you for your efforts at bringing closure to what has become a decade long dispute crippling the economy of many Southeast Alaska communities, Ketchikan included.

Specifically, with TTRA in 1990, the intent was to bring peace and stability to the timber industry, providing enough timber to meet the demand, and not overproducing and unbalancing normal market forces. The result, however, was an ineffective provision. The phrasing ''seek to meet'' demand was interpreted in a way which resulted in the demand not being met, and led to a downward spiral of ever reduced capacity and employment. Removing the words ''seek to'' from this provision would go a long way toward helping the economies in Wrangell, Ketchikan, Prince of Wales Island, and throughout Southeast Alaska recover from the adverse impacts of the prior error.

Second: In addition to the restrictive effect which the ''seek to meet'' language has had on timber supply, the uncertainty caused by protracted litigation over both the 1997 ROD and the Roadless Rule issues has brought the timber industry almost to a standstill. It has constricted the timber supply to the point where unemployment is threatening the viability of communities. New investment for more environmentally friendly secondary processing is difficult to secure because of the uncertainty as to timber supply and the effect of litigation on the ability of the Forest Service to put out sales.

It has been nearly 6 years since the issuance of the 1997 ROD, a planning document which took nearly a decade to complete. It is time for the decision to be accepted and for people to move on. It will only be a few more years before it is time to begin the next TLMP ROD process. Continuing uncertainty caused by protracted litigation over land use plans is killing the economy in Southeast Alaska. The Ketchikan Gateway Borough has lost nearly 10 percent of its population since 1996, and 2 percent just in the last year. Review of individual sales offers adequate opportunities for appeals if there are issues requiring review.

Third: In regard to the Roadless Rule, the whole process was a rushed pre-determined decision. Application of the rule to Alaska, however, stands out as the most significant injustice of the entire process. Throughout the public comment period the proposal was described as clearly not impacting Alaska. It was only after the comments were closed that the final rule was issued to apply to Alaska as well. This is fundamentally unfair and improper. Further, the ''no more'' clause of ANILCA precludes such an action.

Even if the process were not flawed, the impacts are drastic and unconscionable. If the Roadless Rule were applied here it would virtually guarantee that there would not be any meaningful timber industry employment in secondary manufacture in Southeast Alaska. The amount of timber available from the largest National Forest would end up as exports in the round and small production of likely less than 100 MMBF of sawlogs and chips.

Further, the ability to build new infrastructure or even support existing infrastructure, would be jeopardized. If the economy in the area continues with such constriction and uncertainty there will be additional loss of population and continued increases in social problems associated with poverty.

The Ketchikan Gateway Borough urges you to use your best efforts to ensure the passage of the riders which address these three issues.

Thank you for your attention to this issue.

Sincerely,

ROY ECKERT,
Borough Manager.

Mr. STEVENS. Mr. President, this letter is from Roy Eckert, borough manager, concerning amendments relating to Tongass timber.

I want to put into the RECORD another letter that has been written to the Secretary of Agriculture and signed by Petersburg city council member, of the Recreation/Wilderness Program manager of the Tongass National Forest, Bill Tremblay. It is a factual letter setting forth parts of the comments that I have made. I hope Members of the Senate will read it.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR SECRETARY, thank you for receiving other members of the Petersburg City Council. I would like to take this opportunity to join my voice with the other council members in noting our strongest opposition to the recently signed Roadless Area Conservation Policy. I take exception to this as a member of the City Council and as a Forest Service employee. Some action is needed to address the devastating impacts of this decision to the captive communities within the boundaries of the National Forests in Alaska, particularly on the Tongass National Forest in southeast Alaska.

THE TONGASS NATIONAL FOREST, FINDING THE FACTS

The Tongass is almost 17 million acres and is one of the oldest forests in the entire National Forest System. The forest is about the size of West Virginia and has more coastline that the entire west coast in the lower 48. More than 95% is federally owned. The forest has almost 5.8 million acres Congressionally designated as wilderness (19 wilderness areas in all) with another 500,000 acres also designated by Congress for recreation purposes (Land Use Designations II (LUD II) through the Tongass Timber Reform Act of 1990).

Attached is some of the literature used by environmental groups to support the Roadless Rule, I'm providing this to highlight some of the misinformation used to solicit comments. National environmental groups continually portrayed all 17 million acres at risk. Of course the result of this effort was the generation of thousands of postcards endorsing the Roadless Rule. Federal courts have ruled that comments to environmental documents must be timely and substantive. Comments cards parroting misstatements of fact are not substantive. Many of these cards were the basis of Chief Dombecks' assertion that ''overwhelming public comments in favor of the Roadless Rule'' supported the decision. Decisions affecting the management of our resources are suppose to be based on science, federal policy, and the ability of the lands to sustain the proposed action. If we're going to use vote counting as a method of management then I doubt we need the current organizational structure for the Forest Service.

Just a side note, it was well minded people like these that had the Forest Service respond to the need to protect the ''Mendenhall Penguins'' during the Forest Planning process for the Tongass. Somehow, someone put a message out noting that such creatures existed at the Mendenhall Icefield near Juneau. As a result, there were several hundred letters mailed to the Tongass Land Management Planning Team. I think a lot of the comments received for the protection of the remaining roadless areas on the Tongass were done with just as much understanding of the issues to be addressed.

Please review the evaluation of the comments carefully. Before the President's decision, I overheard members of a regional environmental organization talking about how they had the phone number for making comments on his speed dial so they could call every morning. The process set forth in the National Environmental Protection Act (NEPA) is not a voting process. Again, allowing for the accumulation of one opinion from one person doesn't meet the test for a substantive comment.

ARE FOREST PLANS DEAD?

In 1999 the Tongass National Forest completed a 13 year, $10 million dollar Forest Plan. To resolve the appeals to the Regional Foresters decision, the final decision was taken away from the Chief of the Forest Service and made by then Undersecretary Jim Lyons. In April 2000, a GAO report on the Process Used to Modify the Forest Plan for the Tongass decision showed that this move, while legal, was unprecedented. I'll also note for the record that Mr. Lyons specifically addressed Roadless in his decision.

After his decision, Mr. Lyons came to Sitka, Alaska to talk with the mayors of the affected communities, and other community representatives. Mr. Lyons, addressing the mayors on behalf of the administration, assured affected communities that the forest plan would provide guidance for the management of the forest for the next 10 to 15 years. Only a few months later we learned that Mr. Lyons was clearly out of touch with his own administration as the Tongass was to be included in the Roadless Rule. The potential inclusion of the Tongass and Chugach National Forests in the Roadless Rule prompted the Governor of Alaska to publicly announce that the State had been ''stabbed in the back''. The Governor of Alaska is a Democrat and the Republican led State legislature has just voiced their own opposition to the Roadless Rule in passing a bill supporting the Governor's position.

Both actions related to the final forest plan decision and the Roadless Rule fly in the face of other rules filed by the administration encouraging more cooperation at a local level in decision making and the delegation of the decision of Forest Plans down to the Forest Supervisor level. I have been looking over priorities of this new administration and have found their focus on local collaboration and participation is also in concert with these ideas.

The process used to implement the Roadless Rule places the integrity of the Forest Planning process at risk on a National Scale. The Tongass Plan completed and signed in 1997 by the Regional Forester was environmentally sound, scientifically based and legally defensible. The only flaw in the decision was that it didn't meet the values of members of the past administration. If we are going to have local decisions continually made at the Washington level then we need to resend the new planning regulations and reissue the new procedures to follow to be fair to the public.

THE ROADLESS RULE DOCUMENT

The Roadless Rule FEIS failed miserable in its contents. Many of the points made in the analysis were flawed, inaccurate, incomplete, and not site specific as is required by the CFR's for an environmental analysis. The problems in the analysis should have been identified in the review of the document by the Council on Environmental Quality (CEQ). However, since Mr. Frampton was the head of the CEQ at the time, there wasn't concern about the content and more on the outcome. When a delegation of mayors met with Mr. Frampton, Secretary Glickman, and other in early December, it was evident to them that Mr. Frampton clearly was in charge of the process.

ECONOMIC IMPACTS ANALYSIS

One example of the poor analysis was in the discussion of the economic impacts of this decision. The document notes that nationally the impacts are not significant. In specific reference to the Tongass, it identifies the loss of almost 900 jobs direct and indirect) and an estimated $17 million loss of annual income to the region. The document notes that the passage of the Secure Schools Act, which makes up the loss of forest receipts, will help deflect the impacts. If you examine the trends of the impacts to communities of southeast Alaska over the past 5 years you'll see that the money generated from this Secure School Act only mitigates the impacts from the falling receipts from previous years. It does nothing to address the Roadless Rule. Attached is a better depiction of the impacts of the rule as provided to the CEQ by the State Director of the USDA Rural Development Program. After looking at her comments we can see that the impacts go far beyond just the payments to the State. I did attached the USDA State Director's comments to my response to the final FEIS but I cannot see were these were ever addressed in the document.

What is not discussed in the document is how southeast Alaska is unlike other regions in the lower '48 States. Displaced workers in southeast Alaska cannot commute to other nearby communities to look for jobs. Because of the isolation of our communities, people without jobs are more likely to be forced to leave the State.

Arguments in favor of the Roadless Rule note that other areas of economic growth available to southeast Alaska, such as tourism and fisheries. Tourism is growing in southeast Alaska but only through the commercialization of communities as though we were a third world entity. More than 80% of the tourism in southeast Alaska comes from large cruise ships. These ships do drop passengers off in communities to participate in shore excursions, but most of these trips are negotiated by contract prior to the season. The free time given to passengers is generally short and allows enough time to these tourists to shop ''locally'' in shops. Many shops, that use to be local, are now largely owned by the tour ship companies. (See the attached Southeast Empire where the Skagway economy is discussed.) The season for this activity occurs is normally from the first of May to the beginning to September (about 120 days). This leaves the other 240

days of the year with little to no recreation or tourism economy. May of the service industry workers now follow these companies to other parts of the world to maintain their year round employment. Although there are sales taxes generated and wages generated in the summer season, most of the earned wages leave wit the seasonal workforce so there is a minimal economic multiplier effect. Many communities are now voting in a head tax for these cruise ship passengers to help support the infrastructure of the communities.

The Chugach National Forest in southcentral Alaska enjoys almost year round use because of its proximity to the largest population center of the State, available roads, and better winter conditions. Poor weather conditions and little infrastructure for access virtually eliminates tourism travel from October to early May in southeast Alaska. These facts were not presented in the Roadless Rule analysis and should have been.

The potential growth in fishing is even bleaker. Glacier Bay National Park in the northern area of southeast Alaska has just recently closed itself to fishing in many places traditionally used. Actions taken by the National Marine Fisheries Service to protect the stellar sea lions put more of our local citizens out of work. Farmed fish from around the world has depressed world salmon prices. Other federal actions are also threatening the fishing and recreation industry. Did you know that one of the mitigations proposed in lieu of breaching the three Snake River dams in Idaho was to stop all troll fishing in southeast Alaska? The troll fisheries are generally small businesses, many of them are guides who came to this business when they lost their lumber jobs because of the decisions by our agency to reduce timber harvesting. While many of these actions are outside the scope of the Roadless Rule decision and our agency, they are federal actions that contribute to the negative cumulative effects to our economy but were never addressed in the analysis.

I raised these economic issues in my comments to the Draft Environmental Impact Statement. I cannot say I am satisfied with the results in the FEIS.

EFFECTS TO THE TIMBER INDUSTRY

When I first got to the Tongass in the early 1980's, Congress had mandated that 450 million board feet (MMBF) annually be made available for sale through the Alaska National Interest Lands Conservation Act of 1980 (ANILCA). Most of this timber was required to meet our obligations for the two remaining 50-year timber sale contracts. Volume not tied up in the contacts was also made available to independent timber sale operators. ANILCA also resolved the Alaska native lands settlement and the issue of lands the State of Alaska was entitled to through statehood. The settlement of other land ownership combined with poor timber market conditions never allowed the Forest Service to sell more that about 350 MMBF annually for most of the 1980's.

During the initial work in the revision of the Tongass Land Management Plan, Congress modified ANILCA and the timber sale contracts when they passed the Tongass Timber Reform Act in 1990 (TTRA). In this action they also removed the 450 MMBF annual timber target required by ANILCA. The final decision for the Forest Plan made by the Regional Forester in 1997 set a timber harvest level of approximately 286 MMBF for the annual allowable sale quantity. This was reduced to approximately 150 MMBF in Mr. Lyons 1999 decision. Mr. Lyons decision protected some roadless areas but has forced the agency to plan for some harvesting other roadless areas to meet the allowable sale quantity. The Roadless Rule decision makes some assumptions that some losses in areas to cut timber might be made up in areas where roads already exist. This statement ignores the 200-year timber rotation put in place by Mr. Lyon's decision for the Tongass. The 200-year rotation will make many of the roaded areas unavailable for timber harvesting for another 160 years.

The Roadless Rule decision suggests that some agency funding might be diverted in a way that would benefit communities impacted by the decision. In the 1990's actions were taken by the agency to cancel the two 50-year timber sale contracts on the Tongass. The cancellation of the first contract resulted in a court settlement that made the agency pay $100,000,000 to the contractor and allowed them three years of the contracted timber volume for a transition. The second cancellation has just resulted in a $1.5 billion judgment against our agency. With these financial burdens, what funds are available to help our local communities? The misrepresentation of the facts by this agency alone should be cause enough to find a way to reverse this decision as it impacts the forests in Alaska.

To its credit, the agency has taken some steps to address the downward trend of the timber industry. We have encouraged smaller sawmills or advocated for more secondary processing to take place through grants and bringing in consultants. A new veneer plant has just opened in Ketchikan through much encouragement by this agency and several grants. The Ketchikan mill alone can process 135 MMBF annually. There are several other mills in southeast Alaska that also require a minimal amount of volume to stay viable. The Roadless Rule only allows for an estimated 30 MMBF in annual timber sales off of National Forest System Lands. The agency has purposefully deceived communities and businesses with their intent which has resulted in meaningless investments if the Roadless Rule is allowed to stand. Is there any wonder why the timber industry and the State sued the agency over the Roadless Rule decision?

PREDETERMINED DECISION

More than a week prior to issuing the Draft Environmental Impact Statement for public review, Chief Mike Dombeck addressed Federal Employees noting the accomplishments of the Forest Service. His first statement was; ''You are moving ahead with plans to protect a special resource on our national forests and grasslands—54 million areas of roadless areas.''

This statement does several things. First it acknowledges the intent of the administration to protect ALL roadless areas before the public had any chance to comment. Second, the acreage immediately included the Tongass which had just had the roadless issue resolved by Mr. Lyon's decision.

It's also interesting to note that the recent Forest Service Strategic Plan for 2000 states the first objective is that, ''we will protect roadless areas through the roadless area conservation policy''. This strategy was mailed to the printer in October, which was a month before the final EIS was available for review by the public. I will also note that the Forest Service Strategic Plan for 2000 was being distributed to field offices prior to the final decision signed by President Clinton. (I got a copy four days to the final decision.) The predetermined way this document was completed makes a mockery of the entire process and opens the question of our agency standards to public ridicule. It specifically calls to question whether or not the comments to the Roadless Rule were being reviewed for content as required by NEPA or just being processed for a response.

The line officers within the Forest Service were not briefed about the decision prior to the invitations being sent to environmental groups for the White House signing party. In fact, many our line officers heard of the final decisions through the environmental community before they knew about it from their supervisors.

We have spent years getting our communities and constituents to work with us on a local level in forging decisions that affect the resources and their quality of life. To see our objective environmental analysis process used for a political gain is an embarrassment. While there may be some in favor of the rule, many people within and outside of the agency object to the Roadless Rule primarily because the way the decision was made. If asked, Forest Service employees would pass a vote of ''no confidence'' for this Chief.

LACK OF SCIENCE IN THE ROADLESS DECISION

We are being told that science played a role in the Roadless Rule decision. When reading this analysis I fail to see where the science was used. In specific reference to the Tongass, what were the measured benefits to the resources provided by the Roadless Rule that were not provided by the 1999 decision made by Mr. Lyons? If you were to look at the planning record for the Tongass Land Management Plan, you'd find that there were only minor concerns for resources expressed by the agency in the 1997 decision made by the Regional Forester. Mr. Lyons 1999 decision more than made up for any shortcomings for resource concerns in the 1997 by issuing a decision based more on values than science (Which is still in court). The Roadless Rule provides additional protections but fails to make a case for who or for what? More roadless is more roadless but it has not been demonstrated that it is needed. This again is a flaw in the environmental analysis which should cause it to be overturned.

LOCAL RESOURCE MANAGEMENT

As previously noted, this decision was made far away from the field, in an apparent partisan way, without science, and in a way that didn't account for local knowledge. By including the Tongass in the Roadless Rule, the administration acknowledged that they don't trust their employees to manage the 3.5% left to manage for resource development in the 1999 decision from Mr. Lyons. They have also put an end to a very cooperative process that has been ongoing for the management of National Forest Systems lands in Alaska.

SOLUTIONS

From what I can see, this administration has four options: (1) Live with the Roadless Rule; (2) Start the process to revise the Roadless Rule; (3) Have Congress overturn the Roadless Rule; (4) Work on something through the courts.

The Roadless Rule can't be ignored because of the tremendous impacts to communities. I'm not sure the Forest Service has the millions of dollars it would take to do another analysis. I also think that the decision might be too controversial to be addressed by Congress that is so closely divided.

This leaves the court system to resolve the conflicts over the Roadless Rule. My suggestion to the agency is to accept the lawsuit filed by the State of Alaska and agree to remove the Tongass and Chugach from the Roadless Rule decision.

The Roadless Rule decision is harmful to the State of Alaska and doing a single purpose study dealing the agency had gone against provisions specifically prohibiting this action as stated in ANILCA. I know the State of Alaska is willing to pursue this in

court because of the impacts this will have on our economy, does our agency want to spend this kind of money defending such an unpopular decision? The agency could cite the cost of the trial, clause of ANILCA it violated, the inadequate evaluation of the impacts in the analysis and find that adequate protection is already provided to the remaining roadless areas of the Tongass through the implementation of the 1999 Tongass decision. With all of the reasons I've presented, I believe the agency has sufficient cause to withdraw the Alaska forests from the Roadless Decision and not defend the decision in the courts.

CLOSING

The day the Roadless Rule was signed, I sent a note directly to the Chief. I told him that in my 20 years as an employee that it was the first day I was ever embarrassed to be a Forest Service employee. I have spent most of my career in the Alaska Region and I have never had a cause to feel this way previously. I am proud of what this agency and its employees have accomplished for the benefit of all people in the management of the resources within the State of Alaska. More than just our management of the resources, we bring some tremendous skills to our communities where we participate fully as community members. The partisan way the Roadless Rule was completed goes counter to everything our agency has been trying to build in community trust and involvement over the past 30 years.

Some people within the community and at work have questioned my persistence in trying to overturn the Roadless Rule. Speaking as a council member for the community, I feel I have an obligation to make every effort to protect our community from harm. As a Forest Service employee, I just want to be proud of who I work for again.

Sincerely,

BILL TREMBLAY.

Mr. STEVENS. Mr. President, I go back to my original statement. I have been here going on 35 years now and I have never seen people make statements that are so unfounded and unfactual about things that I am doing.

I am warning the Senate that if Members of the Senate accuse me of doing things that are not proper and they are absolutely unfactual, I intend to come here and, on a basis of personal privilege, bring those Senators to the floor and demand an apology. This has gone too far. Senators are saying my amendment covers 9 million acres. It does not. It protects 1.7 million acres. The reason we are discussing this here today is that at the last minute, the Clinton administration added my State to the roadless rule. Notwithstanding the fact that the Clinton administration called me personally and said Alaska would not be included in their roadless rule plan because they knew of the provisions of ANILCA. No hearing was ever held on the implications such a rule would have on Alaska, no hearing was held on the proposal, and no request to Congress to include Alaska in the roadless area was ever made. I have never seen anything more deceitful than the conduct of the Clinton administration in their pursuit of the roadless rule.

I intend to pursue this now. I would hope that before my colleagues make statements on the floor or to the media, they review both the Tongass amendment and the Alaska National Interest Lands Conservation Act. I am literally warning Senators that we are going to have it out here on the floor of the Senate if they keep accusing me of doing something which I have not done. That, to me, is a violation of the Senate rules.

When Judge Singleton ordered the Forest Service to review 9.7 million roadless acres, the Forest Service complied. They reviewed the Potential wilderness and roadless areas even though it was in direct violation of ANILCA. There wouldn't even be a review if the Clinton Administration had not ignored ANILCA, which specifically prohibited such review.

Alaskans seek two remedies to the current problems with Forest Policy in the Tongass. First, we want the Forest Service to uphold the law and declare the roadless rule in the Tongass an unlawful violation of ANILCA.

Second, we ask that when the Forest Service issues its decision later this year on the Tongass plan, we declare that it is the final decision on this issue. Judge Singleton's mandate entitled The Environmental Groups to a Review, it did not entitle them to a Forest Service recommendation that is favorable to their position. It did not entitle them to hold up the use of public resources indefinitely. We have been through the process and we all must recognize and abide by the Forest Service's final ruling.

And, if this issue goes before a Federal court again, I expect the Judges to uphold the law—especially the specific provision which we call the ''No More Clause.''

Alaskans understand the need to conserve our public lands and resources better than anyone else. We have protected more land than any other country on Earth and more than the other 49 States combined.

We were the pioneers of the Nation's last great frontier and our lives have always depended on the sustainability of our natural resources.

Our time in the great wilderness of our State has taught us that man forges a fragile pact with his surroundings. He needs the land and its resources, but he must also preserve them. That is why my State has fought so hard to make sure that our land and waterways and the species that inhabit them will be there for generations to come.

Consistent with our commitment to the environment, we have designated over 58 million acres as pristine wilderness, which represents 55 percent of all wilderness areas in the United States.

Because only 1 percent of Alaska's lands are privately owned, it is imperative that the Federal Government allow us to use some of our resources on the 235 million acres managed by the Federal Government.

We will always manage our lands in a way that ensures their vitality. Timber is a renewable resource, it can be and will be managed this way under the measures provided in this bill.

Much of my State will always be pristine wilderness. But, we need some degree of certainty that we will be able to harvest small portions of the forest that is not wilderness. We need to know that we will be able to sustain the timber industry we have today. We need assurances that our efforts will not be met with more lawsuits and more resistance. In the days ahead I will pursue this subject again and again.

I ask unanimous consent to have printed in the RECORD letters from my constituents and communities who have been severely impacted by the lawless actions of the previous administration.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SENATOR STEVENS: This is just a short note to let you know you have huge support for what you are doing with the Tongass riders. You have my support and the support of thousands of Alaskans. Don't consider for a moment that the environmental ''wackos'' represent the majority view of Alaskans. Keep up the great work on this crucial issue. Thanks for a job well done!!

Please pass this on to Congressman Young if you get a chance. Thanks. Also, Congressman Young did a great job on the call-in show on APR yesterday.

DAVE CARLSON,
Petersburg, AK.

SENATOR STEVENS: Thanks for your efforts to get the timber industry back on its feet. The current effort will remove an obstacle that has held back investment and added to the cost to operate. The continuous delay resulting from challenges to the Forest Plan has been one of the industries biggest problems.

GEORGE WOODBURY,
Wrangell, AK.

SENATOR STEVENS: We in SE Alaska support Senator Stevens and staff in your efforts to pass the Tongass riders. We support the 1997 Tongass plan's determination that no more wilderness is required in the Tongass. We also support the exemption of Alaska from the roadless determination, as originally promised by Clinton. Adequate timber supply is absolutely essential to our Prince of Wales communities and critical to our mill, Viking Lumber, the only viable mil in SE Alaska. Our mill employs 35 year-around and only needs 30 million board feet per year to continue operating. These riders will provide adequate timber for this family-owned mill in the Craig/Klawock area.

Please know that we support your efforts and are prepared to speak out if and when needed.

Hang in there.

TOM BRIGGS,
Craig, AK.

NOTICE

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

AUTHORIZING COMMITTEES TO REPORT

Mr. FRIST. Madam President, I ask unanimous consent that notwithstanding the recess, committees be authorized to report legislative and executive matters on Thursday, February 20, from 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, FEBRUARY 14, 2003

Mr. FRIST. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. Friday, February 14. I further ask unanimous consent that on Friday, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then return to executive session to resume consideration of the nomination of Miguel Estrada to be a Circuit Judge for the DC Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Madam President, for the information of Senators, tomorrow the Senate will, once again, resume debate on the nomination of Miguel Estrada. Again, if Senators desire an opportunity to speak on the nomination, I encourage them to do so. No rollcall votes will occur during Friday's session.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. FRIST. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:09 p.m., adjourned until Friday, February 14, 2003, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 13, 2003:

SECURITIES AND EXCHANGE COMMISSION

WILLIAM H. DONALDSON, OF NEW YORK, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 2007.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE NOMINATIONS BEGINNING RUSSELL J. NICELY AND ENDING GEORGE ADAMS MOORE, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

FOREIGN SERVICE NOMINATIONS BEGINNING NICHOLAS R. KUCHOVA AND ENDING RICHARD W. JOHNSTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 15, 2003.

EXTENSIONS OF REMARKS

IN HONOR OF THE SESQUICENTENNIAL CELEBRATION OF ST. PATRICK'S CHURCH OF CLEVELAND, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and celebration of the Sesquicentennial celebration of St. Patrick's Church, one of Cleveland's foremost Catholic congregations. During its tenure, St. Patrick's has served as a foundation of faith and service for the religious community of our Ohio City neighborhood, and far beyond.

Irish immigrants founded St. Patrick's Parish on Franklin Street in 1853. The church was also home to the first Ursuline Community in Cleveland. In 1871, the cornerstone for a new church was laid on Bridge Avenue. A famine struck that year, which halted construction. Construction resumed, yet it was arduous and long. For two years, parishioners journeyed to Sandusky to obtain free quarry stone and deliver it back to the church site. Following six years of toil, focus and commitment, the new church was opened during the summer of 1877.

Since that time, St. Patrick's Church has stood as a monument of faith, hope and support for immigrants and generations of their descendants. Although the first wave of parishioners were mainly of Irish heritage, today, the fabric of St. Patrick's reflects a colorful blend of citizens descendant from all areas of the world.

Mr. Speaker and Colleagues, please join me in tribute to and commemoration of the 150th Anniversary of St. Patrick's Church in Cleveland. St. Patrick's Church stands as more than a stately and vital historical structure; rather, the leaders and members of this parish, past and present, reflect a lasting monument of faith and hope that has sustained our families, our neighborhoods, our cities and our nation, for more than a century.

THE WRONG WORDS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Ms. KAPTUR. Mr. Speaker, I submit the following article to be included in the RECORD.

[From the New York Times, Jan. 30, 2003]

WHAT THE WORLD HEARS WHEN THE PRESIDENT SPEAKS; THE WRONG WORDS

(By Abdel Monem Said)

Probably no area of the world had a keener interest in President Bush's address on Tuesday night than the Middle East. And probably nowhere will there be greater disappointment. People in moderate Arab states will conclude that the president is woefully misguided in his approach to the region's troubles.

First, the American government seems to have divided the Middle East into a set of separate problems, each in its own little box: Iraq, Iran, the Palestinians and the Israelis, fundamentalism, terrorism. To an Arab, these are all related issues. The United States should concentrate on the problem whose resolution would, ultimately, solve all the other problems. That problem isn't Iraq. In fact, tackling Iraq will worsen the situation in the Middle East. It is the Palestinian question whose resolution has the best potential for a positive impact on the region and beyond. Unfortunately, it received only a passing reference in the president's speech,

Second, Arabs do not agree with the rosy American view of an invasion of Iraq. Mr. Bush seems to believe that the Iraqi people will look at American soldiers as liberators. In three or four weeks Saddam Hussein and his cronies will be toppled. In a year or so, Iraq will be a shining example of a democratic and prosperous country.

Arabs have a drastically different view. Some Iraqis will look at Americans as new colonialists. Various Iraqi factions and ethnic groups will take the chance to settle old scores. Iraq will descend into chaos. Turkey and Iran will interfere. The fragile countries of the eastern Mediterranean and the Gulf will suffer. The Arab-Israeli conflict will become increasingly volatile as violence and fundamentalism cross national borders.

Third, Mr. Bush sees the war on Iraq as part of the global war against terrorism, In the absence of clear evidence of links between Saddam Hussein and Al Qaeda, Arabs see the Iraq campaign as a deviation and distraction from the real fight. Iraq, now greatly weakened, is incapable of threatening its neighbors. Terrorism remains a greater threat. By going after Iraq, the United States is taking the easy way out: a classic war where it can find a capital to bomb, a regime to overthrow and weapons to dismantle. The war on terrorism is a completely different one, with political and socioeconomic dimensions that call for patience and agonizing time.

The historical bond between the United States and the moderate Arab states and mainstream Arabs in general contributed to the stability of the Middle East. For half a century, the bond worked well—to thwart Communist expansion in the cold war, to contain the waves of Iranian Islamic revolution and to end in 1991 Saddam Hussein's radical and regional ambitions. Now, it seems for the Arabs, the major force for instability in the region is the United States itself, which is moving militarily to Iraq, ignoring the Arab-Israeli peace process, giving Ariel Sharon a free hand in Israel, and insinuating a radical program for change in the region without building strategic understanding for it.

REMEMBERING JOHN FERDINANDI, JR.

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to remember a resident of my district who has made an impact on me, my staff, as well as the city of Fresno. His name was John Ferdinandi, Jr.

John was born in Rochester, NY, the son of Italian Immigrants. In 1945, he and his family moved to Fresno, CA where John attended San Joaquin Memorial High School, Fresno City College, and California State University, Fresno, then known as Fresno State. He served for four years in the Air Force and married his wife Sally in 1952. He returned to Fresno in 1954.

After thirty years of family and individual business, John retired, but found retirement wasn't his strong suit. He began a new career as a Property Manager and worked from 1989 to 1999, where his last assignment was in Santa Cruz, CA. John retired again in 1999, when he and his wife, Sally, decided to return home to Fresno where their children and family live.

In September 1999, when a seven freight car derailment occurred on the Burlington Northern Santa Fe tracks near the west end of Browning, John took up the challenge to get those tracks moved, which had been talked about for 83 years.

John put together a Board of Directors of community residents, secured over 42 supporting agencies, political representatives, businesses, individuals and petitioners now totaling over 6,000 supporters of rail consolidation. On January 14th, 2002, Fresno Mayor Alan Autry appointed John to head up his Mayor's Fresno Rail Consolidation Task Force.

The Fresno County Board of Supervisors appointed John to be the county's representative on the Fresno County Council of Governments Rail Committee. John also was Chairman of the Mayor's Downtown Revitalization 3RC Committee (Research, Review & Recommendation). He was working to revitalize Downtown Fresno.

John was a loving man who liked to help out at church, enjoyed playing charades, loved to sail and collect lighthouse replicas. He enjoyed fragrant flowers and high school father-daughter dances. Additionally, my staff and I had the pleasure of working with John's granddaughter, Sadie, for four years. John passed away of cancer on January 26, 2003. He will be sorely missed.

Mr. Speaker, I rise to remember John Ferdinandi and all of his efforts working on the Fresno Area Rail Consolidation. I urge my colleagues to join me in remembering John Ferdinandi.

HONORING THE 20TH ANNIVERSARY OF THE ''BABES OF 1916'' SENIOR CITIZENS SOFTBALL LEAGUE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in recognition and celebration of the Twentieth

Anniversary of the Babes of 1916 Senior Citizens Softball League, formed in 1983. I also stand in honor of the officers of the League: Gil Novak, Nick Gavanditti, Gus Bene and Paul Ristau, and I honor the members of the League who remain forever young, with a clear understanding that one is never too old to step up to the plate.

Over the years, the League has grown from thirty-one players to over one hundred and fifty. Every summer, the teams in the League play at well-attended events in ballparks across the county. Over the past twenty years, teams within the League have won several local and national championships, including their regular participation in the Senior Softball World Series.

The League members' sincere love and enthusiasm for life is clearly reflected in their love for the game—in every calculated pitch, in every outfield catch, in every throw to first, and in every swing of the bat. The players also extend their spirit and energy across our community, as they consistently donate their time to play for charitable and civic events.

Mr. Speaker, please join me in honor, tribute, and celebration of the past and present leaders of the Babes of 1916 Senior Citizens Softball League, for their twenty years of uplifting our hearts and spirits with their great affection for America's favorite pastime. The players and leaders of the League are the guardians of the most beloved and historic game in American history, and because of them, our seniors have the opportunity to still experience the joy of fielding a ground ball, hitting the winning run, teamwork, and camaraderie. The Babes of 1916 Senior Citizens Softball League have given its youthful ballplayers much more than the love of the game. They've given seniors the chance to play at the ballpark, inspiring cherished moments and creating memories that reach back to childhood—from the early innings of their youth—to the bottom of the ninth, two down, tie score, bases loaded. Batter up.

IN REMEMBRANCE OF DON PICKINPAUGH, MEMBER OF THE WASHINGTON TOWNSHIP HEALTH CARE DISTRICT BOARD OF DIRECTORS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. STARK. Mr. Speaker, I rise today to honor Don Pickinpaugh's years of service to the Board of Directors of the Washington Township Health Care District. Mr. Pickinpaugh passed away on February 6, 2003 of heart failure at Washington Hospital.

The longest serving member of the hospital's Board of Directors, Mr. Pickinpaugh was first elected to the Board in 1976. He was elected Board president five times during his 27-year tenure, most recently in 2002.

During his time on the Board, Mr. Pickinpaugh provided leadership on many projects, but most notable are his work on the acquisition of Washington West in 1997 and the renovation of the hospital's sixth floor in 2002. This renovation added more than 29 beds to the hospital's capacity.

Mr. Pickinpaugh's interest in health care developed when he served as a Navy chief hospital corpsman. While in the Navy, he supervised the operations of an emergency room at a major Naval hospital and served as a chief laboratory and blood bank technician.

Deeply involved in the community, Mr. Pickinpaugh was a long-time real estate broker in the Fremont area, and was actively involved in the Boy Scouts, Alameda County's Highland Hospital Citizen's Committee, and the Alameda County Tax Assessment Appeals Board. He was also a reading mentor at a Fremont Elementary School.

I send heartfelt sympathies to Don Pickinpaugh's family, and I join his colleagues in mourning the loss of this true community activist.

REMEMBERING THE HONORABLE WALTER J. KRASNIEWSKI

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Ms. KAPTUR. Mr. Speaker, the day after Christmas 2002, The Honorable Walter J. Krasniewski passed from this life at the age of 73 years. He was surrounded by his family.

Judge Krasniewski served the U.S. Bankruptcy Court in the Northern District of Ohio for 32 years, retiring in 1997. The author of more than 500 legal opinions, during his tenure many of his opinions established case law for the Sixth Circuit. At his retirement before a packed courtroom of judges, attorneys, family and friends there to pay him tribute, Judge Krasniewski was recognized as one of the ten longest-serving judges in U.S. history. A dedicated promoter of the noble profession of the law, Judge Krasniewski was mentor to many people he encouraged in the pursuit of a law career.

Walter Krasniewski graduated from Xavier University, then obtained his law degree from the University of Toledo. After a time in private practice, he was employed by the State of Ohio as an assistant attorney. In 1963, he was appointed by Attorney General Robert Kennedy as an assistant U.S. attorney. He began his long career as a bankruptcy court judge in 1965.

Devoted to his family, Judge Krasniewski also paid careful attention to his community. He was involved in many civic activities and fraternal organizations. His thoughtful countenance was as well known to his associates as it was to those who appeared in his courtroom. Always a gentleman, he was also a true statesman.

Walter Krasniewski was a man committed to family, his faith, his profession, and his country. Truly we will miss this man of vision and integrity. Our heartfelt sympathy to his wife of 45 years, Mary Lou, his children Linda, Leslie, Laurie, and Lawrence, his brothers John and William, his grandchildren and great grandchildren.

RECOGNIZING THE 92ND BIRTHDAY OF RONALD REAGAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to honor President Ronald Reagan on his 92nd Birthday. He is a great man and was a wonderful president. President Reagan stimulated economic growth, curbed inflation, increased employment, and strengthened our national defense. He cut taxes and government expenditures. It was during his term in office as President, the United States enjoyed its longest recorded period of peacetime prosperity without recession or depression. President Reagan sought to increase defense spending, but also wanted to improve relations with the Soviet Union.

Overall, the Reagan years saw a restoration of prosperity, and the goal of peace through strength seemed to be within grasp.

Mr. Speaker, I rise to honor President Reagan and wish him a Happy 92nd Birthday. I urge my colleagues to join me in wishing President Reagan more years of good health.

IN HONOR AND REMEMBRANCE OF EDWARD E. KOTECKI, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Edward E. Kotecki, Jr., beloved father, grandfather, great-grandfather, brother and friend to many.

As the retired CEO of century-old Kotecki Monuments of Cleveland, a company founded in 1896 by his grandfather, Mr. Kotecki combined his sharp business abilities with his great artistic talents to create exquisite, critically acclaimed shrines and sculptures displayed in churches, religious centers and cemeteries in Cleveland, and around the world.

With a commitment to the highest level of artistry, Mr. Kotecki traveled in search of the finest master sculptors. His search took him to Italy, Poland and Romania, and he personally sponsored each artist during their stay in the United States. Additionally, Mr. Kotecki blazed the trail for a new process of creating sculptures. From his European counterparts, Mr. Kotecki introduced to America a sculpting machine that created three-dimensional sculptures in a fraction of the time it would normally take.

During his tenure, Kotecki Monuments created a symphony of granite along the terrace of the Cleveland Museum of Art; assisted in the polishing of the Hubble Telescope; and worked alongside Cleveland steel mills in fabricating granite skid caps. Moreover, Mr. Kotecki consistently displayed a generous spirit and kind heart. He directed the Cleveland Police Officers Peace Memorial, and had the names of fallen officers inscribed at no charge to families. Additionally, Mr. Kotecki regularly donated labor and materials for the restoration of damaged Cleveland cemetery monuments.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Edward E. Kotecki, Jr.—business leader, beloved father, grandfather, great-grandfather, brother, and friend and mentor to many. Although Mr. Kotecki will be deeply missed, his vision, life and legacy will live on forever, like the granite angel whose wings rise forever against the Cleveland sky.

INTRODUCTION OF THE SAFE NURSING AND PATIENT CARE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. STARK. Mr. Speaker, I rise to introduce the Safe Nursing and Patient Act of 2003 with Rep. STEVEN LATOURETTE and more than 40 of our colleagues. Assuring quality medical care and addressing our nursing shortage should not divide us on partisan lines. That's why I'm especially pleased that the bill we're introducing today has support from Democrats and Republicans alike. Senator KENNEDY is introducing the companion legislation in the Senate.

There are some 500,000 trained nurses in this country who are not working in their profession. Of course, their reasons for leaving nursing are many. But nurses consistently cite their concerns about the quality of care they feel they are able to provide in many health care settings today. Nurses are also greatly concerned about being forced to work mandatory overtime.

Listen to these words of a nurse in the state of Washington:

> I have been a nurse for six years and most of the time I have worked in the hospital environment. It is difficult to tell you how terrible it is to ''work scared'' all the time. A mistake that I might make could easily cost someone their life and ruin mine. Every night at work we routinely ''face the clock.'' All of us do without lunch and breaks and work overtime, often without pay, to ensure continuity of care for our patients. Yet, we are constantly asked to do more. It has become the norm for us to have patient assignments two and a half times greater than the staffing guidelines established by the hospital itself. I cannot continue to participate in this unsafe and irresponsible practice. So I am leaving, not because I don't love being a nurse, but because hospitals are not safe places: not for patients and not for nurses.

While stories like this are telling, we also have research to back up the concern. A recent study published in JAMA (October 23/30, 2002) proves what nurses have been telling us—that working too many hours while caring for too many patients leads to increased patient deaths and increased job dissatisfaction. The study found that the risk of death to a patient who has undergone surgery increases by 7 percent for each patient over four in a nurse's workload. It also found that patients in hospitals with the lowest nurse staffing levels (eight patients per nurse) have a 31% greater chance of dying than those patients in hospitals with four patients per nurse.

Studies also point to overtime issues as reasons for the nursing shortage. For example, a 2001 report by the General Accounting Office, Nursing Workforce: Emerging Nurse Shortages Due to Multiple Factors, concluded: [T]he current high levels of job dissatisfaction among nurses may also play a crucial role in determining the extent of current and future nurse shortages. Efforts undertaken to improve the workplace environment may both reduce the likelihood of nurses leaving the field and encourage more young people to enter the nursing profession. . . .

We have the voices of nurses and the research evidence to prove that the practice of requiring nurses to work beyond the point they believe is safe is jeopardizing the quality of care patients receive. It is also contributing to the growing nurse shortage. Current projections are that the nurse workforce in 2020 will have fallen 20 percent below the level necessary to meet demand.

We have existing government standards that limit the hours that pilots, flight attendants, truck drivers, railroad engineers and other professions can safely work before consumer safety is endangered. However, no similar limitation currently exists for our nation's nurses who are caring for us at often the most vulnerable times in our lives.

The Safe Nursing and Patient Care Act would change that. It would set strict, new federal limits on the ability of health facilities to require mandatory overtime from nurses. Nurses would be allowed to continue to volunteer for overtime if and when they feel they can continue to provide safe, quality care. But, forced mandatory overtime would only be allowed when an official state of emergency was declared by federal, state or local government. These limits would be part of Medicare's provider agreements. They would not apply to nursing homes since alternative staffing and quality measures are already moving forward for those facilities.

To assure compliance, the bill provides HHS with the authority to investigate complaints from nurses about violations. It also grants HHS the power to issue civil monetary penalties of up to $10,000 for violations of the act and to increase those fines for patterns of violations.

Providers would be required to post notices explaining these new rights and to post nurse schedules in prominent workplace locations. Nurses would also obtain anti-discrimination protections against employers who continued to force work hours for nurses beyond what a nurse believes is safe for quality care. Providers found to have violated the law would be posted on Medicare's website.

This legislation is not the final solution. I believe that standards must be developed to define timeframes for safe nursing care within the wide variety of health settings (whether such overtime is mandatory or voluntary). That is why the legislation also requires the Agency on Healthcare Research and Quality to report back to Congress with recommendations for developing overall standards to protect patient safety in nursing care.

I know that our nation's hospital trade associations will claim that my solution misses the mark because it is precisely the lack of nurses in the profession today that is necessitating their need to require mandatory overtime. Let me respond directly. Mandatory overtime is dangerous for patients plain and simple. It is also a driving force for nurses leaving the profession. These twin realities make mandatory overtime a dangerous short-term gamble at best. We should join together to end the practice.

This bill takes the first step to address the problem by strictly limiting the ability of providers to force nurses to work beyond their professional opinion of what is safe for fear of losing their jobs. This is a very real problem facing the nursing profession and that is why my bill is endorsed by the American Nurses Association, AFSCME, AFT, SEIU, AFGE, UAW, and the AFL-CIO—organizations that speak for America's nearly 3 million nurses.

Again, my bill is not the sole solution. I supported the Nurse Reinvestment Act, which was passed by Congress and signed into law last year. That legislation authorizes new federal investment and initiatives to increase the number of people pursuing a nursing education. Such efforts will help in the future, but it will be years before that law's impact is felt in our medical system. And, it will take even longer if the President and Republicans in Congress continue to withhold the funding necessary for the act to be implemented.

We need to help now. We must take steps to improve the nursing profession immediately so that today's nurses will remain in the field to care for those of us who need such care before new nurses can be trained. We also need today's nurses to be there as mentors for the nurses of tomorrow.

Mandatory nurse overtime is a very real quality of care issue for our health system and I look forward to working with my colleagues to enact the Safe Nursing and Patient Care Act. It will start us down the right path toward protecting patients and encouraging people to remain in—and enter—the nursing profession.

STATE OF THE UNION

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Ms. KAPTUR. Mr. Speaker, I submit the following article to be included in the RECORD:

[From the New York Times, Jan. 30, 2003]

WHAT THE WORLD HEARS WHEN THE PRESIDENT SPEAKS; CALMING FEARS

(By Bill Emmott)

Before President Bush's State of the Union address, worry about war and suspicion of America were the prevailing views in the outside world. After his address, worry and suspicion still prevail. But there is now hope that the suspicion, at least, could soon ease.

Don't misunderstand. I have long supported America's effort to enforce the United Nations resolutions calling on Saddam Hussein to disarm, and have felt that only under an ever-nearing threat of war was there any chance that this might be achieved, peacefully or otherwise. Few of my fellow Europeans (and surprisingly few Britons) have felt the same. Every time they have seen Mr. Bush speaking informally about this issue, their fears and suspicions have grown. However, every time they have seen him make a big, formal speech (as at the United Nations in September and before Congress on Tuesday) they have felt reassured.

This time, the reassurance did not come from his deliberately reassuring gestures, such as the promise to put up $15 billion to combat H.I.V. and AIDS in Africa and the Caribbean or the $1.2 billion for research into pollution-free cars. It came from his announcement that on Feb. 5 Secretary of State Colin Powell would reveal evidence of Iraq's weapons concealment to the Security Council.

It was reassuring because it suggests that some proof exists. Admittedly, the lust for evidence represents a sort of mass self-delusion, a belief that somehow the 1990's didn't happen and that no weapons programs were found then. It also represents topsy-turvy thinking: that the burden of proof is on Mr. Bush, not Saddam Hussein. Still, such thinking is a reality that the White House needs to face.

Such evidence is not needed on technical, moral or legal grounds. But it is needed to secure a broad coalition, which in turn is highly desirable if the risks of war—and an unstable aftermath of war—are to be reduced. At least from this vantage point in London, the recent opposition to war heard from France and Russia looks shallow. Some credible, publicly usable evidence is all that is needed for them to be able to back a second United Nations resolution and even to offer military support.

Following President Bush's address, therefore, an extremely favorable situation looks to be within America's grasp—a broad coalition and a second resolution, both just at the time when the military buildup is reaching its peak. Saddam Hussein, no doubt, will have fresh delaying tactics up his sleeve, such as apparent, partial admissions or concessions about weapons programs with which he will hope to sow new divisions and confusion. The wider the coalition against him, and the shorter the time he has available, the lower will be his chances of success.

The president's speech brought that prospect closer. Now Colin Powell must clinch it.

THE LITHUANIAN-AMERICAN COMMUNITY CLEVELAND CHAPTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Lithuanian American Community Cleveland Chapter and their celebration of the 85th Anniversary of the Restoration of Lithuania's Independence, which will take place on Sunday, February 16, 2003 at Our Lady of Perpetual Help auditorium.

The Lithuanian American Community has focused on the celebration of Lithuanian heritage and providing educational, cultural, and social services to its members. The many events it sponsors such as folk dances, art and science symposiums, and theater festivals, are always open to the public in an effort to share Lithuania's rich culture with others. The Lithuanian American Community has done an excellent job of supporting cultural interaction between the United States and Lithuania and looks forward to further integration in the West.

I would like to take this opportunity to honor and thank the leaders and members of the Lithuanian American Community of Cleveland for organizing these wonderful festivities, and for sharing their rich culture with all Clevelanders.

Mr. Speaker, please join me in recognizing the Lithuanian American Community Cleveland Chapter, a wonderful organization that has provided support for Lithuanian Americans, and enriched Cleveland with the contribution of their culture and heritage. May Sunday's celebration of the Restoration of Lithuania's Independence be a wonderful reminder of Cleveland's richly diverse community, and a joyous occasion for all whom attend.

SPEECH BY GENERAL JAMES L. JONES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. SKELTON. Mr. Speaker, let me take this means to pay tribute to General James L. Jones who recently became the first Marine to assume command of the United States European Command, EUCOM. General Jones assumed command of EUCOM in Stuttgart, Germany, on January 16, 2003. Also, in a change of command ceremony held on January 17, 2003, in Mons, Belgium, General Jones became NATO's Supreme Allied Commander, Europe. Mr. Speaker, I am proud to share with the Members of the House the speech General Jones presented as he stepped into the command at EUC0M.

EUCOM COC REMARKS

Ambassador Coats, Members of Congress, Secretary Wolfowitz, General and Mrs. Myers, General and Mrs. Ralston, General and Mrs. Wald, State Secretary Bohmler, Lord Mayor Doctor Schuster, Professor Doctor Rommel, Distinguished Guests, Ladies and Gentlemen, Men and Women in Uniform, and Friends and Families: It is truly wonderful to be in Stuttgart again! Having been raised in Europe, and having served in this command from 1992–94, I have grown to appreciate the privilege and warmth of German hospitality—thank you one and all for welcoming us back and for making this a truly special occasion for Diane and me.

Men and women in uniform have the honor of serving our respective nations . . . and for Americans here present, it is a special responsibility to be able to serve our country overseas. America is fortunate to be a Nation of influence . . . the record of history will reveal it to be an influence for the greater good of freedom-loving people for stability and for the cause of peace in the world.

Nonetheless, we live in dangerous times . . . there are some in this world who would threaten our common ideals and our goals. They follow an ideology of illicit trade, illegal drugs, assassination, and global terrorism. They are, today, the cause of much of the suffering in the world, and so . . . it is morally right that those who love freedom . . . and are willing to defend it . . . pursue them into every dark corner of the world from which they plot and ply their trade.

We must, and will, remain vigilant and steadfast . . . victory in this global war will not come quickly . . . nor will we achieve it alone. It will take men and women of great character and courage to prevail in these demanding times—men and women such as those assembled here today . . . the men and women of the U.S. European Command working towards our common objectives in partnership with our friends and allies.

More than courage and character, qualities of principled leadership will remain vitally important. Fortunately for all of us, we have all benefited first hand from the extraordinary leadership of General and Mrs. Ralston over the past two and one-half years.

Joe and Dede, thank you both for your years of service to our Nation and to freedom loving people everywhere . . . for your caring advice and warm friendship . . . for your extraordinary generosity and thoughtfulness in making this transition so effective and enjoyable . . . Diane and I wish you every happiness as you move into the next phase of your lives and as you go north to Alaska.

Men and women of the U.S. European Command, I am extremely humbled and proud to serve with you. Many challenges remain. We will not lack for important things to do. Where there is great challenge, there is great opportunity for those with the will and the courage to seize the moment. Now is such a moment.

The war on terrorism, changes to the unified command plan, and ongoing operations will all complete for our time and our resources . . . and we must also ensure that the quality of life provided to our families receives proper attention as well, for they play a critical role in the readiness of our force.

Diane and I look forward to working with you and your families . . . to continue to improve the spirit of security and cooperation we have worked so hard to build. To our German hosts, thank you for your warm hospitality and support . . . and to all of you present here today, thank you for making this event such a memorable one for both Diane and me.

EXPRESSING CONDOLENCES OF THE HOUSE TO THE FAMILIES OF THE CREW OF THE SPACE SHUTTLE ''COLUMBIA''

SPEECH OF

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2003

Mr. ISSA. Mr. Speaker, today I join my many colleagues in mourning the loss of the seven courageous men and women on board the space shuttle *Columbia.* This is indeed a tragic loss, for the families of these seven astronauts, and for our Nation. These men and women committed their lives to the pursuit of knowledge and, in that pursuit, they made the ultimate sacrifice. For their courage and self-sacrifice they will be forever remembered as heroes.

While the *Columbia* tragedy demonstrated the risks involved in manned space travel, it also reminds us that NASA has had an excellent performance record over the past four decades. The courageous and talented men and women of NASA have made discoveries in space that have profoundly improved our lives on earth. Our exploration of space, our pursuit of knowledge must go on. As the families of the *Columbia* seven have stated, we cannot look back, we must press forward with our exploration of new territories.

Mr. Speaker, I am honored to be here today, remembering these fallen heroes. I am grateful for the resolve of our astronauts, our President, and Americans everywhere to remember the past while looking to the future. I urge my colleagues to unequivocally support this resolution.

LATIN AMERICA

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Ms. KAPTUR. Mr. Speaker, I submit the following article to be included in the RECORD:

[From the New York Times, Jan. 30, 2003]

WHAT THE WORLD HEARS WHEN THE PRESIDENT SPEAKS; REMEMBER US?

(By Enrique Krauze)

Focused on its enemies, the Bush administration has forgotten its friends. Only one world region went entirely unmentioned in the State of the Union speech: Latin America. In another, far distant age—five days before terror struck New York and Washington—President Bush pledged a new alliance with President Vicente Fox of Mexico, on the grounds that a strong Mexico makes for a stronger United States. After 9/11, however, everything changed.

All of Latin America now seems aware that the United States has returned to an essentially reactive diplomacy that seems to come to life only when there are missiles pointing at its shores, Marxist guerrillas in the jungles, or revolutionary governments in the old banana republics. This is unfortunate because Latin America (with the exception of Cuba) has for a decade been abandoning its old grievances, drawing closer to the United States, opting for democracy and rejecting militarism, statism and Marxism. What is needed to make Washington take this Copernican shift seriously and support it in tangible ways? Maybe what is needed is for the miracle to end. And it may indeed end, if, in the face of American neglect, Latin Americans turn toward the biggest specter of the past: populism, the age-old temptation to put power in the hands of a heaven-sent strongman—yesterday in Alberto Fujimori's Peru, today in Hugo Chavez's Venezuela, and tomorrow perhaps in a charismatic Mexican politician.

Unfortunately, populist sentiment has been reinforced by Washington's mistakes. It lost democratic credibility by not condemning the coup against the populist but democratically elected Mr. Chavez. There was the scolding of Brazil and Argentina by Paul H. O'Neill, the former Treasury secretary, which sent their currencies tumbling. And there is the supreme shortsightedness of the economic blockade of Cuba.

More worrisome still is the administration's attitude toward its neighbor. The shelving of the 2001 immigration agreement was a mistake that has been compounded by new subsidies for American farmers, which fly in the face of the reforms required of Mexican agriculture under Nafta. Mexico's rural regions are its most sensitive. It was peasants who fought the Mexican Revolution 90 years ago, and it is from rural Mexico that the next explosion would likely come.

I agree with Mr. Bush that if Saddam Hussein is not evil ''then evil has no meaning.'' But to combat evil, one must find strength in friendship. In dealing with the south, George W. Bush should try a different doctrine: pre-emptive cooperation.

IN HONOR OF CUYAHOGA HEIGHTS POLICE CHIEF RICHARD W. UNGER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. KUCINICH. Mr. Speaker, I rise to today in honor and recognition of Police Chief Richard W. Unger, upon the occasion of his recent retirement from the Cuyahoga Heights Police Department, after twenty-seven years of dedication to the force and honor of the badge.

Chief Unger grew up in Cuyahoga Heights, and committed his entire law enforcement career to protecting the safety of the residents of his hometown. He joined the Cuyahoga Heights police department in 1976. Within ten years, Chief Unger was promoted to Lieutenant, then Captain. During that time, he also served as the Juvenile Officer, and was one of the original members of the Cuyahoga Valley SWAT team.

In 1992, at the youthful age of thirty-nine, Mr. Unger was promoted to the position of Police Chief. Chief Unger's total dedication to his profession was also reflected in his pursuit of additional law enforcement education and training. Throughout his law enforcement tenure, Chief Unger regularly attended workshops, classes and seminars to bolster his experience and knowledge. In addition, Chief Unger has been a member of many safety force commissions and boards, and has been awarded numerous awards and commendations for his exceptional work.

Mr. Speaker and Colleagues, please join me in honor and celebration of Cuyahoga Heights Police Chief Richard W. Unger, as we reflect on the past twenty-seven years of his significant service to the citizens of Cuyahoga Heights. Chief Unger's easy-going nature, integrity, expertise, and focus on protecting his constituents in Cuyahoga Heights have all served to raise the grade safety operations in Cuyahoga Heights to an exceptional level. Chief Unger has been an outstanding role model for his four children, grandchildren, and for every resident of Cuyahoga Heights. Chief Unger's exceptional service, focused on the welfare and safety of families and individuals, is truly significant and worthy of our gratitude and recognition. We wish Chief Unger, his wife Katherine, and his entire family many blessings and great happiness in his retirement. We also wish him many wonderful cloudless summer days of smooth sailing and great fishing along the waves of Lake Erie—Port outboard, Starboard home.

HONORING THE OHIO WESLEYAN UNIVERSITY WOMEN'S SOCCER TEAM'S SECOND NCAA CHAMPIONSHIP TITLE

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to the Ohio Wesleyan University Battling Bishops Women's Soccer Team, who have won their second consecutive National Collegiate Athletic Association Division III Championship title.

Coach Bob Barnes led the Battling Bishops to a win over Messiah College in the NCAA Division III championship game on November 30, 2002 in Geneva, N.Y. on the campus of Hobart and William Smith Colleges. This game concluded a remarkable 24 and 0 season that saw veteran and freshman players make positive contributions and grow as student athletes.

The national title makes the Bishops the first team to repeat as NCAA Division III champions since the University of California at San Diego in 1995–97. The win also extended the Battling Bishops' NCAA Division III-record winning streak to 45 straight games. The shutout was Ohio Wesleyan's 20th of the season.

Coach Barnes has built a successful team while upholding the school's strong tradition of requiring success in the classroom as well as on the playing fields. His leadership has paid off and the Battling Bishops have back-to-back championships to show for it and memories of this winning season for a lifetime.

The National Soccer Coaches Association of America and Adidas have also named Coach Barnes the NCAA Division III Coach of the Year. This is also the second straight NSCAA Coach of the Year honor for Barnes, who is a 1989 Ohio Wesleyan graduate.

The 2002 OWU Women's Soccer Team is as follows: Freshmen—Louise Cooley, Alicia Grambeau, Hillary Hughes, Kelsey McDonough, Sara Vogel, Sarah Wall, Melanie Yoder. Sophomores—Stefanie Fluke, Toni Frissora, Deborah Lochner, Kahrman McKenzie, Jill Taylor, Carrie Williams, Jennifer Wise, Kelsey Wright. Juniors—Casey Dobbins, Erika Howland, Krista Pouliot, Liz Sheehan, Tiffany Soggs, Akeya Terrell, Amy Work. Seniors—Emily Bayer, Lindsey Bland, Bre Cady, Mindy Hammond, Jamie Jenkins.

As a proud graduate of Ohio Wesleyan University, I offer my sincere congratulations to the Battling Bishops and hope that I will have the opportunity to give similar remarks next year at the conclusion of the 2003 season.

RECOGNIZING THE 92ND BIRTHDAY OF RONALD REAGAN

SPEECH OF

HON. JOHN KLINE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. KLINE. Mr. Speaker, twenty-two years ago, as a young major of Marines, I had the high honor of serving President Reagan as his military aide. On inauguration day in 1981, this great man started immediately to improve the morale and pride of the armed forces. He had real admiration and respect for Americans in uniform, and real concerns about the status of our military forces in that troubling decade following the war in Vietnam. It seems impossible now, but in those years we were not permitted to wear the military uniform, unless by exception, in our nation's capital—a sad indicator of the state to which pride and confidence had fallen.

During his first inaugural parade, President Reagan told each of the service chiefs that it was time for a change. He told them he wanted to see more uniforms on the street. He knew that this change of direction and attitude was important not only to those wearing the uniforms, but to all Americans. The time of shame and remorse was over. We owe a great debt to this great man for many, many reasons. But, perhaps the first reason is his remarkable transformation of our armed forces.

Thank you, Mr. President and Happy Birthday!

BEYOND VIETNAM LIES IRAQ: SHARED SACRIFICE IN THE WORDS OF DR. MARTIN LUTHER KING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. RANGEL. Mr. Speaker, it is imperative that this year as we celebrate Dr. Martin Luther King's birthday and Black History Month, that Dr. Martin Luther King be remembered not only for his involvement in the civil rights movement, but also for his quest to achieve peace and justice for all by speaking out against war. On April 4, 1967, Dr. Martin Luther King gave a speech entitled ''Beyond Vietnam.'' In this speech, Dr. King spoke out against the Vietnam war, and more importantly, spoke of the need to wage peace, not war.

In the weeks that President Bush and his administration have been leading this country to war against Iraq, I have found myself going through many of the same motions of a man who opposed a war more than thirty years ago. I began by voting against the Congressional Resolution that gave President Bush the authority to carry out this war, and have most recently pushed for Americans to more carefully consider the costs of going to war without just cause by introducing a bill that would reinstate the draft. My push to reinstate the draft was meant to first, show my opposition to a unilateral preemptive strike against Iraq and second, to insure that if America does go to war, that an equitable representation of all classes of Americans are making the sacrifice for our great country.

In being reintroduced to Dr. King's speech, I found that, while he was attempting to end a war, his goals in giving the ''Beyond Vietnam'' speech were similar to my own, in that he wanted the persons being called upon to fight the war to realize that the war they were fighting was serving the needs of persons that were not interested in serving their needs. As have I, Dr. King recognized that the poor were disproportionately shouldering the burden of a war. Dr. King described the war as a ''cruel manipulation of the poor'' and an ''enemy of the poor'' that was ''sending their sons and their brothers and their husbands to fight and to die in extraordinarily high proportions relative to the rest of the population.''

The recognition that the sacrifices being made for this country were (and continue to) not be shared was only one of a number of realizations Dr. King made in regards to the Vietnam War. As many of the insights he made then continue to be relevant in our journey down the warpath to Iraq, I invite you to read these excerpts from a speech delivered on April 4, 1967, at a meeting of Clergy and Laity Concerned at Riverside Church in New York City and consider the words of Dr. Martin Luther King.

BEYOND VIETNAM: A TIME TO BREAK SILENCE

I come to this magnificent house of worship tonight because my conscience leaves me no other choice. [. . .] The recent statement of your executive committee are the sentiments of my own heart and I found myself in full accord when I read its opening lines: ''A time comes when silence is betrayal.'' That time has come for us in relation to Vietnam. [. . .] I come to this platform tonight to make a passionate plea to my beloved nation. [. . .] Tonight, however, I wish not to speak with Hanoi and the NLF, but rather to my fellow Americans, who, with me, bear the greatest responsibility in ending a conflict that has exacted a heavy price on both continents.

Since I am a preacher by trade, I suppose it is not surprising that I have seven major reasons for bringing Vietnam into the field of my moral vision. There is at the outset a very obvious and almost facile connection between the war in Vietnam and the struggle 1, and others, have been waging in America. A few years ago there was a shining moment in that struggle. It seemed as if there was a real promise of hope for the poor—both black and white—through the poverty program. There were experiments, hopes, new beginnings. Then came the buildup in Vietnam and I watched the program broken and eviscerated as if it were some idle political plaything of a society gone mad on war, and I knew that America would never invest the necessary funds or energies in rehabilitation of its poor so long as adventures like Vietnam continued to draw men and skills and money like some demonic destructive suction tube. So I was increasingly compelled to see the war as an enemy of the poor and to attack it as such.

Perhaps the more tragic recognition of reality took place when it became clear to me that the war was doing far more than devastating the hopes of the poor at home. It was sending their sons and their brothers and their husbands to fight and to die in extraordinarily high proportions relative to the rest of the population. We were taking the black young men who had been crippled by our society and sending them eight thousand miles away to guarantee liberties in Southeast Asia which they had not found in southwest Georgia and East Harlem. So we have been repeatedly faced with the cruel irony of watching Negro and white boys on TV screens as they kill and die together for a nation that has been unable to seat them together in the same schools. So we watch them in brutal solidarity burning the huts of a poor village, but we realize that they would never live on the same block in Detroit. I could not be silent in the face of such cruel manipulation of the poor.

My third reason moves to an even deeper level of awareness, for it grows out of my experience in the ghettoes of the North over the last three years—especially the last three summers. As I have walked among the desperate, rejected and angry young men I have told them that Molotov cocktails and rifles would not solve their problems. I have tried to offer them my deepest compassion while maintaining my conviction that social change comes most meaningfully through nonviolent action. But they asked—and rightly so—what about Vietnam? They asked if our own nation wasn't using massive doses of violence to solve its problems, to bring about the changes it wanted. Their questions hit home, and I knew that I could never again raise my voice against the violence of the oppressed in the ghettos without having first spoken clearly to the greatest purveyor of violence in the world today—my own government. For the sake of those boys, for the sake of this government, for the sake of hundreds of thousands trembling under our violence, I cannot be silent. [. . .]

Now, it should be incandescently clear that no one who has any concern for the integrity and life of America today can ignore the present war. If America's soul becomes totally poisoned, part of the autopsy must read Vietnam. It can never be saved so long as it destroys the deepest hopes of men the world over. So it is that those of us who are yet determined that America will be are led down the path of protest and dissent, working for the health of our land. [. . .]

And as I ponder the madness of Vietnam and search within myself for ways to understand and respond to compassion my mind goes constantly to the people of that peninsula. I speak now not of the soldiers of each side, not of the junta in Saigon, but simply of the people who have been living under the curse of war for almost three continuous decades now. I think of them too because it is clear to me that there will be no meaningful solution there until some attempt is made to know them and hear their broken cries. They must see Americans as strange liberators. [. . .]

After the French were defeated it looked as if independence and land reform would come again through the Geneva agreements. But instead there came the United States, determined that Ho should not unify the temporarily divided nation, and the peasants watched again as we supported one of the most vicious modem dictators—our chosen man, Premier Diem. The peasants watched and cringed as Diem ruthlessly routed out all opposition, supported their extortionist landlords and refused even to discuss reunification with the north. The peasants watched as all this was presided over by U.S. influence and then by increasing numbers of U.S. troops who came to help quell the insurgency that Diem's methods had aroused. When Diem was overthrown they may have been happy, but the long line of military dictatorships seemed to offer no real change—especially in terms of their need for land and peace.

The only change came from America as we increased our troop commitments in support of governments which were singularly corrupt, inept and without popular support. All the while the people read our leaflets and received regular promises of peace and democracy—and land reform. Now they languish under our bombs and consider us—not their fellow Vietnamese—the real enemy. They move sadly and apathetically as we herd them off the land of their fathers into concentration camps where minimal social needs are rarely met. They know they must move or be destroyed by our bombs. So they go—primarily women and children and the aged. [. . .] They wander into the hospitals, with at least twenty casualties from American firepower for one ''Vietcong''-inflicted injury. So far we may have killed a million of them—mostly children. They see the children, degraded by our soldiers as they beg for food. They see the children selling their sisters to our soldiers, soliciting for their mothers.

What do the peasants think as we ally ourselves with the landlords and as we refuse to put any action into our many words concerning land reform? What do they think as we test our latest weapons on them, just as the Germans tested out new medicine and new tortures in the concentration camps of Europe? Where are the roots of the independent Vietnam we claim to be building? Is it among these voiceless ones?

We have destroyed their two most cherished institutions: the family and the village. We have destroyed their land and their crops. [. . .] Now there is little left to build on—save bitterness. Soon the only solid physical foundations remaining will be found at our military bases and in the concrete of the concentration camps we call fortified hamlets. The peasants may well wonder if we plan to build our new Vietnam on such grounds as these? Could we blame them for such thoughts? We must speak for them and raise the questions they cannot raise. These too are our brothers. [. . .] They question our political goals and they deny the reality

of a peace settlement from which they will be excluded. Their questions are frighteningly relevant. Is our nation planning to build on political myth again and then shore it up with the power of new violence?

Here is the true meaning and value of compassion and nonviolence when it helps us to see the enemy's point of view, to hear his questions, to know his assessment of ourselves. For from his view we may indeed see the basic weaknesses of our own condition, and if we are mature, we may learn and grow and profit from the wisdom of the brothers who are called the opposition. [. . .]

At this point I should make it clear that while I have tried in these last few minutes to give a voice to the voiceless on Vietnam and to understand the arguments of those who are called enemy, I am as deeply concerned about our troops there as anything else. For it occurs to me that what we are submitting them to in Vietnam is not simply the brutalizing process that goes on in any war where armies face each other and seek to destroy. We are adding cynicism to the process of death, for they must know after a short period there that none of the things we claim to be fighting for are really involved. Before long they must know that their government has sent them into a struggle among Vietnamese, and the more sophisticated surely realize that we are on the side of the wealthy and the secure while we create hell for the poor. [. . .]

This is the message of the great Buddhist leaders of Vietnam. Recently one of them wrote these words: ''Each day the war goes on the hatred increases in the heart of the Vietnamese and in the hearts of those of humanitarian instinct. The Americans are forcing even their friends into becoming their enemies. It is curious that the Americans, who calculate so carefully on the possibilities of military victory, do not realize that in the process they are incurring deep psychological and political defeat. The image of America will never again be the image of revolution, freedom and democracy, but the image of violence and militarism.''

If we continue, there will be no doubt in my mind and in the mind of the world that we have no honorable intentions in Vietnam. [. . .] The world now demands a maturity of America that we may not be able to achieve. It demands that we admit that we have been wrong from the beginning of our adventure in Vietnam, that we have been detrimental to the life of the Vietnamese people. The situation is one in which we must be ready to turn sharply from our present ways.

[. . .] I would like to suggest five concrete things that our government should do immediately to begin the long and difficult process of extricating ourselves from this nightmarish conflict: (1) End all bombing in North and South Vietnam; (2) Declare a unilateral cease-fire in the hope that such action will create the atmosphere for negotiation; (3) Take immediate steps to prevent other battlegrounds in Southeast Asia by curtailing our military buildup in Thailand and our interference in Laos; (4) Realistically accept the fact that the National Liberation Front has substantial support in South Vietnam and must thereby play a role in any meaningful negotiations and in any future Vietnam government; (5) Set a date that we will remove all foreign troops from Vietnam in accordance with the 1954 Geneva agreement. [. . .]

Meanwhile we in the churches and synagogues have a continuing task while we urge our government to disengage itself from a disgraceful commitment. We must continue to raise our voices if our nation persists in its perverse ways in Vietnam. We must be prepared to match actions with words by seeking out every creative means of protest possible. [. . .]

The war in Vietnam is but a symptom of a far deeper malady within the American spirit, and if we ignore this sobering reality we will find ourselves organizing clergy- and laymen-concerned committees for the next generation. They will be concerned about Guatemala and Peru. They will be concerned about Thailand and Cambodia. They will be concerned about Mozambique and South Africa. We will be marching for these and a dozen other names and attending rallies without end unless there is a significant and profound change in American life and policy. Such thoughts take us beyond Vietnam, but not beyond our calling as sons of the living God.

In 1957 a sensitive American official overseas said that it seemed to him that our nation was on the wrong side of a world revolution. During the past ten years we have seen emerge a pattern of suppression which now has justified the presence of U.S. military ''advisors'' in Venezuela. This need to maintain social stability for our investments accounts for the counter-revolutionary action of American forces in Guatemala. It tells why American helicopters are being used against guerrillas in Colombia and why American napalm and green beret forces have already been active against rebels in Peru. It is with such activity in mind that the words of the late John F. Kennedy come back to haunt us. Five years ago he said, ''Those who make peaceful revolution impossible will make violent revolution inevitable.'' [. . .]

I am convinced that if we are to get on the right side of the world revolution, we as a nation must undergo a radical revolution of values. We must rapidly begin the shift from a ''thing-oriented'' society to a ''person-oriented'' society. When machines and computers, profit motives and property rights are considered more important than people, the giant triplets of racism, materialism, and militarism are incapable of being conquered.

A true revolution of values will soon cause us to question the fairness and justice of many of our past and present policies. [. . .] A true revolution of values will soon look uneasily on the glaring contrast of poverty and wealth. With righteous indignation, it will look across the seas and see individual capitalists of the West investing huge sums of money in Asia, Africa and South America, only to take the profits out with no concern for the social betterment of the countries, and say: ''This is not just.'' It will look at our alliance with the landed gentry of Latin America and say: ''This is not just.'' The Western arrogance of feeling that it has everything to teach others and nothing to learn from them is not just. [. . .]

We must move past indecision to action. We must find new ways to speak for peace in Vietnam and justice throughout the developing world—a world that borders on our doors. If we do not act we shall surely be dragged down the long dark and shameful corridors of time reserved for those who possess power without compassion, might without morality, and strength without sight.

Now let us begin. Now let us rededicate ourselves to the long and bitter—but beautiful—struggle for a new world. This is the calling of the sons of God, and our brothers wait eagerly for our response. Shall we say the odds are too great? Shall we tell them the struggle is too hard? Will our message be that the forces of American life militate against their arrival as full men, and we send our deepest regrets? Or will there be another message, of longing, of hope, of solidarity with their yearnings, of commitment to their cause, whatever the cost? The choice is ours, and though we might prefer it otherwise we must choose in this crucial moment of human history.

IN HONOR OF DANNY H. CAMERON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Danny H. Cameron, respected businessman, community advocate, dedicated family man, and friend and mentor to countless, as he is honored as the Black Professional of The Year by the Black Professionals Association Charitable Foundation in Cleveland, Ohio.

Since its inception in 1982, Mr. Cameron has led the National City Community Development Center (NCCDC) as its President and Executive Director. In this capacity, he has carried out the mission of the NCCDC with great focus, vision, and dedication, aimed at uplifting the residential and commercial aspects of our Cleveland neighborhoods. Under his direction, the National City Community Development Center has extended into the communities of six states. The astounding achievements of Mr. Cameron and the NCCDC include investments of nearly 400 million dollars into the construction, renovation and preservation of homes in Cleveland and other cities, resulting in 39,000 affordable housing units for low and middle-income families and individuals. Amazingly, because of the direction of Mr. Cameron, more than ninety percent of new housing in Cleveland grew out of NCCDC investments.

In addition to his professional accomplishments, Mr. Cameron has been a deeply committed community volunteer. He has created programs for area high school students that encourage learning and growth in the areas of computer technology, and has developed funds that provide college scholarships to area youth. Mr. Cameron has also committed his time, service and expertise on the boards and commissions of many worthy civic and community agencies.

Mr. Speaker and Colleagues, please join me in honor of Mr. Danny H. Cameron, as we recognize his significant contribution to our community. His work, expertise and dedication have served to improve and unify our diverse citizenry. Mr. Cameron's strong leadership abilities, vision, and passion for social and economic justice for all have earned him the deep admiration and respect of the Cleveland community and communities beyond. Mr. Cameron's gift of service to others raises the spirit of families, strengthens the unity of inner city streets, and provides a window of light and hope in our neighborhoods by illuminating our corner of the universe, one family, one house, and one street corner at a time.

HONORING THE ACCOMPLISHMENTS OF SEAMUS CONNOLLY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. NEAL of Massachusetts. Mr. Speaker, it is my privilege to enter into the RECORD today these remarks to acknowledge the accomplishments of Seamus Connolly. He is the Director of the Boston College Irish Studies

Music, Song, and Dance Program. Mr. Connolly is an established Irish Fiddler and Gaelic musician, and his great success and technical precision in competitions in the '60s were extremely influential in setting a high standard of craft for today's players. Mr. Connolly first came to the United States in 1972 as a member of the first Comhaltas Ceoltóirí Eireann (CCE) tour. After immigrating to the United States in 1976, Mr. Connolly settled in Groton, Massachusetts, and entered into the realm of teaching to extend his knowledge of music at the request of Larry Reynolds, President of the local branch of CCE. His presence and committed teaching in Boston is influential throughout the East Coast, making it a badge of honor for the area's musicians to have a tune from Mr. Connolly, and his work with the Gaelic Roots Summer Program at Boston College makes the tradition accessible to an ever broadening circle.

In 1993, Mr. Connolly began the Gaelic Roots Summer Program as an indoor festival, which has progressed into an array of workshops, exhibitions, classes, and a concert series. In addition to his teaching, Mr. Connolly is a recipient of the Irish Echo Traditional Artist of the Year Award for 2002, and a ten-time winner of the Irish National Championship. He has produced numerous recordings, and a 132–page book with more than 50 Irish tunes and collaborations with other artists. Mr. Connolly has had the honor of representing Ireland on three ''Masters of the Folk Violin'' tours organized by the National Council for the Traditional Arts. In 1990, he won a Massachusetts Cultural Council Fellowship Award, one of three recipients from over 2,500 applicants. Also, Mr. Connolly appeared on the nationally televised ''Today Show'' and was profiled by Boston's WCVB–TV5 ''Chronicle Program.'' He initiated, produced and cohosted with Larry Reynolds Comhaltas Ceoltóirí Eireann's ongoing weekly radio program of traditional Irish music on WNTN–1550 AM Boston. He also co-hosted the Irish segments of Boston's WGBH National Public Radio series ''Ethnicity.''

Mr. Speaker, it is with great appreciation and gratitude for Mr. Connolly's dedication and leadership to Irish music that I ask he be recognized. Mr. Connolly possesses the intelligence and poise of an excellent fiddle player, and graciously extends his talent to the community.

RECOGNIZING THE 92ND BIRTHDAY OF RONALD REAGAN

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Ms. LEE. Mr. Speaker, I want to first wish former President Reagan and his wife well on his birthday and my thoughts and prayers are with them as he deals with the terrible disease of Alzheimer's. While I support those provisions in H.J. Res. 19, the bill went well beyond a simple birthday wish. I could not in good faith cast a vote for a bill that stated that the Reagan Administration ensured renewed economic prosperity when millions of Americans were hurt by its economic policies.

RECOGNITION OF RAYMOND LANG

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. LANGEVIN. Mr. Speaker, I rise today to pay tribute to a great man who passed away on January 30th, 2003. Mr. Raymond K. Lang led a life of service both to his country and to his community. He served in the Air Force for four years, reaching the rank of sergeant, and was also a member of the Rhode Island Air National Guard's 143rd Arial Port Squadron for twenty years, retiring in April 2002 at the rank of master sergeant.

In 2001, he received an associate's degree in computer science from the Community College of Rhode Island, and until his untimely death, he worked diligently as a project leader in the information technology department at the Wolverine Joining Tube Company. He was an active member of the Asbury United Methodist Church and a committed volunteer for Habitat for Humanity.

Mr. Lang is survived by a wife, Debra Jean Lang; two sons, Peter R. and Ryan C. Lang; two brothers, John J. Lang Jr. and James E. Lang; and one sister, Lorena M. Zisk. They are a testament to his wonderful and giving life. He will be greatly missed and our thoughts and prayers go out to all those who mourn his loss. Thank you, Mr. Speaker.

BAIT AND SWITCH

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. KAPTUR. Mr. Speaker, I submit the following article to be included in the RECORD:

[From The New York Times, Jan. 30, 2003]

BAIT AND SWITCH

(By Bob Herbert)

President Bush has learned how to deliver a moving speech. But Tuesday night's State of the Union Message did not address the most important question facing the American people: What kind of nation are we becoming?

The president spoke passionately about bringing ''food and medicines and supplies and freedom'' to the Iraqi people. But he is leading a hard-right administration here at home that is seriously eroding the economic security, the access to health care, the civil rights and civil liberties and the environmental protections of the American people. The first part of the president's speech was crafted to create exactly the opposite impression. He promised an economy ''that grows fast enough to employ every man and woman who seeks a job.'' He proposed a prescription drug benefit for some retirees. And he said he was ready to commit $1.2 billion to research into environmentally friendly hydrogen-powered automobiles.

But those were largely bait-and-switch proposals. Despite rising unemployment, the president's plan for the economy was simply a continuation of his tax-cut mania. There was nothing in the way of a job-creation program or a real economic stimulus. And there was absolutely zero help offered to the states and local governments whose budgetary knees are buckling under the weight of their worst fiscal crisis since World War II.

The president's prescription drug benefit, tempting at first glance, is tied to a restructuring of Medicare that will curtail, not enhance, the delivery of health services to the elderly. It was designed to look like an act of compassion. It's not.

The hydrogen cars initiative was a particularly deft touch for a president who has been hammered for his environmental policies. Hydrogen-powered autos could make a difference in the long term, say 20 or 30 years from now, or more. But what is much more significant is that Mr. Bush has stood like a rock with the opponents of increased fuel efficiency for the cars we're driving right now. The payoff for immediately improving vehicle fuel economy would be huge. In addition to saving money for motorists, it would cut pollution, curtail our contribution to the greenhouse effect and reduce our dependence on foreign oil.

We heard nothing about that in the speech.

The Bush administration is changing the nation in fundamental ways. However one feels about a U.S.-led invasion of Iraq, over the long term a bullying, go-it-alone foreign policy wedded to a military doctrine of preemption is a recipe for destabilization and paranoia around the world. And despite its professed commitment to compassionate policies at home, the administration's obsession with tax cuts is proving destructive on two fronts: It is draining the nation's coffers of money for social programs (including Medicare and Social Security), and blocking any real attempt to invest in a range of programs and infrastructure initiatives that are crucial to the nation's long-term future.

Some of those programs relate directly to domestic security. These issues get short shrift in an atmosphere of imminent war. But I doubt that this is the kind of country most Americans want. And we are already beginning to pay the price. Local taxes are soaring and services are breaking down.

On the night of the president's speech, the governor of New Jersey, James McGreevey, announced that he would be cutting state aid to colleges and universities by 10 percent because of a $5 billion state budget gap, In Connecticut, nearly 3,000 state workers have been laid off and Gov. John Rowland said another 1,000 needed to go. In some states the public school week is being curtailed. In some, prisoners are being furloughed.

These are telling indications of the real state of the union. As the most powerful nation on earth, and the world's only superpower, the United States has a particular obligation to use its might wisely abroad and to distribute its benefits fairly at home. That is not an easy mission for a hard-right-wing administration, which is why the Bush administration puts such a premium on the rhetoric of compassion.

Behind the veil of rhetoric is a Darwinian political philosophy that, if clearly understood, would repel the majority of Americans. http://www.nytimes.com.

TRIBUTE TO THE HONORABLE WILLIAM MCCLAIN AS A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. PORTMAN. Mr. Speaker, I rise today to honor William McClain, a retired judge and former Cincinnati solicitor, who will be formally honored on February 26, 2003 by the Greater Cincinnati Chamber of Commerce as a Great Living Cincinnatian. The recipients of this

prestigious award are selected on the basis of special professional achievement; an awareness of the needs of others; civic service; leadership; and distinctive accomplishments.

In 1937, Judge McClain arrived in Cincinnati. A product of Wittenberg University and the University of Michigan Law School, he had determination and the good fortune to practice law with the late Theodore Berry. Among the great many firsts he established for African Americans in Cincinnati, Judge McClain became Cincinnati's first African American assistant solicitor (1942); member of the Cincinnati Bar Association (1950); city solicitor (1963); and Hamilton County Common Pleas Judge (1975). He also served as Hamilton County Municipal Court Judge (1977); Hamilton County Municipal Court trial referee (1979). He has taught at the University of Cincinnati College of Law and Salmon P. Chase College of Law. Even today, at age 89, Judge McClain spends time at his office in a major downtown Cincinnati law firm.

The numerous awards he has received include: the Ellis Island Gold Medal of Honor for contributions to culture, diversity and the American way of life; the Race Relations Award from the Ohio Dr. Martin Luther King Jr. Holiday Commission; the National Bar Association Hall of Fame; and a certificate of honor from the NAACP board for outstanding civic contributions to Cincinnati in race relations,

Judge McClain is married to Roberta White McClain, a retired supervisor for the Hamilton County Welfare Department.

All of us in Cincinnati thank Judge McClain for his service to our community, and congratulate him for being named a Great Living Cincinnatian.

HONORING CHARLES SCRIPPS AS A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. PORTMAN. Mr. Speaker, I rise today to honor Charles Scripps, who will be formally honored on February 26, 2003 by the Greater Cincinnati Chamber of Commerce as a Great Living Cincinnatian. The recipients of this prestigious award are selected on the basis of special professional achievement; an awareness of the needs of others; civic service; leadership; and distinctive accomplishments.

Mr. Scripps is a grandson of E.W. Scripps, who founded the newspapers that began the Cincinnati-based media group that now includes the Cincinnati Post and Kentucky Post newspapers, broadcast television stations, and national cable television networks. Although he retired as the company's Chairman in 1994, Mr. Scripps remains on the Board of Directors and also serves as Chairman of the Board of Trustees of the E.W. Scripps Trust.

After attending the College of William & Mary and later Pomona College in California, Mr. Scripps began his career with his father's newspaper, the Cleveland Press, as a police reporter before World War II. After service with the Coast Guard during the war, he returned to the family's business.

During the 1980s, Mr. Scripps became an advocate for literacy. The Scripps Howard Foundation created an annual award, named for him, to encourage literacy outreach by the media. His civic associations do not end there. He serves on advisory boards for the Greater Cincinnati Salvation Army and the Hamilton County Juvenile Court. He is past president of the Inter-American Press Association, and he received an honorary degree in 1983 from Ohio University for his ''championship of press freedom worldwide.''

Mr. Scripps and his late wife, Lois Anne McKay, have four children. He married Mary Elizabeth Breslin in 1993.

All of us in Cincinnati thank Mr. Scripps for his service to our community, and congratulate him for being named a Great Living Cincinnatian.

HONORING THE PILGRIMS LANDING AT PLYMOUTH ROCK

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. GREEN of Texas. Mr. Speaker, I rise to introduce a resolution which recognizes December 21 1960, the date when the pilgrims landed at Plymouth Rock.

The Pilgrims were Dutch and English citizens who sought to escape the religious persecution and economic problems of their time by immigrating to the New World. Their voyage was one of discovery and an enduring quest for freedom that began by boarding the Mayflower. After a difficult journey across the Atlantic, the pilgrims arrived prepared to create a new society modeled on freedom. The many months of hardship and deprivation was rewarded with their arrival at the New World. When land was sighted on November 9, 1620, the Pilgrims signed the Mayflower Compact, which ensured the equality of every person. This pact laid the foundation and moral framework for the future United States of America.

When the pilgrims landed on Plymouth Rock, they faced harsh conditions. It was too cold to plant crops and many died due to exposure, disease and starvation. It was not until the spring when the Pilgrims and Native Americans came together as a community teaching each other survival skills and agriculture that life gradually improved.

During the War of Independence, residents of Plymouth, Massachusetts began celebrating the historic landing at Plymouth Rock. It began as a feast that the descendents of the original pilgrims celebrated and eventually grew into a town festival. The festival continued through the years until President Abraham Lincoln started celebrating it in the White House during the Civil War.

In 1941, Congress passed a Joint resolution that ''Thanksgiving'' should fall on the fourth Thursday in November but not until now has Congress had the opportunity to commend the actual date the Pilgrims landed.

Please join me in commemorating the first of many steps that crafted this great nation. I urge my colleagues to join me in support of this resolution.

A TRIBUTE TO MS. DORIS HEYMAN

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise today to pay homage to Doris Heyman, one of my district's most involved civic activists who sadly lost her courageous battle against cancer this month.

Doris was committed to creating a bright future for everyone she came into contact with. A dedicated educator, she was a preschool teacher for over 20 years who was determined to provide children with a solid foundation for school and life success. She was a leader who advanced children's issues through Voices for Children, a leadership organization promoting healthy lives for children and their families.

Doris was a compassionate volunteer for numerous causes and charities for nearly half a century. She actively participated in the American Cancer Society, the Humane Society, the Leukemia Society, and the Florida Breast Cancer Coalition. She was also very active at Safe Space/Domestic Violence Centers and at the Temple Beth Torah and Temple Beth El. This dynamo of a public servant gave hope and courage to many.

A political activist, Doris lived her life with incredible passion for several causes. She fought for beach renourishment, women's reproductive rights and the everglades restoration. Her fight for these causes remains within her legacy. Inspired by her mother's tenacious approach to politics, her youngest daughter, Sally, served as a member of the Florida House of Representatives and today is a Miami-Dade Board of County Commissioner.

Doris was a devoted wife and mother. She was a kindhearted and take-charge woman who fought tirelessly for causes that she believed in until she saw results. She was a very active person who loved the outdoors. Completely unselfish in all her endeavors, she was generous to those in need and will be missed by all that knew her.

HONORING THE SELECTION OF MS. ERIN BEAULIEU FOR THE PRUDENTIAL SPIRIT OF COMMUNITY AWARD

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor Ms. Erin Beaulieu upon her selection as one of two recipients of the Virginia 2003 Prudential Spirit of Community Award.

Erin, a Red Cross member and eighth-grader at Whitman Middle School in Alexandria, Virginia, started a Red Cross student chapter at her school and encouraged her fellow students to become involved! The chapter now boasts more than 30 members dedicated to helping the American Red Cross respond. For her efforts, she was selected from more than 24,000 nominees to receive a Spirit of Community Award.

The Prudential Spirit of Community Awards, created by Prudential Financial in partnership

with the National Association of Secondary School Principals, constitute America's largest youth recognition program based exclusively on volunteer service. The award was created with the intent to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example.

Erin should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Erin for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can and do play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future. I call upon my colleagues to join me in applauding Erin for all that she has done.

SADDAM HUSSEIN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Ms. KAPTUR. Mr. Speaker, I submit the following article to be included in the RECORD:

[From The Halifax Daily News, Feb. 11, 2003]

THE WRONG QUESTION: IT'S NOT WHETHER SADDAM HAS CHEMICAL WEAPONS, IT'S WHETHER HE'LL USE THEM

(By Gwynne Dyer)

U.S. Secretary of State Colin Powell did a good job at the United Nations last week of laying out the evidence that Saddam Hussein has kept some of the chemical and biological weapons that he had before the Gulf War of 1990–91, and maybe even made more since then. If you doubted it before, you shouldn't doubt it any more. But it was the right answer to the wrong question.

Saddam should be forced to comply with his obligations and destroy all those weapons, but if you are planning to launch a war next month that will probably snuff out tens of thousands of lives, you have to answer a different question. Is there a big enough risk that Saddam will use those weapons himself in the near future, or give them to terrorists to use, to justify pulling the inspectors out and killing all those people now? No, there is not. Saddam Hussein has had these weapons for at least 20 years, and he hasn't given them to anyone in all that time,. And why would terrorists need to get these weapons from Iraq anyway, when they could just steal their poison gas from the huge, poorly guarded stocks in Russia (secured, in some cases, with bicycle padlocks)—or mix them up in the kitchen sink like the Aum Shinrikyo cult did for its attacks on the Tokyo subway in 1995?

Besides, Saddam Hussein is no friend of al-Qaida. He is the kind of Arab leader the Islamists hate most: a secular, westernizing socialist who liberates women and makes deals with the West. Osama bin Laden says he is an ''infidel'' and has been calling for his overthrow for years.

Saddam is a thoroughly nasty dictator, but he is neither mad nor expansionist. In fact, if you were looking for a European parallel to Saddam Hussein's regime, it would be something like Nicolae Ceasescu's long reign in Communist Romania—except that Ceasescu, safely contained within the Soviet bloc, never had a war with his neighbours.

Saddam Hussein, who is 66 this year, comes from the Arab generation that believed in modernization through revolutionary socialism on the Eastern European model. During the 1970s he behaved like a classic Communist leader, eliminating his rivals but taking the task of raising people's living standards quite seriously. With abundant oil revenues available, he built an Iraq where most people had decent jobs, the children were all in school, and women were freer than anywhere else in the Arab world. Then came the war with Iran, and everything went wrong.

Saddam always dreamed of becoming the hero-leader of the Arab world on the model of Egypt's Gamal Abdul Nasser, which is why he had a nuclear weapons program. (The first Arab leader to acquire a deterrent against Israel's nuclear monopoly automatically becomes an Arab hero.) He never showed any desire to conquer his neighbors, but Iraq did have territorial disputes with Iran and Kuwait, both dating back to before he was born—and he did not manage them well.

He signed a treaty with Iran in 1975 settling the dispute over the Iraq-Iran border, but it unravelled after the Shah was overthrown in 1978, and the new Islamic government of Ayatollah Khomeini began inciting the majority of Iraqi Arabs who share Iran's Shia religious heritage to throw off Saddam's godless socialist rule. In the great blunder of his life, Saddam went to war with Iran in 1980. Iranians outnumber Iraqis three-to-one, and without huge amounts of U.S. aid and those chemical weapons we keep hearing about (which the Reagan administration knew all about), he would not have survived.

Iraq emerged from that war in 1988 with hundreds of thousands dead, the welfare state in ruins—and $60 billion in debt to its Gulf Arab neighbours. Saddam asked them to cancel the debt, since Iraq's sacrifices had ''saved'' them from revolutionary Iran. When they refused, he invaded Kuwait (which all the rulers of independent Iraqi have claimed as part of Iraq) in August 1990. He thought he had cleared this with his American allies, but neither party understood what the other was saying in his famous conversation with the U.S. ambassador in Baghdad.

When Saddam Hussein contacted U.S. President George W. Bush four days after the invasion and offered the U.S. unlimited Kuwaiti oil at one-third of world market price in return for a deal on Kuwaiti sovereignty, Bush Senior coldly ordered him out of Kuwait. He refused, the Gulf War followed, and he has been under UN sanctions ever since, clinging to power in the ruins of the country he once raised to prosperity. He has been a disaster for Iraq, but he is not the new Hitler. He is not even a visceral anti-American, though U.S.-Iraqi relations have been bitterly hostile since 1990,

So, the right questions are: is Saddam likely to give chemical or biological weapons to the Islamist terrorists he loathes this month or next, when he has not done so in the past 20 years? If not, why do we need a war with Iraq now that will kill a great many people with old-fashioned high explosives?

INTRODUCTION OF THE COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP PROTECTION STUDY ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I am again introducing the Colorado Northern Front Range Mountain Backdrop Protection Study Act. I introduced a similar bill in the 107th Congress.

The bill is intended to help local communities identify ways to protect the Front Range Mountain Backdrop in the northern sections of the Denver-metro area, especially the region just west of the Rocky Flats Environmental Technology site. The Arapaho-Roosevelt National Forest includes much of the land in this backdrop area, but there are other lands involved as well.

Rising dramatically from the Great Plains, the Front Range of the Rocky Mountains provides a scenic mountain backdrop to many communities in the Denver metropolitan area and elsewhere in Colorado. The portion of the range within and adjacent to the Arapaho-Roosevelt National Forest also includes a diverse array of wildlife habitats and provides many opportunities for outdoor recreation.

The open-space character of this mountain backdrop is an important esthetic and economic asset for adjoining communities, making them attractive locations for homes and businesses. But rapid population growth in the northern Front Range area of Colorado is increasing recreational use of the Arapaho-Roosevelt National Forest and is also placing increased pressure for development of other lands within and adjacent to that national forest.

We can see this throughout Colorado and especially along the Front Range. Homes and shopping centers are sprawling up valleys and along highways that feed into the Front Range. This development then spreads out along the ridges and mountain tops that make up the backdrop. We are in danger of losing to development many of the qualities that have helped attract new residents. So, it is important to better understand what steps might be taken to avoid or lessen that risk—and this bill is designed to help us do just that.

Already, local governments and other entities have provided important protection for portions of this mountain backdrop, especially in the northern Denver-metro area. However, some portions of the backdrop in this part of Colorado remain unprotected and are at risk of losing their open-space qualities. This bill acknowledges the good work of the local communities to preserve open spaces along the backdrop and aims to assist further efforts along the same lines.

The bill does not interfere with the authority of local authorities regarding land use planning. It also does not infringe on private property rights. Instead, it will bring the land protection experience of the Forest Service to the table to assist local efforts to protect areas that comprise the backdrop. The bill envisions that to the extent the Forest Service should be involved with federal lands, it will work in collaboration with local communities, the state and private parties.

Mr. Speaker, I strongly believe it is in the national interest for the federal government to assist local communities to identify ways to protect the mountain backdrop in this part of Colorado. The backdrop beckoned settlers westward and presented an imposing impediment to their forward progress that suggested similar challenges ahead. This first exposure to the harshness and humbling majesty of the Rocky Mountain West helped define a region. The pioneers' independent spirit and respect for nature still lives with us to this day. We need to work to preserve it by protecting the mountain backdrop as a cultural and natural heritage for ourselves and generations to come. God may forgive us for our failure to do so, but our children won't.

For the information of our colleagues, I am attaching a fact sheet about this bill.

COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP PROTECTION STUDY ACT

Generally: The bill would help local communities preserve the Front Range Mountain Backdrop in the northern sections of the Denver-metro area in a region generally west of the Rocky Flats Environmental Technology site.

Front Range Mountain Backdrop: The backdrop consists of the mountainous foothills, the Continental Divide and the peaks in between that create the striking visual backdrop of the Denver-metro area and throughout Colorado. Development in the Denver-metro area is encroaching in the Front Range backdrop area, and thus adversely affecting the esthetic, wildlife, open space and recreational qualities of this geographic feature. Now is the time to shape the future of this part of the Front Range. There is a real but fleeting opportunity to protect both protect Rocky Flats—a ''crown jewel'' of open space and wildlife habitat—and to assist local communities to protect the scenic, wildlife, and other values of the mountain backdrop.

WHAT THE BILL DOES:

Study and Report: The bill requires the Forest Service to study the ownership patterns of the lands comprising the Front Range Mountain Backdrop in a region generally west of Rocky Flats, identify areas that are open and may be at risk of development, and recommend to Congress how these lands might be protected and how the federal government could help local communities and residents to achieve that goal.

Lands Covered: The bill identifies the lands in southern Boulder, northern Jefferson and eastern Gilpin Counties in the Second Congressional District; specifically, an area west of Rocky Flats and west of Highway 93, south of Boulder Canyon, east of the Peak-to-Peak Highway, and north of the Golden Gate Canyon State Park road.

WHAT THE BILL WOULD NOT DO:

Affect Local Planning: The bill is designed to complement existing local efforts to preserve open lands in this region west of Rocky Flats. It will not take the place of—nor disrupt—these existing local efforts.

Affect Private Property Rights: The bill merely authorizes a study. It will not affect any existing private property rights.

Affect the Cleanup of Rocky Flats: The bill would not affect the ongoing cleanup and closure of Rocky Flats nor detract from funding for that effort, and will not affect existing efforts to preserve the options for wildlife and open space protection of Rocky Flats itself.

HONORING THE 100TH ANNIVERSARY OF BOILERMAKERS LOCAL 363

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 100th Anniversary of Boilermakers Local 363.

The International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers was born on September 1, 1893. On that day, at a meeting in Chicago, representatives from the International Brotherhood of Boiler Makers and Iron Ship Builders, which had been organized on October 1, 1880, and the National Brotherhood of Boiler Makers, which had been formed in Atlanta in May of 1888, resolved to consolidate their organizations. It was further agreed that the new organization, to be known as the Brotherhood of Boiler Makers and Iron Ship Builders of America, would make its Headquarters in Kansas City, Kansas. Two and a half years later, on June 9, 1896, the Brotherhood affiliated with the American Federation of Labor.

In subsequent years, the Brotherhood continued to grow, and in 1902, the Helpers division was formed. Because helpers were barred from sitting in the lodge room with mechanics, this new division had its own local unions and was entirely separate from the Boiler Makers. This would change a decade later when the Helpers Division would be consolidated with the Mechanics Division.

In March 1906, at a special Convention in Kansas City, the name of the Union was changed to the International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America in order to incorporate the newest division. Also at this time, the term ''Boiler Makers'' was condensed into one word, ''Boilermakers.''

The Boilermakers affiliated with the National Building Trades Department of the American Federation of Labor in February 1931. At the turn of the century, total membership stood at about 8,500, but by 1944, due in part to dramatic increases in the shipbuilding, railroad, and fabrication shop industries during World War II, the Boilermakers numbered over 350,000. In 1954, the Boilermakers merged their organization with the International Brotherhood of Blacksmiths, Drop Forgers and Helpers. The International Brotherhood of Blacksmiths had been organized in 1889 and added Helpers to both their membership and their name in 1901. A 1919 merger with the Brotherhood of Drop Forgers created the Union that, on June 29, 1953, merged with the Boilermakers to create the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers. A year later, a new International seal was adopted to include all crafts.

On October 1, 1954, the Boilermaker National Health and Welfare Fund was established, on November 9, 1959, the Boilermakers National Joint Apprenticeship Fund began, and the Boilermaker-Blacksmith National Pension Trust became effective October 1, 1960. Delegates to the 1977 Convention voted to establish a Construction Division at International Headquarters for the purpose of servicing those members with employment in, or related to, the construction industry.

On March 15, 1984, the delegates to the Special Merger Convention of the United Cement, Lime, Gypsum and Allied Workers International Union voted to merge with the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers. The merger of the CLGAW, formed in 1936, and its ten thousand members who dominate the building products and supplies industry, and the Boilermakers forged an organization with a greater ability to provide services to its members.

On October 1, 1994, a merger was consummated with the Stove, Furnace and Allied Appliance Workers International Union—a skilled trade union that was organized in 1891. The Stove Workers, with 5,800 members, became a Division of the International Brotherhood known as the Stove, Furnace, Energy and Allied Appliance Workers Division. The word energy was inserted to give special recognition to the coal miners within that Division. The Division had its members employed primarily in the manufacturing of stoves and various types of appliances.

During the same period, merger talks were also being carried out with an independent union known as the Western Energy Workers. This one-local union, formed in 1978 with members employed in the coal strip pits, signed a merger agreement with the Boilermakers effective December 1, 1994.

In October 1996, a merger agreement was made with the Metal Polishers, Buffers, Platers and Allied Workers International Union. This union was also an old line, skill trade union that was organized in 1892. This merger brought 4,000 new members to the Brotherhood. These members are employed primarily in plating and polishing shops within the United States and Canada.

Mr. Speaker, I ask my colleagues to join me in honoring the past, present and future members of the Boilermakers International Union, Local 363 on the occasion of their 100th Anniversary.

TRANSPORTATION COMMITTEE PROCEDURES FOR TEA 21 REAUTHORIZATION

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. PETRI. Mr. Speaker, on behalf of Representative BILL LIPINSKI, the Ranking Democratic Member of the Subcommittee on Highways, Transit and Pipelines, Representative DON YOUNG, the Chairman of the Transportation and Infrastructure Committee, and Representative JIM OBERSTAR, the Committee's Ranking Democratic Member, I would like to outline the Subcommittee's procedure for identifying items of concern to Members as we take up the reauthorization of the Transportation Equity Act for the 21st Century (TEA 21). This legislation authorized $218 billion for our Nation's highway, transit, motor carrier, highway safety and research programs for 6 years and is due to expire on September 30, 2003.

The importance of the surface transportation systems to our Nation's economic health cannot be overstated. Highway and transit investments stimulate economic activity. These investments increase productivity by decreasing time spent on the road, encouraging new economic development, and increasing property values. Transportation investment generates a 6-to-1 net return on investment. The linchpin of economic vitality is free movement of people and goods. In the U.S., more than 75 percent of the Nation's freight moves on highways—an annual value to the economy of more than $5 trillion. And, for every $1 billion in federal highway and transit spending, more than 42,000 jobs are created or sustained.

Despite the gains of TEA 21, transportation investment has fallen short of what is needed. The Department of Transportation estimates that the cost to improve highway and transit conditions to optimal levels would require more than doubling our current combined federal program size to $74 billion per year. Meeting these needs will require a variety of strategies, including better use of existing systems, application of advanced technology, innovative financing, and public-private partnerships. It is our goal to develop a bill that increases transportation investment to improve and maintain this world-class system.

Reauthorization is the top priority of the Subcommittee on Highways, Transit and Pipelines. In the second session of the 107th Congress, the Subcommittee held a series of 17 TEA 21 oversight hearings and received testimony from 140 witnesses. The hearings gave many interested Members, the Administration and affected groups the opportunity to testify and present their views. We would be happy to make copies of these hearing transcripts available to any interested Members.

We anticipate that the bipartisan legislation we develop this year will be based largely on the information obtained at last year's extensive programmatic hearings. As we begin the process this year, we would like to encourage Members to inform the Subcommittee about any policy initiatives that they want the Subcommittee to consider in the reauthorization of TEA 21. Members having such specific policy requests should inform the Subcommittee in writing no later than March 14, 2003.

Many Members have already contacted the Subcommittee to inquire about, or to request, specific funding for critical transportation needs in their districts. On January 8, 2003, Transportation Committee Chairman DON YOUNG and Ranking Member JIM OBERSTAR sent a Dear Colleague that included a 21-question evaluation form for consideration of projects of importance to members. This form is reprinted in its entirety below. All project requests should be submitted no later than March 14, 2003. (Please note that this is a 2–week extension beyond the original deadline of February 28th.) Such submissions should be transmitted to us via the intranet website, http://ushrtrans.house.gov, and in writing, attached to a signed letter on the letterhead of the sponsoring Member.

We will also be holding a series of Subcommittee hearings in March and April, at which time Members and local officials will have an opportunity to testify on behalf of those requests. While these hearings are intended to give Members an opportunity to present information about specific project needs and policy requests, it is not necessary for Members to testify.

We look forward to working with all Members of the House as we prepare this important legislation that will set the course for our nation's surface transportation programs.

TRANSPORTATION PROJECT EVALUATION CRITERIA COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE SUBCOMMITTEE ON HIGHWAYS, TRANSIT AND PIPELINES

1. Name and Congressional District of the primary Member of Congress sponsoring the project.
2. Other Members supporting the project.
3. If the project is a highway project, identify the State or other qualified recipient responsible for carrying out the project.
4. If the project is a transit project, please identify the project sponsor (must be an eligible recipient of Federal transit funds).
5. Please categorize the project. (Check one)

Highway or bridge

Transit rail new start

Bus, bus equipment, or bus facility

Intermodal facility (passenger)

Intermodal facility (freight)

Bicycle and Pedestrian

Other (please identify)

6. Is the project eligible for the use of Federal-aid highway or transit funds under Title 23 or Title 49 of the United States Code?
7. If the project is a highway or bridge project, is it on the National Highway System?
8. Briefly describe the total project.
a. Is it part of a larger system of projects?
b. What is the total estimated cost of the project?
9. Please identify the specific segment for which project funding is being sought, including terminus points.
10. What dollar amount are you requesting in the authorization for this project or segment of a project?
11. Project Schedule:
a. What is the proposed schedule and status of work on the project?
b. What is the current stage of development of the project? (If the project is a transit new start, please specify whether the project is in alternative analysis, preliminary engineering, final design, has been issued a record of decision, under environmental review, or already has a current full funding grant agreement.)
c. Will the requested funding for the project be obligated within the next six years?
12. Project Plan:
a. Is the project part of the State's long-range plan?
b. Is the project included in the metropolitan and/or State Transportation Improvement Program(s)?
13. Is the project considered by the State and/or regional transportation officials as critical to their needs? Please provide a letter of support from these officials, and if you cannot, explain why not.
14. Does the project have national or regional significance? Describe.
15. Has the proposed project encountered, or is it likely to encounter, any significant opposition or other obstacles based on environmental or other types of concerns? If yes, please describe.
16. Describe the economic, environmental, congestion mitigation, and safety benefits associated with completion of the project.
17. Has the project already received funding through the State's federal-aid highway or transit formula apportionments or from other Federal, State, local, or private funds? If yes, how much and from what source?
18. Has the project received funding in a previous authorization act?
19. If the project has received funding in a previous authorization act, please cite the act(s) and amount(s) authorized.
20. Has the project received funding in a previous appropriations act?
21. If the project has received funding in a previous appropriations act, please cite the act(s) and amount(s) appropriated.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. GONZALEZ. Mr. Speaker, on rollcall Nos. 18 and 19 on February 5th, had I been present, I would have voted "yea."

INTRODUCTION OF THE URBAN SPRAWL AND SMART GROWTH STUDY ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I am reintroducing the "Urban Sprawl and Smart Growth Study Act." This bill, similar to one I introduced in the 107th Congress, is designed to shine a bright light on the influence of federal actions on urban sprawl and assure that federal agencies consider how their actions may add to this problem.

Mr. Speaker, communities in Colorado and throughout the country are struggling to preserve their special charter and quality of life in the face of burgeoning populations. Especially in the West and South, extreme population growth has resulted in the continual build-out of cities and the loss of surrounding farmland and open space. In my state, this growth is also spreading along interstate highways into the mountain valleys and forested regions. The resulting sprawl is creating congested highways, more air pollution, overtaxed city services, and crowded schools and shopping centers.

According to the recent census, Colorado is one of the most rapidly growing states. Between 1990 and 2000, the population growth in the United States was 13.1 percent. During the same period, Colorado's growth was 30.6 percent! And in many of our counties, the rate was even higher. What does this mean?

The City of Broomfield has grown so much that it has now become its own county. Traffic is so heavy in the area that Congress appropriated $1 million to study a new interchange at the intersection of U.S. 36 and Highway 287.

The cities of Fort Collins, Loveland, and Greeley are growing so fast, it's becoming difficult to tell where one ends and the other begins. These three cities are likely to become one in the next 10 years.

The south Denver portion of Interstate 25 near the Tech Center not only services the many offices in that area, but metro area sprawl has added more houses and towns on that end of Denver. Traffic is always bad there, no matter what time of day, and rush hour starts earlier and last longer now too.

Citizens in Colorado are asking their leaders to address the symptoms of sprawl and to

help them control and manage growth more effectively. We got started with this effort in 1994, when then Governor Roy Romer initiated his ''Smart Growth and Development Initiative.'' That initiative focused attention on the problems of sprawl, the unevenness of growth and development (some rural areas welcome more development), and the role of federal, state and local governments in creating and managing sprawl and its impacts.

Other states from North Carolina and Georgia to California and Oregon have been experiencing similar growth problems. Many are developing processes and mechanisms to deal with these problems. Some states have used growth control legislation creating urban service areas. Others have relied on their local communities to slow down or temporarily cease the issuance of building permits. Many have appropriated funds or created sales tax initiatives to purchase and protect open spaces and agricultural lands.

All of this has been done with an understanding that state and local governments are in the best place to plan for and manage growth and sprawl issues. Armed with zoning and other authorities, they are best suited to gauge the pulse of their citizens and determine where, when and how growth should best occur.

But the efforts of state, local and tribal governments to plan for and manage urban growth and sprawl can be thwarted by actions taken at the federal level. A well-developed plan by a local community can be swept aside by the routing of a major highway or the construction of a poorly cited post office. The cumulative effects of a number of smaller federal actions and policies together create or foster the very sprawl that communities have fought so hard to control.

NEED FOR LEGISLATION

The bill I am reintroducing today is designed to focus attention on the many federal decisions and projects that can either foster or ameliorate sprawl. It does this through the National Environmental Policy Act (NEPA), one of our nation's premier environmental laws. It requires all federal agencies to evaluate their activities and projects for social and environmental impacts and thereby take steps to avoid or mitigate these impacts.

Specifically, NEPA requires all federal agencies to include for all ''major federal actions significantly affecting the quality of the human environment' a detailed statement by the responsible official on the environmental impacts of the proposed action, any adverse environmental effects that can't be avoided, alternatives to the action, the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources should it be implemented.

This is what is essentially required of an environmental impact statement (EIS). It is not, itself, a decision making document but is meant to guide agencies in making important decisions.

Generally speaking, most federal agencies have done a reasonably good job in implementing NEPA. However, when it comes to the cumulative impacts and indirect effects of federal actions—such as on sprawl—much of the NEPA analysis has not been adequate. Too often, federal agencies look at the specific, localized impacts of a proposed project and neglect to review the broader ''spill-over'' impacts that it may have on a region.

This observation was in fact identified in a September 2000 General Accounting Office report entitled ''Community Development: Local Growth Issues—Federal Opportunities and Challenges.'' This report looked at the various ways that federal actions can foster sprawl or assist communities to better address sprawl impacts.

The report also noted that although NEPA provides that federal agencies review the ''indirect and cumulative'' impacts of federal actions or projects (such as sprawl), often that review is rather thin and not well explored. The report noted that when it comes to evaluating the ''indirect and cumulative'' effects of proposed federal actions (such as highways), ''few agencies consider the effect of a proposed [federal] project on growth'' in their NEPA reviews.

Contributing to this is the fact that Federal agencies often substitute an environmental assessment for a full EIS. On average, in recent years, Federal agencies prepared 30,000 to 50,000 environmental assessments annually compared to only 500 to 700 EIS's.

An environmental assessment is usually much shorter and less comprehensive than a full EIS. Generally, the purpose of the assessment is to help determine whether a proposed action would result in an impact significant enough to require preparation of an EIS. Unlike an EIS, however, the treatment of alternatives is often cursory. No formal public review or comment process is required. Indeed, it is difficult to obtain a copy of an assessment, since there is no requirement that it be made publicly available nor is it sent to a public repository.

CEQ STUDY

The bill that I am introducing today will address these problems. Specifically, this bill would direct the Council on Environmental Quality (CEQ), the agency that implements NEPA, to study how well federal agencies evaluate sprawl impacts of proposed federal action in conducting their environmental reviews. CEQ has done this type of review in the past. In 1974, CEQ studied the impacts of sprawl and produced a report entitled ''The Costs of Sprawl.'' In 1981, the CEQ also looked at the loss of agricultural land due to sprawl in its study entitled ''National Agricultural Lands Study.''

My bill would require the CEQ to update these studies by reviewing a variety of EISes and environmental assessments from at least 15 federal agencies. CEQ would analyze how well these documents have examined the impacts of proposed Federal actions on growth and urban sprawl. Among the programs to be reviewed are land management programs, such as those in the Departments of the Interior and Agriculture and Defense and the General Services Administration; transportation programs, such as those of the Federal Highway Administration and other agencies within the Department of Transportation; regulatory programs, such as those of the Federal Energy Regulatory Commission; and development assistance programs such as those in the Department of Housing and Urban Development, to name a few.

The bill further requires the CEQ to involve the public in this review by holding hearings in at least different regions throughout the country that are experiencing an increase in urban sprawl. A city like Denver or Boulder would be a prime place, along with others in the northeast, south, mid and far west.

Within 18 months, the CEQ would be required to provide a report to the Congress on its review. This report would include findings concerning the economic, environmental and land use effects of urban sprawl. It would describe how well federal agencies have been examining the sprawl impacts of their actions and projects, and make recommendations on how their environmental reviews can be improved.

CEQ would also make recommendations for nonregulatory actions that Federal agencies can take to assist States and local communities in promoting the beneficial effects of smart growth and to minimize actions by the agencies that result in adverse effects of urban sprawl.

CONSULTATION

The bill also does one other very important thing. It would require greater interaction between the federal agencies and those persons affected by agency decisions.

As the effect of federal actions or projects will be most acutely felt at the state and local level (including by Indian Tribes), it is critical that federal agencies work with them to ensure that growth and urban sprawl effects are addressed in Federal environmental reviews.

In that regard, the bill would require federal agencies to be more open early in the process of preparing environmental assessments as well as EISes. Agencies would be required to notify persons that may be significantly affected by the proposed action, including each State and local government, Indian tribe and private property owner. Agencies must conduct discussions with such persons on their proposed actions and alternatives, and seek to address their concerns, if any.

This process would assure a more thorough NEPA analysis if a state governor or a lead local or tribal governmental official requested the preparation of a full EIS, due to the proposed project's impact on urban sprawl. Although the decision is not dictated by such a request, the agency would be required to give it great weight in deciding to whether to do an EIS.

Through this process, state, local and tribal governments extra power to make sure that the sprawl impacts of federal actions or projects are thoroughly identified and reviewed—and potentially mitigated or addressed. In so doing, the bill would help communities plan for and manage such impacts to their communities and help federal agencies develop actions and projects that do not exacerbate sprawl.

Obviously, this bill addresses just one federal dynamic related to sprawl. There are hosts of other ways that the federal government can help communities address sprawl issues and retain their quality of life. These include federal assistance for open space purchases, providing incentives to preserve and keep agricultural land productive, affordable housing assistance, alternative energy planning, mass transit options, and so on.

But the first step in helping communities grapple with growth and sprawl is to give them the tools they need and to make sure that federal policies and action are not working at cross purposes. My bill is an attempt to increase the coordination between federal actions and local efforts so that communities can

preserve the quality of life for their citizens and still grow in a positive, more sustainable and livable fashion. It is our obligation as federal officials to make sure the federal role is similarly positive, complementary and preserves quality of life.

OVERVIEW—URBAN SPRAWL AND SMART GROWTH STUDY ACT

SUMMARY

Federal actions and projects can significantly impact the ability of States, Tribes and local governments to plan for and manage growth and urban sprawl. The Urban Sprawl and Smart Growth Study Act would help address these impacts in two ways:

(1) Direct the Council on Environmental Quality (CEQ) to review how well federal agencies are considering the impacts their actions have on urban growth and sprawl; and

(2) Require Federal agencies to give greater weight to the input of state, local and tribal officials in considering these impacts.

BACKGROUND

One mechanism to address the federal role in sprawl is the National Environmental Policy Act (NEPA). This Act requires federal agencies to analyze the social and environmental impacts of major actions and to take timely steps to avoid or minimize these impacts. A September 2000 GAO report, ''Community Development: Local Growth Issues—Federal Opportunities and Challenges'' identified this mechanism and noted that federal agencies could do a better job of reviewing projects for sprawl impacts.

What the bill does:

Smart Growth Study: The bill would require the Council on Environmental Quality (CEQ) to review environmental documents of at least 15 federal agencies and examine how well they are considering urban sprawl and growth impacts of their projects.

Public Participation: In conducting this review, CEQ would be required to hold at least 5 public hearings throughout the country to gather public input on the adequacy of the review of growth and sprawl impacts of federal action or projects.

Smart Growth Report: CEQ would be required to issue a report to Congress on its findings and make recommendations on how federal agencies could do better in incorporating potential sprawl impacts in environmental reviews.

Comments on Sprawl: Agencies would be required to include written comments of sprawl impacts of federal actions or projects as part of Federal environmental documents.

State, Local and Tribal Governmental Consultation: In preparing environmental documents, federal agencies would notify affected state, local and tribal governments, who could then request that the agency conduct a more thorough environmental analysis under NEPA if the project would have an effect on sprawl. Federal agencies would be required to give great weight to such requests and document their decisions in writing.

What the bill does NOT do:

Amend or alter NEPA: The bill does not amend or otherwise alter NEPA and the rules and procedures adopted under this law.

Address the Totality of the Federal Role on Sprawl and Growth: The bill does not attempt to address the full range of federal policies and actions that can have effects on growth and sprawl; it focuses on the environmental analyses that are required under NEPA.

Overturn any particular Federal Action or Project: The bill does not overturn past Federal decisions, but would increase the coordination between federal actions and local efforts so that communities can preserve the quality of life for their citizens and still grow in a positive, more sustainable and livable fashion.

HONORING THE 50TH ANNIVERSARY OF SPECIAL CHILDREN INCORPORATED

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. COSTELLO. Mr. Speaker I rise today to ask my colleagues to join me in recognizing the 50th Anniversary of Special Children Incorporated of Belleville, Illinois.

Special Children Incorporated is a not-for-profit organization which began in 1953 as ''The Parent Group for Mentally Retarded Children, Incorporated'', when a group of parents came together to address their concerns over a lack of appropriate education for children with special needs. After developing and holding classes in local churches and homes, a permanent site was constructed in 1971 at 1306 Wabash Avenue in Belleville. A 10,000 square foot addition was completed in 1993 to meet the expanding needs of the agency. This building was constructed completely from the fundraising efforts of parents and community volunteers.

Special Children, Inc. continues to provide services for individuals in the St. Clair, Monroe, Randolph and Madison county area. The mission of Special Children, Inc., is to provide educational and early intervention services to children developmentally and or physically disabled from birth through 21 years of age and to provide education and support to the parent/guardian in hopes that these children can continue to reside in the most supportive and least restrictive environments.

Mamie O. Stookey School is approved by the Illinois State Board of Education as a Non-Public Facility in the State of Illinois to educate trainable mentally handicapped and severe profound handicapped students. Special Children develops an individual education plan, which provides a comprehensive assessment of the student's health, education, and social needs. An interdisciplinary team trained to provide specialized pediatric treatment is provided, as is a low pupil-teacher ratio. Special Children also provides for an adaptive physical education program including swimming, bowling, and adaptive therapescrotoscrotoutic playground. Daily progress reports to the family/guardian of each student are given as well as linkage and coordination to other community resources.

The program has eight self-contained classrooms that provide individualized instruction in the area of motor skills, language and communications, socialization; self help skills of daily living, and pre-vocational activities. The program focuses on a developmental curriculum, which include a variety of support services; Physical Therapy, Speech Therapy, Occupational Therapy consultation, adaptive physical education, social services, and nursing.

The family has the primary responsibility for the child's early learning environment. What happens in these early years is crucial to the child's success during the school year. Born of this belief and commitment to help parents of young developmentally delayed children do their job more effectively and enjoyably, the PRIME/CARE program started in 1974. An Individual Family Service Plan (I.F.S.P.) provides a comprehensive assessment of the child and family's health as well as their education and social needs. An interdisciplinary team has also been trained to provide specialized pediatric treatment and case management. Special Children follows an interagency approach to treatment designed to enhance coordination and ease the transition between medical, social, and educational services in the community.

Special Children provides for comprehensive developmental assessment at referral and also schedules assessments by other professionals for coordination and individualized planning. They provide progress review and a program update every three months. All assessed, but not eligible, children are referred to appropriate community resources. Special Children Service teams represent these area disciplines; Special Instruction, Speech and Language Therapy, Physical Therapy, Occupational Therapy, Social Work and Service Coordination

Additional Special Children Services include; PRIME (home based)—Weekly home visits, CARE (toddler Classroom), Parent Support Groups and a Parent Education Group. Special Children Inc. also serves Newborns Through Two Year Olds, primarily infants at risk for developmental disabilities as the result of prenatal, perinatal and neonatal factors; such as: severe respiratory distress, prematurity, seizures and feeding problems. Special Children also treats infants and toddlers with diagnosed medical disorders such as; Rubella, Tuberous Sclerosis, Cerebral Palsy, Microcephaly and Down's syndrome. Infants, Toddlers and Preschoolers with delayed development (25 percent or more) in one or more areas are also treated for analysis in: cognition, expressive language, receptive language, fine motor development, gross motor development and affective/social/emotional development.

Mr. Speaker, I ask my colleagues to join me in honoring the 50th Anniversary of Special Children Incorporated and recognize the work that they do in the community to benefit the health, safety and welfare of children.

THE DIETARY SUPPLEMENT INFORMATION ACT AND THE EPHEDRINE ALKALOID CONSUMER PROTECTION ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mrs. DAVIS of California. Mr. Speaker, today I am re-introducing two bills that address an important public health issue: the safety of dietary supplements. Walk into any neighborhood drug store or discount store and you will find yourself surrounded by a variety of dietary supplements. Their labels tout promises ranging from ''safe and easy'' weight loss to increased muscle gain to lower cholesterol. However, dietary supplements are not subject to rigorous safety or efficacy standards and face only limited regulatory oversight under federal law.

My bills will protect consumers and increase the flow of information to the public. They will

give the Food and Drug Administration (FDA) the authority it needs to make informative and scientific decisions about the safety of dietary supplements.

The Dietary Supplement Information Act requires manufacturers, producers and distributors of dietary supplements to register with the FDA. They would be required to submit all serious adverse event reports to the FDA within 15 days. Supplement manufacturers and the FDA will work as partners to investigate and analyze these reports. To make sure that consumers know how to report an incident to the FDA directly, my legislation will require the FDA's MedWatch phone number and website to be printed on all dietary supplement product labels. If the FDA determines that a specific supplement may have serious health consequences, it can require the manufacturer to do a postmarket surveillance study to ensure that the product is safe.

Many of these dietary supplements contain ephedra, also commonly listed as ma-huang or ephedrine alkaloids. Sadly, a number of consumers, including some of my own constituents, have experienced adverse reactions after using ephedra-based supplements. Lured in by product claims of more energy, quick weight loss or improved athletic performance, consumers experienced depression, agitation, heart attacks, and strokes. In some cases, people have died after taking ephedra supplements. These severe effects demand increased public awareness, especially since the average customer profile includes young people.

The Ephedrine Alkaloid Consumer Protection Act gives consumers information about the potentially lethal side effects and drug interactions of ephedrine alkaloid products. First, it will require a standardized warning to be printed on the label. The bill will also make sure that consumers know how to report any concerns or adverse reactions by requiring the FDA's MedWatch phone number and website to be printed on the product label. Finally, the bill will protect our kids by prohibiting the sale of ephedrine to minors. No person under the age of 18 years old will be able to buy ephedrine products.

To ensure that this provision is enforced, products will be kept ''behind the counter'' so that sales personnel are more aware of the age restriction. Putting the product behind the counter will also make adults more aware of the risks associated with ephedra. If they have to ask for assistance to get the product, they will be more likely to read the warning label and talk to the pharmacist about possible side effects.

Since I first introduced these bills two years ago, momentum has clearly grown for improving consumer safety regarding ephedra. I have seen a growing number of organizations that are addressing the issue on their own. The American Medical Association and its Canadian counterpart recommend banning ephedra. The National Football League recently joined the ranks of the International Olympic Committee, and the National Collegiate Athletic Association in prohibiting ephedra use among their athletes.

Collaborating developments in the science community and courtrooms support these actions. A recent study conducted by the University of California at San Francisco reported that dietary supplements containing ephedra accounted for 64 percent of all adverse event reports related to dietary supplements. The emergence of ''ephedra-free'' products indicates conflict within the industry, possibly a sign that the supplement industry is also slowly realizing the negative effects of ephedra. Allegations against ephedra supplement manufacturers include sloppy research practices, the omission or destruction of negative research data, study design violations, unreported adverse events, along with deception and fraud. In fact, last year a jury in Alabama awarded $4.1 million to four people who suffered strokes or heart attacks after taking ephedra diet pills.

Despite the growing list of allies and evidence, there is still much work left to do within our own communities. Earlier this year, I received a compelling letter from a young woman in San Diego. She said,

''Being a 23-year-old woman, I am exposed to hundreds of diet pills and the need to be thin. One of my dear friends had a stroke from taking an over-the-counter diet pill. She went from a coma, to a vegetable, graduated to a wheelchair and now walks with a cane one year later. She is unable to go to school or work and cannot function as a normal 23-year-old.''

''These dietary supplements are dangerous and harmful. People do not realize the consequences of these magical pills. They are given the notion that they are going to become this ''model-type image'' from taking supplements, but the adverse effects of them outweigh any benefits.''

It is heartbreaking to think of how an innocent purchase irrevocably changed this young woman's life. Ephedra has opened eyes about the need for regulation of the entire dietary supplement industry. Ephedra is a symptom, a deadly symptom, of a larger issue, which is the lack of regulatory control over a multibillion dollar industry.

A change in the current law is critically needed. The FDA must be allowed to collect and distribute accurate information about dietary supplements. At present, its hands are tied. I want to make it very clear that my legislation will not ban dietary supplements. Rather, they offer a common-sense approach to giving the FDA the authority to regulate the industry while maintaining freemarket access. Consumers have a right to know what they are putting into their bodies. We cannot continue to stand on the sidelines and watch them suffer serious medical consequences from these products. Our young people and loved ones are at risk.

I urge my colleagues in Congress to join me in swiftly passing these two bills into law.

THE COURAGE TO DREAM

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. HOYER. Mr. Speaker, risk and danger are constant companions of progress. And last Saturday morning, we were reminded again that progress at times inflicts a painful price.

Fate has called the brave crew members of the Space Shuttle *Columbia* home, and, here on Earth, we maintain our faith that they have now begun a far better journey—one of our Creator's design.

Words are small comfort today to those closest to this tragedy, the families and friends of Rick Husband, William McCool, Michael Anderson, Kalpana Chawla, David Brown, Laurel Clark and Illan Ramon. A grateful Nation mourns their loss and honors their courage and sacrifice.

We also offer heartfelt condolences to those left behind, especially the twelve children who have lost a mother or father. We pray that time, and a recognition of this great mission, provide some comfort and help to heal this wound.

The history of America is marked not only by sacrifice in the service of others, but by a yearning to explore, to discover, to progress . . . from the first permanent settlers in the new world at Jamestown . . . to the expedition of Meriwether Lewis and William Clark . . . to the Wright Brothers' first flight at Kitty Hawk . . . to Neil Armstrong's first step on the moon a mere 66 years later.

The crew of the *Columbia* now joins that pantheon of American heroes who had the courage to dream, as well as the willingness to turn their vision into reality.

Although they traveled millions of miles in space, they sought answers to the questions that lie closest to the human heart.

The most fitting tribute that we can pay to their legacy is to fulfill this solemn pledge: We will continue the work that you have advanced.

And we will do so with the realization that it is our responsibility to determine the cause of this tragedy and to minimize the risk to those engaged in the exploration of space and the unknown.

Our Nation has always risen to a challenge and overcome adversity through perseverance.

That is a measure of our greatness. And, today, that is the calling that our national character commands us to undertake and continue.

COOPERATIVE LANDSCAPE CONSERVATION PROGRAM

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I am again introducing a bill to authorize a program to help states, local governments, and private groups protect open space while enabling ranchers and other private landowners to continue to use their lands for agriculture and other traditional uses.

The bill, entitled the ''Cooperative Landscape Conservation Act,'' is based on provisions that were previously passed by the House as part of the Conservation and Reinvestment Act (CARA) but on which the Senate did not complete action. It is also similar to a bill I introduced in the 107th Congress.

I think the program that this bill would establish would be good for the entire country and it would be particularly important for Colorado.

In Colorado, as in some other states, we have experienced rapid population growth. That brings with it rising land values and property taxes. This combination is putting ranchers and other landowners under increasing pressure to sell their lands for development. By selling conservation easements instead, they can lessen that pressure, capture much of the increased value of the land, and allow the land to continue to be used for traditional purposes.

That's why conservation easements are so important for our state. It's why the state and many local governments are interested in acquiring conservation easements on undeveloped lands. It is also why non-profit organizations like the Colorado Cattlemen's Agricultural Land Trust and the Nature Conservancy—to name just two of many—work to help ranchers and other property owners to make these arrangements and so avoid the need to sell agricultural lands to developers.

I strongly support this approach. Of course, by itself it is not enough—it is still important for governments at all levels to acquire full ownership of land in appropriate cases. But in many other instances acquiring a conservation easement is more appropriate for conservation and other public purposes, more cost-effective for the taxpayers, and better for ranchers and other landowners who want to keep their lands in private ownership.

But while it is usually less costly to acquire a conservation easement than to acquire full ownership, it is often not cheap—and in some critical cases can be more than a community or a nonprofit group can raise without some help. That is where my bill would come in.

Under the bill, the Secretary of the Interior would be authorized to provide funds, on a 50 percent match basis, to supplement local resources available for acquiring a conservation easement. For that purpose, the bill would authorize appropriation of $100 million per year for each of the next 6 fiscal years—similar to the amount that would have been authorized by the CARA legislation that the House passed last year.

The bill provides that the Secretary would give priority to helping acquire easements in areas—such as Colorado that are experiencing rapid population growth and where increasing land values are creating development pressures that threaten the traditional uses of private lands and the ability to maintain open space. Within those high-growth areas, priority would go to acquiring easements that would provide the greatest conservation benefits while maintaining the traditional uses—whether agricultural or some other uses—of the lands involved.

The bill would not involve any federal land acquisitions, and it would not involve any federal regulation of land uses—conservation easements acquired using these funds would be governed solely under state law.

Mr. Speaker, the national government has primary responsibility for protecting the special parts of the federal lands and for managing those lands in ways that will maintain their resources and values—including their undeveloped character—as a legacy for future generations. Regarding other lands, the challenge of responding to growth and sprawl is primarily the responsibility of the states and tribes, the local governments, and private organizations and groups—but the federal government can help.

This bill would provide help, in a practical and cost-effective way. For the information of our colleagues, I am attaching a summary of its main provisions.

DIGEST OF ''COOPERATIVE LANDSCAPE CONSERVATION ACT''

The bill is based on provisions included in the House-passed Conservation and Reinvestment Act (CARA) legislation of the 106th Congress. It would provide federal financial assistance to states, local governments, Indian tribes, and private groups working to preserve open space by acquiring conservation easements.

Background: In Colorado and other rapidly-growing states, rising land values and property taxes are putting farmers and ranchers (and other landowners) under increasing pressure to sell their lands for development. By selling conservation easements instead, they can lessen that pressure, capture much of the increased value of the land, and allow the land to continue to be used for traditional purposes. The party acquiring the conservation easement would have an enforceable property right to prevent development.

WHAT THE BILL WOULD DO

Program—The bill would establish the ''Cooperative Landscape Conservation Program,'' to be administered by the Department of the Interior. The program would provide grants to assist qualified recipients to acquire conservation easements.

Funding—Bill would authorize appropriations of $100 million/year for fiscal years 2002 through 2007. Funds would be used for grants, would be on a 50%-50% matching basis, for purchase of conservation easements on private lands in order to provide wildlife, fisheries, open space, recreation, or other public benefits consistent with the continuation of traditional uses by the private landowners. Up to 10% of annual funds could be used by Interior Department to provide technical assistance.

Priority—(1) Priority for grants would be to help acquire easements in areas where rapid population growth and increasing land values are creating development pressures that threaten traditional uses of land and the ability to maintain open space; (2) within those areas, priority would go for acquiring easements that would provide the greatest conservation benefits while maintaining traditional uses of lands.

Eligible Recipients—would be agencies of state or local government, tribes, and tax-exempt organizations operated principally for conservation.

Enforcement—Only an entity eligible for a grant could hold and enforce an easement acquired with program funds; at time of application, state Attorney General would have to certify that an easement would meet the requirements of state law.

WHAT THE BILL WOULD NOT DO

Bill would NOT involve any federal land acquisition.

Bill would NOT involve any federal regulation of land use.

IN APPRECIATION FOR SHARING AN EXTRAORDINARY STORY

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. ROSS. Mr. Speaker, I rise today to share the story of a brave and resourceful veteran from my district. Recently, I had the pleasure of presenting him with the Distinguished Flying Cross medal—nearly sixty years after the flight engineer saved his plane by repairing it mid-flight.

Ray Huntsinger served as a flight engineer with the United States Army Air Corps, now the Air Force, during World War II. During a mission to bomb Nazi oil reserves in Romania, Huntsinger's plane suffered damaged from anti-aircraft fire. He examined the plane and found that its hydraulic lines, which affect the air brakes and landing gear, had been ruptured. After notifying the pilot that he would have to make an emergency landing, Huntsinger set to work. Using materials he found on the plane, he constructed a patch over the damaged lines, and he strapped parachutes to the plane's waist to slow it down after landing. After circling the airfield until all emergency vehicles were in place, the pilot began his descent, and executed a perfect landing—the makeshift patch saved the day.

Years later, after retiring to Hot Springs Village, Huntsinger recounted the story to a friend of his who happened to be a retired Air Force Colonel. That friend submitted the story to the Air Force, and almost sixty years after that mid-flight repair, Huntsinger was awarded the Distinguished Flying Cross Medal.

I am so pleased to have the opportunity to properly honor one of our veterans. Mr. Huntsinger had an outstanding military career with the U.S. Army Air Corps during the Second World War. He flew fifty combat missions out of Italy, and in the incident that earned him the Flying Cross distinction, he demonstrated incredible ingenuity and resourcefulness, saving the lives of his fellow soldiers as they fought for their country. I welcome any opportunity to thank our veterans and to hear their stories, and this is quite a story!

INTRODUCTION OF THE CLEAN WATER PROTECTION ACT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. PALLONE. Mr. Speaker, today I introduce the Clean Water Protection Act, legislation to protect the beauty and quality of our nation's water resources. This legislation would add a definition to the Clean Water Act that would place a specific prohibition on the use of wastes in ''fill material'' that is placed in waters of the United States. I am pleased that my colleague, Representative Christopher Shays, has joined me in this effort.

This legislation was predicated by an executive rule change on May 3, 2002, that altered the long-standing definition of ''fill material'' in the Clean Water Act regulations enforced by the Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps). The Administration's new definition allows the Corps to permit waste to be used to fill streams, wetlands, and other waters. Importantly, the rule change would have nationwide effects, by allowing all industries to seek permits from the Corps to dump their wastes in waters.

On May 8, 2002, a federal court in West Virginia decided that the Administration's rule change violated the Clean Water Act and was

therefore illegal. Late last month, however, a U.S. appeals court in Richmond reversed the lowercourt ruling that would have ended the practice of filling rivers and streams with waste rock and dirt from mountaintop removal coal mining operations.

There are far-reaching consequences of the Appellate Court's decision. The Administration's new definition of ''fill material'' is an attempt to legalize the dumping of countless tons of mountaintop removal coal mining waste—a practice that has already burned and destroyed 1,000 miles of Appalachian streams. The new rule also expressly allows hardrock mining waste, construction and demolition debris, and other types of harmful wastes to be dumped into rivers and streams across the country. Given the possible presence of contaminants such as heavy metals, asbestos, or harmful organic compounds in some of these wastes, the implementation of the new definition of ''fill material'' in the Corps'' regulations could have disastrous impacts even beyond the harm caused by burying streams and other waterways. Congress meant for the Clean Water Act to protect our nation's water resources; the Administrative rule change endangers those resources.

The dangerous precedent set by the Administration's rule change undermines the Clean Water Act. This is why I have proposed the Clean Water Protection Act. This legislation would establish a definition for fill material in the Clean Water Act, such that no wastes could be used to bury our streams and wetlands. Creating a statutory definition of ''fill material'' that expressly excludes waste materials will end the need for further court proceedings and will clarify environmental law consistent with the purpose of the Clean Water Act—to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

Clean air and water are not partisan issues; they are issues of vital importance to all Americans. We cannot let the Clean Water Act fade into history as simply a ''romantic ideal'', but rather we must ensure the protection of our waters, so that our grandchildren have streams to play in and clean water to drink.

Mr. Speaker, I urge my colleagues to support this legislation to protect the quality and magnificent beauty of our nation's streams and wetlands.

COMMENDING ISRAEL ON THEIR ELECTIONS

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of the resolution extending this body's congratulations to Israel on their recent elections. I stand with my colleagues and commend Israel as it continues to conduct democracy in a region filled with dictatorship and totalitarian regimes.

On January 28, 2003, nearly four million Israelis went to the polls to participate in the country's 15th national election since becoming a state in 1948. The election was Israel's 5th in the last decade, and comes at an extremely critical juncture in the country's short history. An ongoing conflict with the Palestinians, a looming U.S. war against Iraq, the global war on terrorism, and a struggling Israeli economy all played pivotal roles in the campaign. But when all was said and done, Israelis reelected Prime Minister Ariel Sharon, and established a near majority for the Likud Party in the Israeli Knesset. Prime Minister Sharon's victory was especially significant, as it was the first time in 25 years that Israelis reelected a sitting Prime Minister.

As the sole democracy in the Middle East, Israel is the most reliable ally of the United States in the region. I come to the floor today and further express my commitment to a strong U.S.-Israel relationship. Israel has stood by the U.S. in our war on terrorism, and we shall stand with Israel as it continues down the daunting road toward peace and security. Terrorism never has been, and never will be, an ingredient to peace in the Middle East, and the U.S. must stand by Israel in its efforts to protect its borders and its citizens.

Mr. Speaker, each of us has his or her own unique way of expressing our support for Israel and the relationship that the U.S. enjoys with the small Middle Eastern country. Coming to the floor today in support of this resolution is just one way Members can show their support. Traveling to Israel is another. I make my commitment today to visit Israel sometime during the 108th Congress to show my support for the Jewish state, and I urge my colleagues to make similar commitments.

Israel is a place rich with history. It is filled with beauty and its people are filled with kindness and generosity. Members of Congress can make no stronger statement of their support for Israel then to travel there and experience first hand the issues facing Israeli leaders attempting to make peace. I am looking forward to the trip that I am co-hosting over the Memorial Day recess with black and Jewish Members, and I do hope that my colleagues will make similar statements of their support. Only next time, we make them in the streets of a peaceful Jerusalem.

CELEBRATING AFRICAN AMERICAN MONTH

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise today to honor the Members of the Congressional Black Caucus and all the black members of Congress that have served this Nation. As America observes African American History Month, I would be remiss not to remember the giants of this institution who made it possible for me to stand before you today. In the 212 years of Congressional History, there has been only 108 black Members of Congress: 104 elected to the House and 4 to the Senate.

In the great State of Florida there have been five black Members of Congress and I have the distinctive honor to serve as one of them.

I want to commend your attention to the first black Member of Congress elected from the State of Florida, Josiah Thomas Walls.

Congressman Josiah Thomas Walls was the only black representative from the State of Florida before reconstruction. He was born, probably to slavery, in or near Winchester, Virginia, on December 30, 1842. As a child, Josiah Walls moved to Darksville in what is now West Virginia. Josiah Walls briefly attended the county normal school in Harrisburg, Pennsylvania, and may have received additional education. As a Congressman, Josiah Walls described his impressments into the Confederate army and his capture by Northern forces at the siege of Yorktown, Virginia, in May 1862. By July 1863 he had entered the Third Infantry Regiment, United States Colored Troops at Philadelphia, becoming a corporal in October. Josiah Walls moved with his regiment to Florida in February 1864. After his discharge in October 1865 he worked at a sawmill on the Suwannee River and later taught at Archer in Alachua County.

In 1867, Josiah Walls was elected to represent Alachua County at the 1868 Florida Constitutional Convention. The county convention of March 1868 also nominated Josiah Walls for the state assembly. He was elected, taking his seat in June. Later that same year he was elected to the state senate from the Thirteenth District and took his seat the following January. Josiah Walls participated in several national conventions held to discuss problems facing blacks. At the Southern States Convention of Colored Men in 1871 he proposed an amendment to a resolution of support for President Ulysses S. Grant, which called on the Republicans to nominate John Mercer Langston for Vice President in 1872.

In August 1870, Florida Republicans nominated Walls for the state's lone seat in the House of Representatives. Walls appeared to win a narrow election victory and presented his credentials to the Congress on March 4, 1871. He accepted assignments to the Committee on Militia, the Committee on Mileage, and the Committee on Expenditures in the Navy Department.

Congressman Walls put forth several proposals and spoke on a variety of subjects. Since he feared public education would receive little attention if it were administered by southern states, he supported a measure to establish a national educational fund financed with money from public land sales. He introduced bills for the relief of private pensioners and Seminole War veterans. He strongly favored expenditures for internal improvements in Florida and supported efforts to grant belligerent status to rebels fighting in Cuba for independence from Spain, which still permitted slavery to exist on the island.

After a disputed election and defeat for renomination to the House, Josiah Walls took an indefinite leave of absence from public service.

Upon his return to Alachua County, Josiah Walls owned and operated a successful tomato and lettuce farm, sawmill and orange groves. He also remained interested in political developments. He slipped into ill health and lost his fortune when a February 1895 freeze ruined his crops. Shortly thereafter he was placed in charge of the farm at Florida Normal College (now Florida A&M University). He died in Tallahassee on May 15, 1905.

As a great writer once penned, ''God will not let us fall . . . For our work is good, We hope to plant a nation, Where none before hath stood.'' Congressman Josiah Walls planted a nation for other African Americans to follow.

Today, I honor him and ask all my colleagues to join me in remembering this politician and great leader from the great State of Florida.

RESPONSIBLE OFF-ROAD VEHICLE ENFORCEMENT AND RESPONSE (''ROVER'') ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I am again introducing a bill to improve the ability of the Bureau of Land Management and the Forest Service to respond to a serious problem affecting federal lands in Colorado and other states.

Throughout the west, and especially in Colorado, increased growth and development has resulted in an increase in recreational use of our public lands. These recreational uses have, in some cases, stressed the capacity of the public land agencies to adequately control and manage such use. As a result, areas of our public lands are being damaged.

One of the uses that cause the greatest impacts are recreational off-road vehicles. The results can include: damage to wildlife habitat; increased run-off and sediment pollution in rivers and streams; damage to sensitive high-altitude tundra, desert soils, and wetlands; creation of ruts and other visual impacts on the landscape; loss of quiet and secluded areas of the public lands; and adverse effects on wildlife.

Recreational off-road vehicle use on our public lands should be allowed to continue, but it must be managed to minimize or avoid these problems, by appropriate restrictions and putting some sensitive areas off-limits to vehicle use.

Most vehicle users are responsible—they stay on designated roads and trails, they are respectful of the landscape and they endeavor to tread lightly. However, there are a number of such users who do not obey the rules. Given the nature of this use (large, powerful motorized vehicles that are able to penetrate deeper and deeper into previously secluded areas), even a relatively few who violate management requirements can create serious damage to public land resources.

Yet, in some cases, recreational off-road vehicle users ignore these closures and management requirements. Often times, when these activities occur, the federal public land agencies do not have the authority to charge fines commensurate with the damage that results. For example, under BLM's basic law, the Federal Land Policy and Management Act of 1976, fines for violations of regulations—including regulations governing ORV uses—are limited to $1,000. That figure has remained unchanged for a quarter of a century, and does not reflect the fact that in many cases the damage from violations will cost thousands more to repair.

The bill I am introducing today would provide for increased fines for such violations—to $10,000 or the costs of restoring damaged lands, whichever would be greater. The bill is similar to one that I introduced in the 107th Congress.

The need for this legislation was demonstrated by incidents in several state, including some in Colorado.

For example, in the summer of 2000 two recreational off-road vehicle users ignored closure signs while four-wheel driving on Bureau of Land Management land high above Silverton, Colorado. As a result, they got stuck for five days on a 70 percent slope at 12,500 feet along the flanks of Houghton Mountain.

At first, they abandoned their vehicles. Then, they returned with other vehicles to pull their vehicles out of the mud and off the mountain. The result was significant damage to the high alpine tundra, a delicate ecosystem that may take thousands of years to recover. As noted in a Denver Post story about this incident, ''alpine plant life has evolved to withstand freezing temperatures, nearly year-round frost, drought, high winds and intense solar radiation, but it's helpless against big tires.''

Despite the extent of the damage, the violators were only fined $600 apiece—hardly adequate to restore the area, or to deter others.

Another example was an event in the mountains near Boulder, Colorado, that became popularly known as the ''mudfest.''

Two Denver radio personalities announced that they were going to take their off-road four-wheel drive vehicles for a weekend's outing on an area of private property along an existing access road used by recreational off-road vehicle users. Their on-air announcement resulted in hundreds of people showing up and driving their vehicles in a sensitive wetland area, an area that is prime habitat of the endangered boreal toad. As a result, seven acres of wetland were destroyed and another 18 acres were seriously damaged. Estimates of the costs to repair the damage ranged from $66,000 to hundreds of thousands of dollars.

Most of the ''mudfest'' damage occurred on private property. However, to get to those lands the off-road vehicle users had to cross a portion of the Arapaho-Roosevelt National Forest—but the Forest Service only assessed a $50 fine to the two radio disc jockeys for not securing a special use permit to cross the lands.

Again, this fine is not commensurate to the seriousness of the violation or the damage that ensured, or stands as much of a deterrent for future similar behavior.

These are but two examples. Regrettably, there have been many more such examples not only in Colorado but also throughout the west. These examples underscore the nature of the problem that this bill would address. If we are to deter such activity and recover the damaged lands, we need to increase the authorities of the federal public land agencies.

My bill would do just that. Specifically, it would amend the Federal Lands Policy and Management Act and relevant laws governing the Forest Service to authorize these agencies to assess greater fines on recreational off-road vehicles for violations of management, use and protection requirements. The bill would authorize the Secretary of the Interior and the Secretary of Agriculture to assess up to $10,000 in fines, or 12 months in jail, or both, for violations of road and trail closures and other management regulations by recreational off-road vehicles. The bill also would authorize the Secretary of the Interior and the Secretary of Agriculture, in lieu of a specific dollar fine, to assess fines equal to the costs required to rehabilitate federal public lands from damage caused by recreational off-road vehicle violations.

In addition, the bill would authorize the Secretary of the Interior and the Secretary of Agriculture to apply any funds acquired from recreational off-road vehicle violations to the area that was damaged or affected by such violations, and to increase public awareness of the need for proper use of vehicles on federal lands.

This would give these agencies additional resources to recover damaged lands and areas that may be exposed to repeated violations.

The bill does not put any lands ''off limits'' to recreational off-road vehicle use. In fact, it does not affect any specific lands in any way. The bill also does not provide for increased fines for other activities that can damage federal lands. There may or may not be a need for legislation along those lines, but in the meantime I am seeking only to address this one problem.

Mr. Speaker, earlier this month I met with Chief Bosworth regarding several matters related to management of the National Forests. During our conversation, he said that he considered problems associated with off-road vehicles one of the greatest problems facing the Forest Service.

I agree with the Chief—in fact, I think improper use of recreational vehicles is a problem of growing seriousness throughout the west. My intention with this bill is to help address this problem so that all recreational users of our public lands can have a rewarding, safe and enjoyable experience. Everyone's experience is diminished when a few bad actors spoil the resources and the beauty of our lands. I think this bill can help provide the BLM and the Forest Service with better tools to respond by allowing appropriate recreational use of our public lands while also protecting the resources and values of these lands that belong to all the American people.

For the information of our colleagues, I am attaching a fact sheet about the bill.

RESPONSIBLE OFF-ROAD VEHICLE ENFORCEMENT AND RESPONSE (''ROVER'') ACT

BACKGROUND: In Colorado and throughout the west increased population growth has brought increased recreational use of federal lands. This has made it harder for land-managing agencies to adequately control and manage such use.

Recreational and other use of off-road vehicles (ORVs) can present serious problems. This use should be allowed to continue, but must be managed and controlled to minimize or avoid adverse effects. That involves closing-off some sensitive areas and other regulations.

Improper use of vehicles can result in serious damage to the national forests and the public lands managed by the Bureau of Land Management (BLM). This can involve damage to wildlife habitat; increased run-off and sediment pollution in rivers and streams; damage to sensitive high-altitude tundra, desert soils, and wetlands; creation of ruts and other visual impacts to the landscape; loss of quiet areas due to the deeper penetration of off-road vehicles into previously secluded areas of the public lands; and impacts to wildlife from noise and effects on migration corridors.

Currently, the Forest Service and BLM do not always have clear authority to assess fines commensurate with the costs of enforcement and the damage that often results. For example, under the law governing BLM lands, federal officials can only impose up to $1,000 in fines while the damage that results could cost thousands more to address. The

Forest Service's authority also needs clarifying and strengthening.

The bill would provide new authority, in order to increase public awareness, deter violations, and help cover the costs of enforcement and damages to affected lands.

What the bill would do:

Allow Increased Fines: The bill would authorize the Secretary of the Interior and the Secretary of Agriculture to assess fines of up to $10,000 or the costs of restoration, whichever is greater, for violation of ORV regulations. The current provisions for imprisonment of 12 months in jail is retained.

Apply Fines to Enforcement and the Area Damaged: The bill would authorize the Secretary of the Interior and the Secretary of Agriculture to apply any funds acquired from recreational off-road vehicle violations to the costs of enforcing off-road violations, increasing public awareness of the problem, and to repair damages to lands affected by such violations.

What the bill would not do:

Increase Closures of Public Lands: The bill would not require that any particular lands be ''off limits'' to recreational off-road vehicle use. Decisions about which roads or trails will remain open to such use would continue to be made by the land-management agency.

Apply to Other Uses: The bill would not impose increased fines for violation of any regulations other than those applicable to use of vehicles.

Eliminate Fines for Other Violations: The bill would not affect the current ability of the federal public land agencies from assessing existing fines and penalties for other activities that violate management, use and protection requirements. Such fines would continue to apply to violations of other regulations.

HONORING MUNIR H. ABBASY, M.D.

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to enter into the RECORD today these remarks to honor the accomplishments and life of Munir H. Abbasy, M.D., who died in a single engine airplane crash that he was piloting on July 29, 2001.

Dr. Abbasy graduated from Liaquat Medical College in Pakistan in 1969, and completed his internship at Cook County Hospital in Chicago. Abbasy followed his internship with a position as a general surgeon at Northwestern University Medical Center in Chicago, and a neurosurgical residency at the University of Pittsburgh. After moving to Massachusetts in 1976, Dr. Abbasy joined the Neurosurgical and Neurological Group Inc. in Springfield. Additionally, he was on the medical staff of the area hospitals, including Baystate Medical Center, Mercy Medical Center, and Holyoke Hospital. Abbasy served as the Chief of Neurosurgery at Mercy Medical Center from 1988–1993, and extended his services to Baystate Medical Center from 1993–2001. Also, Dr. Abbasy was the assistant clinical professor in the neurosurgery department at Tufts University.

Dr. Abbasy was an established neurosurgeon who was commended on his extreme precision during surgery. Accordingly, Abbasy was the first neurosurgeon in Western Massachusetts to perform a ''Jannetta Procedure,'' which is a microvascular decompression of a cranial nerve for those who suffer from a tic douloureux and hemifacial spasm. Dr. Abbasy pioneered the practice of lumbar microdissectomies as an outpatient service at Baystate Medical Center in 1996, which reduced recovery time and created savings for the hospital.

As a resident of Longmeadow, MA, Dr. Abbasy was extremely involved in his community. He was a member of the Hampden District Medical Society, the American Medical Association, the New England Neurological Society, the Pediatric Section of AANS/CNS, and the Congress of Neurological Surgeons. Furthermore, he was a director of the Longmeadow Montessori School.

According to his colleagues, friends, and family, Dr. Abbasy was a remarkable, bright, and extremely dedicated surgeon. He brought passion to his practice and always wanted to better the institutions and process of healthcare. He is survived by his wife, the former Ann O'Connor, a son, Jamil, and a daughter, Shareen Abbasy.

Mr. Speaker, Dr. Abbasy was a valued member of the community and an amazing individual. He served the medical community for 25 years and his work will be remembered and appreciated. He will be missed by all who had the opportunity to know him.

TRIBUTE TO THE ELDER HIGH SCHOOL FOOTBALL TEAM

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. CHABOT. Mr. Speaker, on the blustery, frigid evening of November 30, 2002, the Elder High School football team made their championship dreams a reality. On a snow-covered field, the Elder Panthers overcame the weather, a four-hour bus ride, and a spirited Warren Harding team to return the Ohio state football championship to Cincinnati for the first time since Princeton High School won in 1987.

Thousands of Elder faithful braved the cold and snow flocking to Fawcett Stadium to urge the Panthers to victory. Those who couldn't make the cross-state trip sat glued to their TVs hanging on every play. From the opening kickoff to the three critical touchdown drives led by Rob Florian to the game-saving incompletion forced by Kevin Harnist on Warren Harding's tying two-point conversion attempt, fans were thrilled by the championship effort and heart displayed by the young men from Elder.

After capturing the state championship, Elder garnered well-deserved team and individual honors. The Panthers were ranked ninth in the national high school football rankings released by USA Today. Individually, Coach Doug Ramsey was named Ohio Tri-Coach of the Year, and Senior LB Tony Carvitti was selected as Ohio Tri-Defense Player of the Year. Other All-Ohio honorees include: First Team selection Bill Poland; Second Team selection Tom Anevski; and Special Mention selection Bradley Glatthaar.

Throughout their triumphant season, Elder's young men labored and sacrificed to forge a championship team. Elder's hard-fought and inspiring victory has brought pride and honor to Price Hill and our entire community. Football fans throughout the Cincinnati area congratulate the Panthers and share in their celebration.

Mr. Speaker, to appropriately honor these young men and coaches. I'd like to submit for the RECORD the roster of the 2002 Elder panthers and a copy of their schedule and game results.

ELDER HIGH SCHOOL, 2002 OHIO HIGH SCHOOL STATE FOOTBALL CHAMPIONS, FINAL RECORD: 14–1

REGULAR SEASON

Game 1, August 24, 2002: Elder 42—Dixie Heights 7.

Game 2, August 31, 2002: Louisville Trinity 44—Elder 20.

Game 3, September 6, 2002: Elder 42—Western Hills 8.

Game 4, September 13, 2002: Elder 45—Indianapolis Roncalli 7.

Game 5, September 21, 2002: Elder 45—Cleveland St. Ignatius 35.

Game 6, September 27, 2002: Elder 21—St. Xavier 17.

Game 7, October 5, 2002: Elder 47—Moeller 21.

Game 8, October 11, 2002: Elder 29—LaSalle 19.

Game 9, October 18, 2002: Elder 45—Indianapolis Cathedral 30.

Game 10, October 25, 2002: Elder 35—Oak Hills 8.

PLAYOFFS

Round 1, November 2, 2002: Elder 20—St. Xavier 14.

Round 2, November 9, 2002: Elder 31—Huber Heights Wayne 3.

Regional Championship, November 16, 2002: Elder 28—Colerain 21.

State Semi-Final, November 23, 2002: Elder 34—Findlay 31.

State Championship, November 30, 2002: Elder 21—Warren Harding 19.

2002 ELDER PANTHERS VARSITY FOOTBALL ROSTER

Head Coach: Doug Ramsey.

Assistant Coaches: Ken Lanzillotta; Ray Heidorn; Mike Kraemer; Craig James; Tim Schira; Matt Eisele; and Pat Good.

Seniors: #78 Tom Anevski; #44 Tony Arszman; #6 Bob Asman; #3 Greg Bachman; #35 Mike Barone; #86 John Bauer; #73 Marty Bauer; #7 Nick Brandhorst; #36 Kyle Brunsman; #76 Digger Bujnoch; #4 Dan Byrne; #97 Tony Carvitti; #33 Chris Chambers; and #98 Pat Christman.

#77 Conrad Cross; #15 Brian Crowley; #8 Nick Daut; #2 Craig Davis; #40 Mike Eagan; #1 Eric Hamberg; #26 Kevin Harnist; #32 Frank Hilvers; #21 Cody King; #81 Dan Kloepfer; #64 Anthony Louderback; #38 Dan McDonald; #89 Bryan McKiddy; and #49 Jake Paff.

#37 Bill Poland; #95 Mike Riga; #79 Alex Robinson; #9 Chris Rothwell; #25 Dan Scherrer; #50 Nick Schwander; #5 Scott Spitznagel; #63 Brian Stall; #51 Ben Sprengard; #56 Todd Turner; #80 Kevin Vater; #93 Brandon Wittwer; and #75 John Wolff.

Juniors: #34 Eric Andriacco; #54 Steve Baum; #58 Kenny Berling; #62 Ryan Brinck; #20 Michael Brown; #68 Alec Burkhart; #23 Mark Byrne; #42 Steve Haverkos; #70 Chris Heaton; #82 Nick Klaserner; #17 Danny Kraft; #48 Joe Lind; #47 Pat Lysaght; and #53 Corey McKenna.

#65 Nick Rellar; #14 Jake Richmond; #91 Tony Stegeman; #88 Ian Steidel; #22 Mike Stoecklin; #45 Tim Teague; #24 John Tiemeier; #19 Sean Carroll; #18 Charlie Coffaro; #71 Justin Crone; #29 Brett Currin; #12 Rob Florian; #84 Kurt Gindling; #11 Bradley Glatthaar; and #99 Alex Harbin.

#60 Mike Meese; #92 Tim Mercurio; #30 Drew Metz; #72 Mark Naltner; #28 Alex Niehaus; #43 Billy Phelan; #31 Seth Priestle; #90 Matt Umberg; #10 Jeff Vogel; #16 Eric Welch; #74 John Wellbrock; #87 Mike Windt; #55 Eric Wood; and #94 Mike Zielasko.

Sophomores: Craig Carey; D.J. Hueneman; Eric Kenkel; Rick Stautberg; and Nick Williams.

Managers: Kyle Miller and T.J. Weil.

INTEREST-FREE FUNDS FOR PUBLIC SCHOOL CONSTRUCTION AND MODERNIZATION PROJECTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. RANGEL. Mr. Speaker, today I am introducing legislation that would provide $25.2 billion in interest-free funds over the next two years for public school construction and modernization projects.

Currently, our public school system has extraordinary unmet needs for funds to construct and modernize schools. Consider the following facts:

The average age of a public school in the United States is 42 years.

One-third of all public schools in the United States are in need of extensive repair or replacement.

Three and a half million students attend schools that need major repair or replacement.

According to a recent report from the National Education Association, it will cost $332 billion to bring the existing public schools into overall good condition. Billions more will be required to construct new schools to meet expanding student enrollments.

President Bush's education program places strong emphasis on raising standards in America's classrooms, but does not provide promised Federal help for the cost of additional testing and services required to reach that goal. His program also ignores the fact that school facilities are an important part of raising student performance. Inferior facilities make teaching more difficult. They also send a clear message to the student that this nation does not value their education. The President's program seems to be designed to fail.

My legislation will provide funds for school modernization projects through a federal tax credit. The tax credit will, in effect, pay the interest on $25.2 billion of school modernization bonds. All decisions relating to how those funds would be used would continue to be made at the local level.

My legislation is based on a successful model, the Qualified Academy Bond (QZAB) program enacted in 1997. A California local school official described that program as a ''local school district's dream'' after having successfully participated in a bond offering subsidized under that program. U.S. Education Secretary Rodney Page endorsed a similar proposal in 1999 when he was Superintendent of the Houston schools. In a statement submitted to the the Committee on Ways and Means, he said that school modernization bonds ''represent the approach to Federal aid that will have a truly consequential impact on meeting the infrastructure needs of Houston and other large urban high poverty districts.''

Mr. Speaker, I regret that I am introducing this bill today without the broad bipartisan support that it has received in the past. The lack of bipartisan support is due to the fact that the bill is fundamentally inconsistent with the President's dividend exemption proposal. I am hopeful that the Congress will reject or substantially modify the President's dividend proposal and, therefore, make it possible to pursue this bill with its former bipartisan support.

Attached is a brief description of the bill and a table showing how the funds will be allocated among the States.

SUMMARY

The bill would subsidize $25.2 billion in zero-interest school modernization bonds. The federal government would provide tax credits for the interest normally paid on a bond. Funds that would have gone to pay bond interest would be freed for other education needs. For each $1000 of school bonds, the net benefit of the program to State or local school districts would be approximately $500.

Funding: The bill divides the interest-free funds for public school construction and modernization as follows:

$22 billion over two years for zero-interest school modernization bonds ($11 billion in both 2004 and 2005). The bill would allocate 60 percent of the $22 billion in bonds to states based on school-age population. The State education agency has the authority to allocate the State's share among the schools districts in the State with no restrictions as to what schools can qualify. The remaining 40 percent of these bonds would be directly allocated to the 125 school districts with the largest number of low-income students based on ESEA Title I funding (poverty-based distribution).

$400 million in school modernization bonds for Bureau of Indian Affairs (BIA) schools.

$2.8 billion for expansion of the existing Qualified Zone Academy Bond program (QZAB). This amount is allocated among the States based upon the number or poor students. The State education agency has the authority to allocate the State's share among the school districts in the State; except that amount may be allocated only to schools with at least 35% poor students—those schools located in Empowerment Zones, Enterprise Communities or which have at least 35 percent of their students eligible for free or reduced price school lunch.

Federal Role: The federal government would provide a tax credit to the bond purchaser equal to the interest that would otherwise be paid on a school construction bond. No new federal bureaucracy would be created.

Cost: The five-year cost to the Federal government is approximately $1.7 billion and the ten-year cost is approximately $6.8 billion.

The following table shows the estimated allocations under the bill.

Estimated state bond allocations

Alabama	$354,922
Alaska	53,398
Arizona	337,448
Arkansas	183,516
California	3,109,598
Colorado	296,358
Connecticut	292,085
Delaware	49,070
District of Columbia	88,904
Florida	1,188,467
Georgia	654,051
Hawaii	77,438
Idaho	93,409
Illinois	1,221,868
Indiana	459,436
Iowa	196,453
Kansas	196,866
Kentucky	295,249
Louisiana	473,051

Estimated state bond allocations—Continued

Maine	84,355
Maryland	395,270
Massachusetts	467,254
Michigan	1,006,867
Minnesota	378,952
Mississippi	237,537
Missouri	452,673
Montana	65,077
Nebraska	131,275
Nevada	92,951
New Hampshire	80,802
New Jersey	660,175
New Mexico	157,627
New York	2,476,435
North Carolina	488,119
North Dakota	46,596
Ohio	1,019,626
Oklahoma	277,839
Oregon	235,626
Pennsylvania	1,044,126
Puerto Rico	378,751
Rhode Island	90,648
South Carolina	284,932
South Dakota	56,180
Tennessee	421,577
Texas	1,998,390
Utah	175,947
Vermont	42,022
Virginia	422,902
Washington	402,308
West Virginia	123,951
Wisconsin	491,648
Wyoming	38,712
Outlying Areas	51,263
BIA Schools	400,000
Total	25,200,000

HELENA MARQUES—SOUTHCOAST WOMAN OF THE YEAR

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most difficult issues that we have been dealing with in these past years has been that of immigration. Sadly, it has become politically popular to blame immigrants for a wide variety of problems for which they are not, in fact responsible, and people have increasingly overlooked the important cultural and economic contributions immigration continues to play in our Nation of immigrants.

In my efforts to provide fair treatment for immigrants, both as a matter of equity and as a matter of correctly assessing our national interest in a sensible immigration policy, I have benefited enormously from the counsel, advocacy and commitment of Helena Marques. She has been an extraordinary asset to all of us who are charged with helping to make national policy on this matter, and she has been a beacon of strength for those in the immigrant community and their families who have been affected by our policies. I concur wholeheartedly with the decision of the New Bedford Standard Times to designate her the south coast woman of the Year, and I ask that the article describing her work from the Standard times be printed here, because I believe our colleagues will benefit from reading about her important work on the immigration issue.

After Sept. 11, 2001, Helena Marques had bad news for the mothers of area residents deported from the area to Portugal.

As she delivered the news during a meeting in a South End Holy Ghost club, she

couldn't maintain her composure, an wept with the women. She wept because she felt helpless. She wept for the victims of the terrorist attack.

The following day, she was back at her office at the Immigrants' Assistance Center, advocating for immigrants' rights with the same energy she always carried, even if the woes were now almost insurmountable.

Those who know Ms. Marques say she is the kind of woman: one who easily gets involved in the suffering of those she helps, but also one who can be a non-nonsense advocate and diplomat, businesswoman and lobbyist.

Ms. Marques, 42, picked up an agency in tatters when she took over the helm in 1996, led it through its greatest growth, and is now fighting on several fronts to maintain the level of service she helped create.

For all she has done since 1996, Ms. Marques is The Standard-Times' 2002 SouthCoast Woman of the Year.

Ms. Marques, a mother of one from Acushnet, with a bachelor's degree in business administration, started her job with IAC as a secretary more than 20 years ago, when the agency had only four employees and a small budget.

She rose through the ranks and in 1996 became the executive director of the now much bigger 31-year-old agency.

Coincidence or not, the year 1996 would forever be engraved in the history of IAC and of immigrant rights in America.

The agency was placed on probation by the United Way due to administrative shortcomings and it had also suffered severe cuts in funding from the state and federal governments.

Nationally, immigrants were losing welfare benefits and a new, stiffer deportation law was quietly coming into effect, which would soon devastate many area families.

''When I got promoted to this position it was at a time things were the worst,'' Ms. Marques said. ''The worst year anybody can take over an agency.''

Nevertheless, Ms. Marques, one of seven Madeiran immigrant children and the product of the New Bedford public schools, persisted.

She rolled up her sleeves and got to work.

In four years, Ms. Marques tripled IAC's size, turning it from a struggling agency into a major immigrant services and advocacy group. New programs sprung up during the time and the agency opened two branch offices, including one in Taunton.

Some of the programs Ms. Marques helped create include the native language citizenship classes, educational in-jail programs for individuals facing deportation and citizenship programs in schools. Additionally, she helped form the Women Immigrants Support Hub for family members of deportees.

The agency also expanded beyond the Portuguese community and started serving other immigrant groups in the city.

One major effort included raising national and international attention to the effects of the 1996 deportation laws, which locally have resulted in the deportation of more than 400 Portuguese nationals and more than 100 Cape Verdean nationals.

The plight of those immigrants struck a chord because many were being deported for seemingly minor crimes after living most of their lives in the United States.

Ms. Marques took the cause wholeheartedly.

As a deportation fighter, sometimes she stood in the rain with WISH members, holding signs in front of District Attorney Paul F. Walsh Jr.'s office to stop a local deportation program. She also shared hugs at community events and personally talked with anyone who wished to speak with her.

Other times she traveled to Washington to bring the local message to politicians or appeared on television and radio shows to spread the word.

She also became a well-known person in the community, befriending Sofia Milos, the star of the yet-unreleased romantic comedy ''Passionada.''

What's surprising, or not, is that she has played all the roles well, say those who know her.

''What I'm struck by in Helena is how she is so committed but careful,'' said congressman Barney Frank, D-Mass., who has consulted Ms. Marques on several pieces of legislation. ''It's easy to be a diplomat if you don't care. It's very difficult to find someone that is both a zealot and a diplomat. She doesn't allow her passion to impair her judgment.''

Rep. Frank said he met Ms. Marques around the time she took over IAC. He said his office has worked with her since that time.

I think she does a great job representing the immigrant community,'' Rep. Frank said.

Ms. Marques says that what she does comes naturally.

''A lot of times, the immigrant populations are in fear of speaking about issues that are important to them,'' she said. ''Being an immigrant myself, seeing what my parents have gone through, I can relate.

''Not too many people have jobs that they feel they're helping out the community. At the end of the day I know that I've made a difference. To me it's a very humble job,'' she said.

Ms. Marques works behind her desk at the Crapo Street IAC offices; dinners with politicians and her networking efforts have helped turn IAC into a $450,000 agency, but it's her advocacy work that has made her visible in the community.

''She's deeply committed to the work that she does, and she's deeply rooted in the community,'' said Nancy Lee Wood, a sociologist who helped form the WISH group with Ms. Marques. ''She has a deep sense of compassion and caring about what happened to her people.''

Ms. Wood has accompanied Ms. Marques on vigils, meetings with public safety officials and politicians and has helped organize WISH meetings and other programs.

Ms. Marques' enthusiasm has impressed her.

''I think she has worked very hard to build up the IAC. That takes a lot of energy, a lot of faith in the future,'' she said. ''It just takes a lot of courage to just forge ahead and implement a lot of programs.''

Ms. Marques became the executive director of IAC at a time when the agency was under scrutiny and executive directors changed with the tide.

Today, the members of the board of directors of the organization think they made the right choice when they decided to name Ms. Marques executive director.

''She totally believes in what the center stands for. We have complete trust in her,'' said Edward Macedo, president of the board. ''She deals with the board very well, she knows where the board is coming from. We work very closely together.''

Mr. Macedo has been president of the board at IAC for three years, but has been a member at least since Ms. Marques took the job.

He said that during that time he has seen her go beyond her obligations.

''She goes way beyond,'' he said. ''She gives of herself beyond her time also.''

Ms. Marques, who is currently working hard to secure $150,000 in lost state funds, said she is as committed as ever in her job, despite the difficulties.

''I'm looking anywhere and everywhere for money,'' she said. ''Now, more than ever, I feel I need to do what I'm doing. When the immigrant population is being targeted like it is right now, people like me need to be vocal.''

Ms. Marques' dedication started when she first stepped into IAC as a secretary.

''Because (IAC) was so small I did everything,'' she said. ''I was like a sponge, I wanted to learn as much as I could about the agency.''

Ms. Marques said at times, when the job seems to be too much to handle, the gratification from helping others has kept her going.

''I do feel with so much tragedy coming in, I see it on a daily basis, that I feel lucky,'' she said. ''I don't take anything for granted because of what I see here.''

TRIBUTE TO INEZ WILLIAMS BROWN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. CLYBURN. Mr Speaker, I rise today to pay tribute to a native South Carolinian whose love of family and faith in God have blessed her with a rich and full life. On February 20, 2003, Mrs. Inez Williams Brown will celebrate her 90th birthday, and in marking this important occasion, I believe it is important to highlight a few of the contributions she has made.

Mrs. Brown, the granddaughter of slaves, was born on the Blake Plantation in Colleton County. Her father, Burton, was the youngest of five children born to Sally Prince. At an early age, he married Mamie Daily, and they had five children. Inez, the youngest, was born on February 20, 1913. Before she reached her first birthday, Inez's mother died in childbirth. Her father attended South Carolina Normal Institute. He was an ordained Baptist minister and also taught school.

Inez met and married Willie Williams, also a minister. They began their lives together in Hendersonville, South Carolina, and later spent four years in Georgia. They settled in Charleston, South Carolina in 1940. They had eleven children. After the death of Reverend Williams, Mrs. Williams raised 10 children by herself with the help of her eldest son, Alfred Williams and a brother-in-law, Elijah Williams. Her dedication to her family is reflective of the strong commitment exhibited by many African-American mothers.

After all but two of her children were adults, Inez Williams married Mr. Ed Gadsden, who died two years later. And in 1981, she married Robert Brown, who passed away in 2000.

Mrs. Brown's legacy is in the family she raised nearly on her own. Her eldest son, Alfred, is the Pastor of Canaan Baptist Church with a membership of over 800 parishioners. Mozell Myers is a retired schoolteacher, and a leader among ministers' wives in the A.M.E. Church. Luethel McNeil is an insurance professional and an ordained minister in New Jersey. Mildred Williams is a schoolteacher and writer in Oakland, California. Lelia Mae Daniels is in law enforcement in El Paso, Texas. Isaac ''Ike'' Williams, is a former S.C. Field Director of the N.A.A.C.P. and presently serves on my District Staff. Ike's twin, Rebecca Small, is a speech therapist in Newark, New Jersey. Bessie Simmons is an Executive Assistant and Director of Quality Assurance for

Quovadx, Inc., an information technology provider for the Medical University of South Carolina (MUSC). She is also an internationally renowned poet. Gloria Edwards is a retired secretary for pediatric clinics at MUSC. Susie Manning is Director of Adult Treatment Services for Richland County Behavioral Health Center of the Midlands, LRADAC. The youngest, Leon Williams, is a retired Warehouse Manager for the Columbia, South Carolina Housing Authority.

Mrs. Brown has been active with the NAACP, the Senior Citizens program in Union Heights, and an avid Voter Education and Participation activist. She is the Mother of her church, Canaan Missionary Baptist Church, where she has been a member for over 60 years.

Mr. Speaker, I ask you and my colleagues to join me in saluting this great woman on her 90th birthday. Her unbounded love and extraordinary maternal sacrifice and dedication are legendary. This granddaughter of slaves has demonstrated with great fervor, her commitment to her family, her community and her God.

ON THE RETIREMENT OF COLONEL EDWARDS S. JONES, USAF AFTER 29 YEARS OF DISTINGUISHED SERVICE TO THE UNITED STATES OF AMERICA

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. FORBES. Mr. Speaker, I would like to take this opportunity to recognize the outstanding career of Colonel Edward S. Jones who is currently the Comptroller for the Defense Commissary Agency at Fort Lee, Virginia. Colonel Jones will retire after 29 years of distinguished service in the U.S. Air Force and I would like to take this opportunity to thank him for his selfless service to both the Air Force and to the United States of America.

Commissioned in 1974 as a Distinguished Graduate of the Air Force Reserve Officer Training Corps, Colonel Jones has served in comptroller positions at all levels of the Air Force: wing, major command, headquarters, unified command, and finally, defense agency.

Colonel Jones' list of prior assignments includes: Director of Financial Management, Air Force Reserve Command, Robins Air Force Base, Ga.; Deputy Director of the Operations Center and Deputy Director of Resource Management, Headquarters, Defense Commissary Agency, Fort Lee; and Chief, Integration and Accounting Branch, Comptroller Division, Directorate of Acquisition and Resources, U.S. Special Operations Command, MacDill Air Force Base, Fla., and Executive Secretary to the Air Force Commissary Service Board of Directors, the Pentagon, Washington, DC.

A graduate of the Valdosta State University, Ga. holding a Bachelor of Business Administration degree, Colonel Jones also holds a Masters of Business Administration from Golden Gate University, San Francisco. His military education includes the Air War College, Armed Forces Staff College, Professional Military Comptrollers School, Air Command and Staff College, and Squadron Officer's School.

Colonel Jones' awards and decorations include: the Defense Meritorious Service Medal with one oak leaf cluster, Air Force Meritorious Service Medal with three oak leaf clusters, Air Force Commendation Medal with one oak leaf cluster, Air Force Achievement Medal, Air Force Outstanding Unit Award, Air Force Organizational Excellence Award with two oak leaf clusters, American Defense Service Medal, Air Force Overseas Ribbons, and the Air Force Longevity Service Award with five oak leaf clusters.

Mr. Speaker, I ask that you join me, our colleagues, and Colonel Jones' many friends and family in saluting this distinguished officer's lifetime of service. Colonel Jones is the very embodiment of patriotism and it is fitting that the House of Representatives honors him on this day.

COMMENDING ISRAEL ON THEIR ELECTIONS

SPEECH OF

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. GALLEGLY. Mr. Speaker, on February 11, 2003, 1 was unavoidably detained and unable to vote on H. Res. 61. However, I would have voted yes.

As you know, I have always been a strong supporter of Israel. As the only democracy in the Middle East, Israel is a beacon of liberty and a model for her neighbors. As a country under siege and in an almost constant state of war against terrorists, Israel also serves as an inspiration for the United States as we continue our war against terrorists.

HONORING THE FLINDERS UNIVERSITY OF SOUTH AUSTRALIA WASHINGTON DC INTERNS AND INTERNSHIP PROGRAM

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. HASTINGS of Florida. Mr. Speaker, it is with great pride and enthusiasm that I rise today to pay tribute to Flinders University of South Australia Washington, DC Internship Program. The Flinders University program is to be commended for providing five Australian college students with the opportunity to experience the American political process first hand, while at the same time, furthering the already strong relationship between the United States and Australia.

For the past six weeks, I have had the privilege to participate in the Flinders University program. The intern assigned to my office, Ms. Tamera Gale, has been an incredible asset to my staff and me. I have learned from her, and I certainly hope that she has learned from me.

Tamera is a third year college student at Flinders University in her hometown of Adelaide, Australia. She is majoring in American Studies. When speaking with her recently, Tamera expressed her appreciation for the opportunity to intern in my office. But as I told her then, I truly appreciate the opportunity to have her working with my staff and me.

During her time in my office, Tamera has assisted in the drafting of a resolution honoring the long-standing U.S.-Australia relationship, as well as educating herself and others on the rich history of African Americans in the U.S. Armed Forces. The fruit of Tamera's labor has been passed on to my colleagues in the House of Representatives through my African American History Month Dear Colleague letters honoring the lives of a different African American military hero each day.

Mr. Speaker, we live in a good country filled with opportunity and good people. However, we venture outside of our borders all too little. The Flinders University of South Australia Washington, DC Internship Program provides Australian students with the opportunity to travel to the United States and view our democracy and life in our country. Equally, the program provides Members and staff with an opportunity to learn about the political process and life in Australia, a country and continent that too few of us visit.

It has been an honor to have Tamera intern in my office, and I wish her and her fellow intems good luck and fortune in all of their future endeavors. I look forward to participating in the Flinders program next year and urge my colleagues to do the same.

FEBRUARY IS AMERICAN HEART MONTH

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. FOLEY. Mr. Speaker, I would like to take this moment to help recognize February as American Heart Month.

As Co-Chair of the Congressional Heart and Stroke Coalition I am well aware of the seriousness that cardiovascular disease plays in the lives of approximately 62 million Americans today. The statistics are staggering:

One million Americans die from some form of cardiovascular disease each year—one American every 33 seconds.

Heart disease is the number one killer in the United States, topping cancer (549,000 deaths), Alzheimer's Disease (44,536) and HIV/AIDS (14,802).

Women in particular are greatly affected, with one in five having some form of cardiovascular disease.

Heart disease and stroke are expected to cost the U.S. over $350 billion in 2003.

We should not be without hope, however, since cardiovascular diseases can be treated aggressively with a variety of procedures. Various treatment options include medicines for high blood pressure—a leading risk factor of heart disease and stroke, medicines that lower cholesterol, clot-buster medicines that can save the lives of heart attack patients and medicines that can prevent repeat heart attacks.

These means of combating heart disease are not cheap. This is why I have co-sponsored legislation in the past that will add more benefits to Medicare recipients, covering procedures such as cholesterol screening and medical nutrition therapy. I am looking forward to re-introducing the Medicare Wellness Act in the 108th Congress.

Even with the improved access to medical procedures and medicines, the American people still need to be educated on the issue of

cardiovascular disease and its prevention. The U.S. Surgeon General considers over 61 percent of the American public overweight. We must continue to stress the need for including a healthy diet and regular exercise into our daily living. Education will lead to increased prevention.

Healthcare will be an important issue facing Congress this year. We must continue to provide funding for preventative education programs in addition to funding for research to stop the number one killer of Americans this year—cardiovascular disease.

I will continue to work as Co-Chair of the Congressional Heart and Stroke Coalition in order to increase the awareness of strokes and heart disease among the Members of Congress and the Administration.

IMPROVING CALCULATION OF FEDERAL SUBSIDY RATE

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 11, 2003

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of S. 141, and to commend Chairman MANZULLO and Ranking Member VELÁZQUEZ for their leadership in bringing this much needed legislation to the floor.

Passage of S. 141 will be the first step in correcting the SBA lending problems plaguing our nation's small businesses. This measure encourages the Administration to use a 7(a) subsidy rate model that would more accurately reflect the true cost of the small business loan programs to the taxpayer. Specifically, it permits the Office of Management and Budget (OMB) and the Small Business Administration (SBA) to use a recently completed econometric model to calculate the credit subsidy rate for the 7(a) small business loan guarantee program.

Once enacted into law, this measure will allow SBA's flagship loan program to meet the borrowing demands of our nation's small businesses. Without this legislation, the program would limit 7(a) loans to less than $5 billion for FY 2003. Currently, the 7(a) program is operating at a very reduced capacity, with a loan size cap of $500,000, to avoid exceeding the program limitations. According to a recent GAO study, the current model has also resulted in overcharges or taxes of $1.5 billion over the last 10 years. By limiting the 7(a) guaranteed small business loan program, we are unnecessarily restricting capital for America's small businesses to expand and create jobs.

In 2002, this crucial program backed 51,666 loans worth over $12 billion to small firms nationwide. Last year, 21 different financial institutions in Rhode Island approved 932 7(a) loans for a total of over $75 million to Rhode Island's small business community. In fact, 7(a) loans make up nearly one-third of all long-term loans made to U.S. small businesses. This program is important to every small business in America and deserves our continued support.

Small businesses are the backbone of Rhode Island's economy and account for more than 98 percent of the jobs in the state. As a proud member of the Committee on Small Business, I have been extremely concerned about the ability of small businesses to start and grow in the current economic climate. Now more than ever, Congress must support the growth of America's small businesses and help stimulate the real engine of this nation's economy. For these reasons, I rise in strong support of passage of S. 141 and urge my colleagues to support it as well.

TRIBUTE TO LETTY L. CARPENTER

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. CARDIN. Mr. Speaker, I rise to honor the exemplary career of Letty L. Carpenter of Jefferson, Maryland, on the occasion of her retirement from the Centers for Medicaid & Medicaid Services (CMS) after 30 years of Federal service. At a time when the need for dedicated public service to our nation is more critical than ever, it gives me great pleasure to honor the commitment Letty has demonstrated to such service, particularly for the low-income and vulnerable populations served by the Medicaid program. Her commitment is even more impressive when you realize that Letty regularly has arisen at 4:00 am to make the long commute from her home in lovely, rural western Maryland to her position with CMS in Washington, DC.

Letty was born and raised in Chicago, Illinois. She received a B.A. in Political Science from the University of Illinois in Urbana, Illinois, and a Masters of Arts in Geography, as well as a Masters of Public Health from the University of Michigan, Ann Arbor. Letty entered Federal service as a volunteer and later a recruiter for the Peace Corps, serving from July 1965 to May 1968. As a volunteer in Senegal, she introduced aural-oral techniques of language instruction to local schools to replace traditional rote teaching methods, wrote instructional materials, and also participated in laying the groundwork for a maternal and child health outreach program through the local hospital. As a recruiter in the United States, she conducted advertising and advance work for the Peace Corps recruitment drives at 40 midwestern universities and colleges. From 1970 to 1974, she worked for the University of Michigan, first as a Community Coordinator then later as a Research Assistant.

Letty continued her Federal career in Washington, DC, in 1974 when she was selected for the Management Intern Program with the Department of Health and Human Services (then HEW). Through this program, she had several rotational assignments to different agencies throughout the Department. From 1977 to 1979, she was a program analyst in the Medical Services Administration of the Social and Rehabilitation Services agency in HEW.

Letty started in the Centers for Medicare & Medicaid Services (formerly the Health Care Financing Administration) in the Medicaid Bureau in January 1979 and has worked for CMS until the present time. She has worked in the Office of Legislation for the last 23 years, where she has played a critical role in the passage of legislation through her assistance to senior managers in HHS, OMB and the White House, as well as Members and staff of Congress and their support agencies.

During her tenure in CMS, Letty has served nine agency Administrators and ten Department Secretaries all of whom have recognized her contributions with numerous awards, including Administrator's Achievement Awards and the Secretary's Award for Distinguished Service.

Letty is recognized nationally, within and outside the government, as a renowned expert in the intricacies of Medicaid law, regulations and policies, particularly those related to the extremely complex area of Medicaid eligibility requirements. She possesses exceptional abilities to skillfully analyze complex situations, focus attention on the key issues, develop practical options to address them, and explain it all in clear, concise and understandable language.

Letty has also skillfully trained numerous current and former colleagues in the complexities of Medicaid policy and part of her legacy in CMS will continue through the knowledge she has imparted to the current employees of the Office of Legislation and other parts of the Agency. Many people call her from around the country, from Federal, State, and local government agencies, as well as the private sector, for assistance because of her expertise in the Medicaid program.

All of Letty's colleagues in CMS and HHS will sorely miss her knowledge, insight, and can-do attitude, as well as her encouragement and lively sense of humor. Letty always has taken her responsibilities to the low-income and other vulnerable beneficiaries of the Medicaid program very seriously, but not herself. I join her colleagues and friends in congratulating her on her impressive achievements and wishing her well as she retires from Federal service. We expect that she will continue to be a valued participant in many important issues, as well as an even more active member of the Jefferson, Maryland, community, where she and her husband, Jim, have long resided.

COMMEMORATING THE ONE-HUNDREDTH ANNIVERSARY OF THE SALT RIVER PROJECT

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. RENZI. Mr. Speaker, in the sun-soaked regions of Arizona, the most precious natural resource is not gold, nor is it silver. It is a priceless commodity, whose worth is not determined by its luster or quality, but by its volume and quantity. Even the world's most talented scientists are unable to replicate it, and it cannot be manufactured by machine.

It is water that sustains us and shapes our future to come. Without this gift of life, in the form of summer monsoon rain and high-mountain snowmelt, our lands would be uninhabitable and our lives impossible.

The Salt River Valley, which runs from eastern through central Arizona, is a main artery that carries within it the life-blood of the state. More than 2000 years ago, its lush banks were the home of the first people of Arizona, the Hohokam, who created an intricate network of irrigation canals that gave life to their communities.

Today, after countless natural cycles of alternating seasonal drought and flood, life, death and renewal, the early ingenuity of the Hohokam people lives on through the vision of the founders and 4,300 employees of the Salt River Project, the largest provider of surface water in Arizona and the nation's third-largest public power utility.

The Salt River Project began in 1903 when an association of landowners in the Phoenix area, frustrated by their inability to manage the water supply for their crops and cattle, incorporated their properties as collateral toward a federal loan under the National Reclamation Act. This community corporation led to the construction of the Theodore Roosevelt Dam, the largest structure of its day, and the foundation for a prosperous local economy and municipal infrastructure that was able to control the source and supply of its most valuable natural commodity.

In the century following this initial project, the focus and scope of the Salt River Project has grown to include a number of major power plants and generating facilities in Arizona and the Southwest that use thermal, hydroelectric and nuclear reaction for power production. Every day, Salt River Project's modern network of dams and power generating plants deliver water to more than one million residents and serve electricity to more than 780,000 customers at some of the lowest prices among major utilities in the Southwest, according to the Federal Energy Regulatory Commission. This attention to customer needs has earned Salt River Project accolades inside and outside of the energy and water industry.

As a result of the region's continuing capacity for development and efficient water management, census figures have shown Arizona's growth rate to be one of the fastest in the nation, with a 40 percent increase in population during the 1990's. The prosperity and quality of life that is presently enjoyed by every citizen of the great state of Arizona, is a testament to the vision of the founders of the Salt River Project and a legacy that has endured for the past one hundred years through the actions of its current and past employees.

Mr. Speaker, I rise today to congratulate the Salt River Project on the hundredth anniversary of its founding and to honor those individuals who have participated in bringing the precious gift of water to our desert environment.

IN RECOGNITION OF SOME EVERYDAY HEROES

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. FORBES. Mr. Speaker, I would like to take this opportunity to recognize four outstanding individuals who helped me resolve a matter involving one of the youngest constituents of the Fourth District of Virginia.

Jacquelyn Dominguez is the one year old daughter of a servicemember stationed at Ft. Lee. Jacquelyn was born with Cystic Hygroma on the right side of her neck. At the time of her birth, the cyst was diagnosed as ''free floating.'' Last September 2002, the Army flew the family to Walter Reed Hospital in Washington, DC, for Jacquelyn to be seen by a specialist. The specialist did several MRIs and determined that the cyst was growing inward on Jacquelyn's neck, cutting off her breathing. The best option for treatment on this tender child would be an experimental drug, Picibanil Sclerotherapy, also known as OK 432.

It is not standard procedure for medical health providers to provide for experimental procedures. It is certainly not standard for them to read, and reread, and reread the rules again until they can find an exception. These four individuals, who neither I nor my staff had ever met before the plight of this little girl, took on my cause and made a difference.

They helped me save this little girl's life. For that I, and Jacquelyn's active duty family will always be grateful. It is at this time that I would like to recognize Ms. Mary Dix, Vice President of the Uniformed Services University of Health Science (USUHS), Colonel Charles C. Partridge, the Legislative Counsel for the National Association for Uniformed Services (NAUS), Dr. Stephen K. Scroggs, Ph.D., the Vice President of Government Affairs at Sierra Military Health Services, and the most valuable player of this team, Ms. Christine Van Cleave, of TRICARE Management Activity—Aurora, Colorado.

Mr. Speaker, I ask that you join me, our colleagues, and Jacquelyn Dominguez' family in saluting these four outstanding Americans. Their willingness to help young Jacquelyn is the very embodiment of our country's spirit, and it is fitting that the House of Representatives honors them on this day.

TRIBUTE TO MS. OLA RICHBOURG

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. MILLER of Florida. Mr. Speaker I rise today to honor one of Florida's most cherished and dedicated citizens, whom over the course of her life has given an immeasurable amount of time and effort to the community that she has worked so hard to build. On February 15, 2003, the city of Laurel Hill will honor Ms. Ola Richbourg as its Citizen of the Year for 2003, recognizing her long and distinguished period of service to the Laurel Hill community.

Born on March 27, 1921 in the same wood frame home where she lives today, Ola is described by her peers as a lady that will go out of her way to help others. The daughter of John Franklin and Katie Haynes Richbourg, she learned the value of working for her community at an early age from her father who served three terms as a state representative, beginning in 1907. In 1977, she was appointed to the position of County Clerk of Laurel Hill and was subsequently elected, in 1979, to the City Council, where she remained for thirteen years.

Even more remarkable is her history of service to her country. Upon graduating from Laurel Hill High School in 1939 and attending a government-run school in Ocala where she learned shorthand and typing, Ola joined the United States Marine Corps on November 5, 1943, during the height of World War II. It was at a movie that Ola saw a commercial asking women to join the military in order to free up men to fight overseas. To Ola, it was an easy decision. She was simply doing whatever she could to help her country in a time of crisis, but her decision would have a profound impact on the future of our nation. It was her, and many other women's, choice to fight for her country, that would open up all kinds of new doors for women. Following World War II, Ola returned to Laurel Hill, believing she was done with military service. However, shortly thereafter, the Korean War broke out and she reenlisted without hesitation. Dedicating herself to the Marine Corps for nearly two decades, Ola retired as a Tech Sergeant in 1966.

Her strength and determination led her to fight for her country in one of the most important world conflicts of the 20th century and to personally win a battle against cancer of the larynx. Her smile is contagious and her heart as big as they come. She remembers how a nickel could once buy a big RC Cola and lots of candy and that fateful day when she learned where Pearl Harbor was, changing her life forever. It his her kindness and humility that have allowed her to do so much for so many during her life and I know she will continue to do so in the years to come.

Mr. Speaker, I would like to offer my sincere and heartfelt congratulations to Ms. Ola Richbourg as she receives this special recognition as Laurel Hill's Citizen of the Year. Her contributions to the citizens of Laurel Hill and the United States of America are significant and impressive and I consider her a patriot of the highest order. On this such occasion, we honor a great soldier, civil servant, and neighbor; one of America's greatest citizens.

EAGLES CELEBRATE 100TH ANNIVERSARY IN SCRANTON

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the 100th anniversary of the Fraternal Order of Eagles in Scranton, Pennsylvania. The Eagles Aerie No. 314 will celebrate this anniversary with a dinner-dance on February 22, 2003.

The Scranton Aerie began on Wyoming Avenue at a four-story building with two large concrete eagles at the top. The fourth floor was a magnificent dance hall; the third floor was used as a meeting hall by the Eagles as well as many local unions; and the second floor housed a social room with a wide, white marble staircase as its entrance. The first floor housed various businesses over the years. Throughout the early years, the Aerie had drill teams that performed in parades.

The 300 members of the Scranton Aerie are part of a national organization founded in 1898 that is now one million strong, with members in every state and parts of Canada as well. The Scranton Aerie moved to its present building in 1977 and takes pride in being the only fraternal organization with its own building in Scranton.

The Scranton Eagles are active with numerous charity projects, having donated several thousand dollars over the years, and with hosting state tournaments and conferences that bring hundreds of people to Scranton.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the

100th anniversary of the Fraternal Order of Eagles in Scranton as well as their dedication to serving the community, and I wish them all the best.

POSTAL CIVIL SERVICE RETIREMENT SYSTEM FUNDING REFORM ACT OF 2003

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. WAXMAN. Mr. Speaker, as the Ranking member of the House Committee on Government Reform, I join Chairman TOM DAVIS, Representative JOHN MCHUGH and Subcommittee Ranking member, Representative DANNY K. DAVIS, in introducing the ''Postal Civil Service Retirement System Funding Reform Act of 2003.''

The legislation we introduced today corrects the calculation of the Postal Service's contributions to its pension fund and provides immediate and needed financial relief to the Postal Service. It allows the Postal Service to reduce its debt and hold off on rate increases until at least 2006. It does this by crediting the Postal Service for the real value of contributions it made in the past and changing how contributions will be computed in the future.

This legislation is being introduced quickly because, without it, the Postal Service faces an increasing financial crisis. The Postal Service has suggested that, in the absence of such a change, a rate increase will be necessary within a year. While there is a need for action to be taken quickly, the issue requires more measured consideration than we are able to give it in this short time. That is why the bill includes a mechanism for Congress to revisit this issue. The bill requires the Postal Service to report on the ways in which the savings can best be used so that Congress can make an informed decision on such use. Given the many serious concerns about the Postal Service's future obligations, our legislation is only the first step in addressing much larger problems.

The legislation that we introduced today, however, is not perfect and we are still working on areas of disagreement. For instance, the bill requires the Postal Service to pay the pension costs associated with military service both before and after the change from the old Post Office Department to the new Postal Service. I do not believe this is a good idea; I am not convinced that the Postal Service, which is supposed to run like a private business, should be paying the costs of military service for employees in the Civil Service Retirement System. I am confident we will continue to be able to work together to resolve this important issue.

In closing, I want to commend Chairman DAVIS, Rep. MCHUGH, and Rep. DANNY DAVIS for their efforts in addressing this problem and for working in a bipartisan manner. The Postal Service faces many challenges and I look forward to working together on strengthening our nation's Postal Service.

FUEL CELL RESEARCH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to speak about promising technology that could help protect our environment and safeguard our national security. Given time and support, research into hydrogen-powered fuel cells could yield a reliable, clean source of power and curtail our dependence on foreign oil.

By chemically combining oxygen and hydrogen, fuel cells generate electricity up to three times more efficiently than any internal combustion engine. Hydrogen has the highest energy content of any known fuel, and hydrogen-powered fuel cells run almost silently while emitting no pollutants. An automobile powered by fuel cells would produce only water as waste. Furthermore, hydrogen could be used for far more than transportation. Hydrogen fuel cells could be used to power homes and offices, and even to replace batteries for computers, cell phones, and other appliances.

Fuel cells could not only serve as a clean and efficient energy source, but also as a way to limit our reliance on foreign oil. If we don't concentrate on viable alternatives to now, the United States is expected to import 68 percent of the oil it consumes by 2025. Should hydrogen-powered fuel cells fulfill their promise, we could drastically reduce that figure and ensure our independence in a way that keeps our environment protected.

Despite the great potential of this technology, there are significant obstacles to overcome. Usable hydrogen remains expensive to produce and difficult to store effectively. At present fuel cells can cost up to ten times more than conventional engines. There is important work to do in this field, and I am proud to say that there are over a dozen organizations in my home state of Texas hard at work on solutions. Often Texas is thought of as oil country, but our state has the opportunity to play a vital role in the development of viable alternatives.

As a ranking member of the Science Committee, I am very interested in any technology that could help keep our environment cleaner and our people more secure. I appreciate the opportunity to participate and look forward to ongoing involvement in this promising avenue of research.

INTRODUCTION OF THE SOCIAL SECURITY PROTECTION ACT OF 2003

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. SHAW. Mr. Speaker, today I am introducing the Social Security Protection Act of 2003 to provide the Social Security Administration with the additional tools they need to fight activities that drain resources from Social Security and undermine the financial security of beneficiaries.

Many Social Security and Supplemental Security Income beneficiaries have individuals or organizations called ''representative payees'' appointed by the Social Security Administration to help manage their financial affairs when they are not capable. At present nearly 8 million beneficiaries entrust their financial arrangements to 'rep payees'. Representative payees safeguard income and make sure expenditures are made for the beneficiary's good. While most are conscientious and honest, some are not.

Despite current precautions, abuse continues. For example, the Social Security Administration Office of Inspector General investigated one case in which an organization serving as representative payee to several hundred beneficiaries inappropriately charged those beneficiaries over $100,000 in fees, which were paid for almost entirely using their benefits. In addition, this representative payee continued to receive and accept beneficiaries' checks without notifying the SSA when beneficiaries left the organization's care or were missing.

The Inspector General reported that between January 1997 and December 1999, Social Security identified over 2,400 representative payees who misused approximately $12 million in benefits entrusted to their management. This bill raises the standards for persons and organizations serving as representative payees and imposes stricter regulation and monetary penalties on those who mismanage benefits entrusted to their care.

This bill also picks up where previous legislation ended in stopping benefit payments to those who have committed crimes. In 1996, Congress passed provisions denying Supplemental Security Income benefits to persons fleeing to avoid prosecution or confinement. However, these fugitive felons can still receive Social Security benefits, and the Congressional Budget Office estimates we will pay over $500 million to them over the next 10 years directly out of the Social Security trust funds. This is not right, and this legislation denies the money to those fleeing justice.

My legislation also provides tools to further safeguard Social Security programs, help shield Social Security employees from harm while conducting their duties, expand the Inspector General's ability to stop perpetrators of fraud through new civil monetary penalties, and prevent persons from misrepresenting themselves as they provide Social Security-related services.

My legislation not only prevents fraud and protects the Social Security programs, it also helps those who are legitimately seeking to receive benefits by improving the attorney fee withholding process. This bill caps the current attorney fee assessment and extends fee withholding to Supplemental Security Income claims, enabling more individuals with disabilities to receive needed help navigating a complex application process for benefits.

And finally, this legislation continues the great work of the Ticket to Work and Work Incentives Improvement Act, helping individuals with disabilities to return to work and independence when they are able.

Protecting Social Security programs is a key responsibility of the agency and of Congress. Taxpayers must be confident that their hard-earned payroll dollars are being spent accurately and wisely, and in the best interest of beneficiaries. That is why the 107th Congress's version of this bill, the Social Security Program Protection Act of 2002 (H.R.

4070), passed the House with overwhelming bipartisan support, 425–0. This bill is the culmination of bipartisan effort, as well as the cooperation and support of the Social Security Administration and the Office of Inspector General. The legislation also benefited from prior feedback by advocacy groups and law enforcement agencies. Last, but certainly not least, this bill results in a small amount of savings for both the Social Security trust funds and general revenues.

I urge all Members to cosponsor this important legislation and look forward to bringing this bill to the floor as quickly as possible.

INTRODUCTION OF LEGISLATION PROVIDING IMPROVEMENTS TO SOCIAL SECURITY PROGRAM

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. MATSUI. Mr. Speaker, I pleased today to join with Congressman Clay Shaw, the Chairman of the Subcommittee on Social Security, to introduce legislation to make important improvements in the Social Security program. These improvements would better protect vulnerable beneficiaries who cannot manage their own benefits; expand access to professional representation for disability claimants; and reduce the vulnerability of the program to fraud and abuse. The bill is very similar to H.R. 4070, which was adopted unanimously in the House last year. Unfortunately, even though the bill later passed the Senate with some minor changes, the House did not take it up again before the 107th Congress adjourned.

This bill was developed as a result of hearings our Subcommittee has held over the past several years, recommendations from the Social Security Administration and its Inspector General, and the concerns of beneficiaries and their representatives. It makes the following changes:

Representative Payees: Some Social Security and Supplemental Security Income (SSI) beneficiaries are unable to handle their own benefits, because they are too young, too frail, or otherwise unable to manage their own funds. In such cases, SSA appoints a ''representative payee'' to manage their benefits. The payee can be a family member or other individual, or an organization. The bill makes improvements in the representative payee system to prevent misuse of beneficiary funds by payees, to increase oversight of payees, and to expand the ability of SSA to repay benefits which are misused by a payee.

Attorney Fees: The bill extends SSA's fee-withholding system to attorneys who represent SSI claimants, so that they could be paid directly by SSA out of the past-due SSI benefits. In this way, more individuals would be able to gain access to professional representation in pursuing their claim. It also caps the user fee that SSA charges for processing attorney payments at $75.

Program Protections: The bill increases penalties for misrepresenting facts relating to benefit eligibility; denies Social Security benefits to fugitive felons and those in violation of parole or probation; requires companies that offer for a fee services that SSA provides for free to say so in their solicitations; and makes other changes requested by the Office of Inspector General to prevent fraud and abuse.

The bill also makes other miscellaneous, technical and conforming changes to the Social Security Act.

I want to especially highlight the importance of the attorney-fee changes. Professional representation is a valuable—and indeed vital—service. The disability determination process is complex. Claimants without professional legal representation appear to be far less likely to receive the benefits to which they are entitled. For example, among claimants represented by an attorney, 63.6 percent were awarded benefits at the hearing level in 2000. In contrast, only 40.1 percent of those without an attorney were awarded benefits.

Under current law, when an attorney successfully represents a Social Security disability claimant and that claimant is entitled to past-due benefits, SSA retains a portion of those past-due benefits in order to pay the attorney for the services he or she provided. This system of direct-payment, which is only available to attorneys representing applicants for Social Security disability insurance benefits, helps to promote access to representation by assuring that attorneys receive payment for their services while protecting beneficiaries by capping allowed fees.

The bill makes two important changes to the attorney fee system. First, it extends the direct-payment system to attorneys representing claimants for SSI. Without direct fee payment, SSI claimants are often unable to obtain needed legal representation, as there is no way for attorneys to be assured of payment for their services. Such claimants are often particularly in need of professional assistance, as they have no other sources of income to fall back on should their claim for disability be wrongly denied.

Second, the bill caps the processing fee deducted from the attorney's payment at $75. Since the adoption of the processing fee in the Ticket to Work and Work Incentives Improvement Act of 1999 (P.L. 106–170), our Subcommittee has conducted two hearings on the long delays involved in paying attorney fees. We have had some success in speeding up payment, but there remains much room for improvement. It is only fair to cap the processing fee if SSA cannot assure timely payment of fees. Hopefully, this cap, in combination with the other provisions of the bill, will also mitigate the loss of experienced representatives from the disability bar, who have been forced to close their practices as a result of delays in fee payments and the imposition of the processing fee.

In closing, I look forward to working with Chairman Shaw on this piece of legislation in the same bipartisan manner that characterized our successful efforts on the Work Incentives Improvement Act, the repeal of the retirement earnings test, and our ongoing efforts to protect the security and privacy of Social Security numbers. With this sort of collaboration, I am certain that we can pass this bill as well.

HONORING PHYLLIS SHAPIRO SEWELL AS A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. PORTMAN. Mr. Speaker, I rise today to honor Phyllis Shapiro Sewell, who will be formally honored on February 26, 2003 by the Greater Cincinnati Chamber of Commerce as a Great Living Cincinnatian. The recipients of this prestigious award are selected on the basis of special professional achievement; an awareness of the needs of others; leadership; and distinctive accomplishments.

Bright and well educated, Phyllis graduated from Wellesley College with honors in economics in 1952. She often says she found her first job by perusing the newspaper classified advertisements under ''Help Wanted—Female.'' She could not have imagined then her impact as a pioneer in women's rights in the workplace. As a junior analyst with Federated Department Stores, Phyllis' hard work and dedication set her apart as she began her ascent up the corporate ladder. By the time she was 28, she had been promoted to research director. She spent her entire career at Federated, an $11 billion corporation operating department stores, discount stores and supermarkets. Phyllis' responsibilities centered on corporate and divisional strategic plans; studies of consumer attitudes and buying habits; and development of effective and information systems.

After retiring from Federated as a senior vice president, Phyllis had a second career serving on several major corporate boards, including Pitney Bowes Inc.; U.S. Shoe Corporation; Lee Enterprises, Inc.; Sysco Corporation; and Huffy Corporation.

Phyllis was named to Business Week's list of top 100 corporate women and to Industry Week's list of top 85 executives. She received Wellesley College's Alumnae Achievement Award in 1979 and was inducted into the Ohio Women's Hall of Fame in 1982.

Devoted to her family, Phyllis is married to Martin Sewell, and they have a son, Charles. Phyllis has also given her talents to the boards of the Cincinnati Jewish Federation; Jewish Foundation of Cincinnati; and United Way.

All of us in Cincinnati thank Phyllis for her service to our commnunity, and congratulate her for being named a Great Living Cincinnatian.

TRIBUTE TO VAL ALVARADO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to Valentino Alvarado of Montrose, Colorado. Val served in the United States Navy for over 23 years and is a veteran of three American wars. Val had been in the Navy less than a year when his ship, the USS Maryland, was hit during the Japanese attack on Pearl Harbor on December 7, 1941. Today, I would like

to pay tribute to Val's life and contributions before this body of Congress and this nation.

Val joined the Navy when he was still in his senior year at Montrose High School. At age 17, Val dropped out of high school and went to boot camp in San Diego. After basic training, he was assigned to the USS Maryland, serving as a mess cook stationed in Pearl Harbor. On the morning of the attack, two Japanese torpedoes hit the bow and stern of his ship, causing many casualties to the crew. Miraculously, Val was able to escape the attack unharmed and soon reported to a new ship preparing for war.

After World War II, Val continued to serve his country through both the Korean and the Vietnam Wars. Between wars, Val made a living as a professional boxer and won the military bantam weight boxing title. After serving in the military for 23 years, Val retired and went into law enforcement. He was the first Hispanic officer ever to serve in the Montrose Police Department. He also enrolled at Colorado University, where Val received his bachelor's degree. Today, Val lives at home in Montrose and serves as a role model and mentor to his two grandchildren, who he also wants to see graduate from college.

Mr. Speaker, it is with earnest respect that I recognize Valentino Alvarado of Montrose, Colorado before this body of Congress and this nation. Throughout his life, Val has served his country with the honor, distinction, and integrity that we, as Americans, have come to respect from our nation's military. His courage is a testimony to his character, and it is an honor to represent such an outstanding American in this Congress.

TRIBUTE TO JESSICA WEHLING

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. McINNIS. Mr. Speaker, it is with great enthusiasm that I recognize Jessica Wehling of Grand Junction, Colorado. Last December, Jessica received the highest award for a Junior Girl Scout, the Gold Award. Today, I would like to pay tribute to Jessica's commitment and accomplishments before this body of Congress and this nation.

Jessica Wehling has served her community and her country in many ways as a Girl Scout. She began her career as a Daisy Girl Scout, where she first learned the values of discipline, commitment, and goodwill that have become her hallmark. As an example of her ingenuity, when Jessica's car was hit by a truck in the Fruita Monument High School parking lot she began brainstorming parking alternatives to prevent future accidents at the school.

Through her efforts, Jessica was able to redesign the parking lot to add more spaces, a drop off area, and make it more driver friendly. Jessica also came up with an incentive program that gave preferred parking spots to students who carpooled to school. Her project displayed a great deal of ingenuity and initiative. Fruita Monument High School has now redesigned the parking lot and plans to begin Jessica's carpool incentive program in January.

Mr. Speaker, it is with great pride that I recognize the contributions of Jessica Wehling of Grand Junction, Colorado before this body of Congress and this nation. Jessica's hard work and determination serves as an inspiration to us all, and it is an honor to represent such an outstanding American in this Congress. I look forward to witnessing Jessica's future accomplishments and wish her all the best. Keep up the good work.

IN HONOR OF MURIEL SEABROOK

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Mrs. Muriel Seabrook for serving the children and families of Jersey City. Upon her retirement, she was honored at Casino in the Park in Jersey City, New Jersey, on December 7, 2002.

Mrs. Seabrook began working as a parish social worker for the Trinity Lutheran Church in Jersey City, and became a caseworker for the Hudson County Welfare Board. In 1966, she began her 37 years of devoted service with the Jersey City Child Development Centers, Inc., ''Project Head Start''. Through her hard work and dedication, she rose to the position of assistant director in 1979. For her exceptional work, the National Head Start Association honored her as the 1999 Administrator of the Year.

She has further contributed to the community through her involvement in a variety of organizations, including: the Hudson County-New Jersey Child Placement Review Board, as chairperson; the National Review Panel for the Office of Human Development Services; and the Comprehensive Program Review Team, as an ACYF peer reviewer. In addition, she has been an organist and choir director in parishes throughout Minnesota and New Jersey for over 40 years.

Mrs. Seabrook graduated from St. Olaf College with a degree in Sociology. She is a devoted wife, mother, and grandmother.

Today, I ask my colleagues to join me in honoring Mrs. Muriel Seabrook for her selfless devotion to making Jersey City a better place for our children and our families.

TRIBUTE TO LYMAN THOMAS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay tribute to the life of Lyman Thomas, who sadly passed away recently at the age of 76. Lyman was a pillar of the Montrose community and, as his family mourns his loss, I think it is appropriate that we remember his life and celebrate the work he did on behalf of others.

Lyman was born to Charles and Beulah Thomas on March 22, 1926. At the age of nine, Thomas suffered the loss of his father. As a member of what has been called the ''greatest generation,'' Lyman's life exemplifies the dedication to others embodied by many from that era. In 1944, Lyman joined the Air Force in order to serve his country during WWII. Upon leaving the service, Lyman attended Colorado A&M (now CSU) and within a year was able to pursue a career in aviation. In June of 1948 Lyman married Lila Whitley with whom he raised two children: Lyman Jr., who sadly passed away in 1983, and daughter Lennette.

Lyman began his career with Monarch (Frontier) Airlines, eventually moving over to Delta, where his ability and dedication allowed him to assume a managerial position in the Delta Chamber of Commerce. It was while he held this position that Lyman and fourteen others founded Club 20, designed to unify the voices of over 20 counties, earning it the nickname the ''Voice of the Western Slope.'' It was Lyman's passion for his community that caught the eye of two governors of Colorado. Lyman was appointed to the Parks and Recreation Board and later, due to the efforts of Club 20, to the committee charged with selecting a location for Interstate Highway 70. In 1953 most roads connecting Western Slope towns were dirt or gravel. It was Lyman's efforts on this committee, and the important contributions of Club 20, that were instrumental in the paving of local roads.

Mr. Speaker, it is my honor to pay tribute to the life of Lyman Thomas, a man whose character and impact on others is evident in the lives of all who have crossed his path. It is with admiration, respect and a sense of sadness that I recount Lyman's 76 years of life before this body of Congress. Although Lyman has left us, his good-natured spirit lives on through the lives of those he has touched. I would like to extend my thoughts and deepest sympathies to Lyman's family and friends during this difficult time.

TRIBUTE TO JOSEPH PADDILLA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize Mr. Joseph Paddilla of Denver, Colorado. Mr. Padilla's efforts have helped countless members of the Colorado community. Through his construction work, Joe has made a difference in the lives of others.

Joe began his career in construction while still in high school, helping his father to build and remodel kitchens. Following high school, he attended the University of Florida. In 1982, Joe started his own business, Town & Country Kitchens, designing and manufacturing custom kitchens. In his role as owner, Joe was a pioneer in the construction of handicapped accessible kitchens even before building codes had mandated their construction. It was for this kind of forward thinking that Mr. Paddilla was awarded the Mayor's Award for Outstanding Contribution to the Disabled Community in 1983.

Mr. Paddilla's efforts to help the handicapped community have been innumerable. On behalf of Police Officer Toby Bethel, who was injured in the line of duty, Joe was instrumental in designing and financing a kitchen

that Officer Bethel could use. Joe worked diligently with the Denver Home Builders Foundation to assist Officer Bethel. I would like personally to thank Mr. Paddilla for all of his hard work on this project. He and his company have also designed and built a $1.5 million, state-of-the-art home as a donation to Cherish the Children, an organization that provides educational assistance to children. He is currently the president and chairman of the Costuyendo Education Network, a program that educates minority and immigrant construction workers through bilingual education, teaching them how to start their own businesses in Colorado. Mr. Paddilla has helped his community in many ways, and continues with his active involvement in various philanthropic organizations.

Mr. Speaker, it is with great respect that I recognize Mr. Joseph Paddilla before this body of Congress and this nation. Through his efforts to help his community, Mr. Paddilla has served others in an exceptional manner, and I feel honored to have the opportunity to pay tribute to him.

IN HONOR OF ALEX ANTÓN'S AND ROGER E. HERNÁNDEZ'S PUBLICATION, CUBANS IN AMERICA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the publication of Cubans in America: A Vibrant History of a People in Exile, by Roger E. Hernández, and Alex Antón. A documentary of four centuries of Cubans living and thriving in America, the book follows the history of Cubans in America from the 16th century, with the settlement of St. Augustine, to the present day.

Mr. Roger E. Hernández, a nationally syndicated columnist writing on Hispanic-American issues, along with Alex Antón, published Cubans in America in May of 2002.

Mr. Hernández writes for a weekly op-ed column distributed by King Features Syndicate to some 40 daily newspapers across the nation. He also writes articles for other newspapers and magazines, is a frequent guest on televisions and radio political talk shows, travels the country delivering lectures, and wrote several books that make up part of a series about South America for 4th through 6th grade students.

Mr. Hernández left Cuba with his parents at the age of nine. He quickly established himself in the United States and earned a BA in Journalism at Rutgers University in 1977. Currently, he lives with his wife and two children in Boonton, New Jersey.

Today, I ask my colleagues to join me in honoring Roger E. Hernández and Alex Antón for the publication of Cubans in America: A Vibrant History of a People in Exile. I commend these authors for celebrating the importance and influence of Cubans in our Nation.

TRIBUTE TO RUSSELL D. SERZEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. McINNIS. Mr. Speaker, it is with honor that I recognize Mr. Russell D. Serzen of Durango, Colorado. Russell was a man of absolute integrity and strength. His conviction and dedication to Fort Lewis College's Community Concert Hall was a great asset, and yielded great benefits to his community. At this time, I would like to pay tribute to Russell's life and accomplishments.

Mr. Serzen was born in Chicago, in 1933. He attended the University of Illinois, where he played hockey and baseball. He was named Most-Valuable-Player in baseball in 1954, and that same year he signed a contract with the New York Yankees. His baseball career was cut short in 1956, as he entered the Army. He was the first baseball player to be introduced into the University of Illinois's Hall of Fame. On September 19, 1950, Russell married Elizabeth Hanson. The two were blessed with three children. During his youth, Mr. Serzen was a medical supply salesman and a founding member of the Institute for Orthopaedic Enlightenment.

In 1989, Mr. Sezen retired to Durango, Colorado. Once he was there, he became a strong supporter of Fort Lewis College's Community Concert Hall. He was always doing something to promote the community's interest in the Concert Hall, from organizing pledge drives to helping with the program planning. While living in Durango, his passions included jazz and handball. It was this passion for jazz that lead him to become so involved with the Community Concert Hall. Through his many efforts, Fort Lewis College's Community Concert Hall has grown in strength and in renown.

Mr. Speaker, it is with great pride that I recognize Mr. Russell D. Serzen before this body of Congress and this nation. His advocacy for the Performing Arts in Western Colorado has helped establish a strong tradition of music and its appreciation. His memory will live on in the lives of his family, his friends, and the many people who were touched by his life.

TRIBUTE TO POSADA AGENCY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize the Posada Agency of Pueblo, Colorado for their outstanding commitment to Southern Colorado's homeless citizens. Recently, the Posada Agency held an open house celebrating the opening of the newly remodeled Elko Motel. The Posada Agency renovated the building to provide a safe living area for Pueblo's homeless families. Today I would like to pay tribute to their service before this body of Congress and this nation.

The Posada Agency for the homeless is a non-profit organization that provides for the immediate needs of the homeless while simultaneously working to overcome the problems that have led to their homelessness. The agency incorporates the services of many philanthropic groups, government agencies, and nonprofit organizations to provide the resources necessary for the fight against homelessness. Through their transitional housing and employment assistance programs, Posada has been able to serve over 37,000 homeless in Southern Colorado.

The Elko Motel was purchased by the Posada Agency two years ago with financial contributions from the El Pomar foundation and the David and Lucile Packard Foundation. Since then, the Posada Agency has been completely renovated. Today, the hotel has new plumbing, wiring, and carpeting, providing a structured and safe environment for Pueblo's homeless families.

Mr. Speaker, it is with earnest respect that I recognize the Posada Agency for the homeless before this body of Congress and this nation. I would like to commend all the men and women of the agency for their tireless commitment to such a noble endeavor. Through their dedication and goodwill, the Posada Agency has been able to help countless numbers of homeless get back on their feet, and it is an honor to represent such an outstanding group of Americans in this Congress.

IN HONOR OF NORTH HUDSON REGIONAL FIRE AND RESCUE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. MENENDEZ. Mr. Speaker, I rise today to honor North Hudson Regional Fire and Rescue (NHRFR) and its outstanding professional firefighters and rescue personnel who are the pride of the five northern New Jersey communities that they serve with such great distinction—Union City, Weehawken, North Bergen, West New York and Guttenberg.

In the aftermath of the 9/11 terrorist attacks on the World Trade Center and the Pentagon, there is renewed national appreciation and respect for the heroic men and women who put their lives at risk in the line of duty every day in every American community. These are truly the heroes in our midst, each and every one an authentic profile in courage. I share the pride of my fellow Hudson County citizens in the outstanding performance of NHRFR fire and rescue personnel in support of their NYFD and NJ-based colleagues on 9/11, and each and every day preceding and following that horrific tragedy.

Prior to my Congressional service, I had the privilege of being the mayor of Union City, New Jersey. As a mayor, I learned a lot about what it takes, in terms of money, management and leadership capability, and training time to develop and maintain a fire and rescue fire-responder team that is prepared and equipped to handle every conceivable emergency situation in a community. I am grateful to have had that experience, because I gained a great deal of understanding and insight about what we, as a nation, must now do to ensure that our fire and rescue first responders have the tools and the training to meet the growing demands and dangers of their public safety mission.

Since 9/11, the mission of our local fire and rescue first responders has expanded exponentially, and is now elevated to the level of

a national defense imperative. With the ominous continuing threat of more terrorist attacks on American soil, our local fire and rescue teams face a daunting array of new and highly-dangerous emergency response conditions, ranging from ''conventional'' bomb attacks on buildings, aircraft and public transportation systems, to attacks involving ''dirty'' nuclear bombs, lethal chemicals and biological warfare materials.

Regrettably, the President's words about providing resources for first responders have not yet been matched with funding that our local fire and rescue teams desperately need for upgraded equipment and specialized training to meet the growing challenge of post-9/11 terrorist attack scenarios. I have publicly urged Homeland Security Secretary Tom Ridge to release critical funding for our nation's first responders. The President's words of praise for fire-fighters and rescue personnel at the World Trade Center disaster site included his promise to deliver major funding for first responders. This Presidential promise must be kept, because failure to do so imperils the safety of the American public, and endangers the very lives of the heroic men and women whose job it is to run toward the danger and help to save their fellow human beings.

Specialized training for our local fire and rescue first responders is a key area where there is a critical need for additional federal funding. In order to underscore the importance of good training, I would like to share with my colleagues an article about North Hudson Regional Fire and Rescue that appeared in the December, 2002 edition of Fire Engineering. I commend this article about NHRFR to my colleagues, because it will provide them with a ''window'' through which to view all of the complexities involved in planning and managing technical rope rescues. Though the NHRFR team might regard this operation as ''just another day at the office'', the techniques employed in their dramatic rescue of a man who had fallen 100 feet off the Palisades cliffs should conjure up images in the minds of my colleagues about the application of these highly specialized technical skills in disaster site settings.

I also want to extend my congratulations to North Hudson Regional Fire and Rescue for its achievement as the winner of the New Jersey State League of Municipalities 2002 Innovation in Governance Award for its exemplary Quantitative Safety Project. NHRFR's achievement has been further recognized by the National League of Cities, which has added NHRFR's project information to the NLC national research database of ''best practices'' models.

Mr. Speaker, I ask consent to include the text of the December 2, 2002 Fire Engineering article about North Hudson Regional Fire and Rescue with my remarks in the CONGRESSIONAL RECORD.

[From Fire Engineering, Dec. 2002]

PLANNING AND MANAGING TECHNICAL ROPE RESCUES

(By Anthony Avillo)

On October 11, 2002, North Hudson (NJ) Regional Fire & Rescue responded to the Palisades cliffs for a reported injured man. The victim was discovered approximately 100 feet below Boulevard East in Weehawken, New Jersey. Rescuers successfully removed him from the cliffs and transported him to a local hospital, where he was treated for injuries suffered in the fall and for hypothermia (see photos and cover photo).

Successful technical rope rescues (TRRs) do not just happen. Successful rope and rigging operations are the end product of a program approach based on planning, preplanning, practice, and implementation.

There are three priorities to address whenever operating at a technical rescue:

Priority 1: Safety of operating personnel (Command's overriding concern).

Priority 2: Stabilization of the victim medically and of possible incident complications.

Priority 3: Victim removal.

KEYS TO SUCCESS

For a positive outcome, you must consider the following points:

Preplanning. A large percentage of TRR decisions lend themselves to preplanning. The ''we'll figure it out on the mountain'' school of thought is a failure-rich mindset. When preplanning, consider tactics, strategies, and action paths. Preplanning clears the screen for the rescue commander and allows him to focus on unique aspects and variables of the particular incident. TRRs require rapid, on-site decisions and tactics. This task can consume command energy and divert attention away from other command and control goals. If you preplan system construction, apparatus placement (anchor points), and on-line and in-system personnel assignments, the IC and rescue personnel will arrive on-scene with a continuum of predeterminations and are more able to respond to the variables.

Training and technical skills. North Hudson Regional performs three or four of these rescues a year, and each presents its own set of challenges. Improvisation is often the name of the game to be successful. Remember, however, that only through mastery of the technical skills and equipment required to conduct a technical rope rescue is safe improvisation possible. To be able to safely improvise at the scene takes countless hours of training and extreme familiarity with the equipment.

At times, it may be necessary—based on staffing and the demands of the rescue—to teach simple rescue techniques such as belay line on the spot as the incident is unfolding. This still requires initial personnel with technical skills.

Preassigned positioning of the rescue team. Successfully conducting this type of operation requires developing an organization prior to the incident. Training on rigging construction and rope and knot skills is essential, but you also must focus on preassignment of incident positions and responsibilities. Address span-of-control issues and key operating positions, and spell out responsibilities and duties in standard operating procedures. Preassign primary and backup personnel for all on-line and rigging positions. It is a good idea to have at least one member of each on-line team trained to at least the first responder or EMT level so that you can perform an immediate victim assessment when you reach the victim. Also preassign Command positions such as rescue group leader, hauling boss (that member assigned to run the actual hauling/lowering operation), rigging master (the member assigned to oversee all anchoring and rigging operations), hot zone safety officer, and other support positions. Continuous cross-training of personnel will increase organizational and operational flexibility and thus effectiveness.

Apparatus positioning. You get only one chance to position properly at this type of incident. Officers should stage apparatus for optimal tactical flexibility. Congesting the scene, especially in a remote area where many of these rescues take place, will only complicate the problem. Aerial apparatus should get the key positions, as the device will likely be used as a gin pole from which to lower personnel and hoist victims. Again, preplan. Companies responding without aerial capability must not drive into the middle of the operational zone.

Foremost in the minds of the IC and the first-arriving officers is the availability of anchor points. These should be ''bombproof,'' or immovable. Common anchor points include apparatus, trees, telephone poles, and solidly anchored fences. In apparatus-unfriendly areas, big trees or big rocks have been used. Leave a clear path between anchor points, hauling/lowering devices, and the target zone.

Command and control. Strong command and control are integral to safe, organized, and coordinated rescue operations. The key to this organization is decentralization of the rescue ground. If this can be resolved prior to an incident, the less the IC has to think about in regard to how to break down the operational area and to whom to assign these responsibilities.

Predesignation of rescue personnel coupled with an effective SOP that is both adhered to and enforced is the first step in this organizational process. One of the most crucial positions assigned is the Operations Section chief, who will act as a buffer between the IC and the rescue operation, freeing the IC to attend to other issues pertinent to the incident, while not directly participating in the operation itself.

Control of the scene by designating operational zones is the next step in the command and control process. Address scene and perimeter control in SOPs, similar to establishing haz-mat control zones. Control zones are as follows:

Target zone: The area where the victim is located. Keep the number of target zone personnel to a bare minimum, usually two rescuers. This is the most dangerous area on the rescue ground, usually the last zone established and the first terminated. A major focus of Command should be to minimize operational time in the target zone. It is essential that, whatever number of rescuers are on-line, there be an equal number of rescuers (basically a rescue rapid intervention team) properly geared up and ready to go should something go wrong in the target zone.

Hot zone: The main area where technical rescue operations (rope systems and rigging) take place. Participation in the hot zone should be by ''invitation only'' and be limited to those personnel whose duties and responsibilities are directly related to the safe setup, operation, and breakdown of rescue systems. The rescue group leader, hot zone safety officer, hauling boss, rigging master, and rescue group support personnel are located in the hot zone.

Warm zone: The area where support of the technical rescue operation is attended to. The Operations Section chief is generally located in this area. He should liaison with the hot zone safety officer and rescue group leader and reinforce and support the hot zone activities as required. He will also keep Command informed and updated on incident progress. Generally, if the incident is going smoothly, the Operations Section chief remains in the warm zone. He only moves if the need arises. The incident safety officer, whose duty is to monitor overall scene safety, is generally located in the warm zone but may spend some time in the other zones as the situation dictates. Also initially located in the warm zone are those personnel who will support the operation and work in the hot zone once the rescue system is assembled. They are essentially hauling personnel,

who are best kept a safe distance from the main setup area until the hauling/lowering is ready to proceed.

Cold zone: This is the area where incident support operations are directed to both the internal rescue operation and external activities required to coordinate and bring the incident under control. The Command Post is located in this area, providing direction and overall control of the incident. An accountability officer and entry control point supervisor should also be located in this area. In addition, firefighter rehab and EMS are located in the cold zone, as are personnel assigned as tactical reserve.

Public zone: This area is for such extrinsic activities as public information. The department's public information officer should establish a press area. Uncommitted apparatus staging should also be located in this zone. Perimeter and scene control is nothing new to the fire service, but it is a critical and often overlooked portion of the technical rescue operation.

Victim/target zone access and stabilization. The main priority of the entire operation must be the victim and where he is located (the target zone). The rescue group leader must determine the safest, most effective path for rescuers to reach the victim.

Assess target zone terrain. Ask yourself, What hazards are present? Is it dark? Is a steep slope involved? Is there a frictionless footing hazard such as wet or icy terrain? Are there anchor points in the target zone that can be used as temporary tie-offs for rescuers? What special equipment will be required to work in the target zone, and what is the best way to get it there? Utility umbilicals should be built into all rescue systems to ferry equipment and supplies to the target zone. Lifelines should NOT be used for this purpose.

Then, assess the victim: Can you even see the victim? Is there more than one victim? Can a thermal imaging camera help? What is the probable medical profile of the victim(s)? You must try to improve victim comfort as soon as possible. This may include conducting a medical assessment in the target zone, providing blankets to keep body heat from being lost, and administering fluids and possibly intravenous medication prior to removal. The rescue group leader must keep the victim's comfort in mind as the incident unfolds. Sometimes, so much is going on topside that the victim's needs take a backseat. Remember, the entire complex operation stems from the victim's predicament.

EMS considerations. EMS will play a large part in this type of rescue, from administering to the victim to medical monitoring of rescue personnel. As with any other agency, determine the scope of EMS personnel's participation, roles, and responsibilities in advance. Assign an EMS group supervisor, preferably prior to the incident. The bulk of the EMS responders should remain in the cold zone, with unobstructed access into and out of the operational area. A skeleton crew of EMS personnel with equipment should stand by in the warm zone until the victim has been packaged and is being removed from the target zone. EMS personnel should be in a safe area (you can call this area the victim landing zone) where they can have immediate access to the victim when he is brought safely topside.

Unassigned personnel/staffing considerations. To conduct technical rope rescues safely and properly requires much staffing. Command must ensure that a tactical reserve is on-scene as soon as possible. A good rule of thumb to follow is to double the number of personnel you think you will need. To maintain proper control over incoming personnel, establish strict staging and non-assigned personnel policies. Additional personnel should report to the command post for assignment. This requires a gatekeeper position similar to the lobby control officer in a high-rise operation. Establish a gatekeeper position at each zone to keep track of who passes in and out.

From the command post, assign staffing as per the requirements set forth by the operational zones. As stated, personnel will be required for the bull work, the working of rescue and belay lines. These personnel are not usually essential to the rigging operation, so stage them in the warm zone. When they are needed, conduct a briefing outlining their hot zone duties. In the hot zone, brief them again prior to operation.

You will need other personnel for equipment and stretcher shuttles, lighting, and other support operations not directly involved in the rescue but essential to the operation. Remember, too, that other odd jobs will always pop up. The work of support personnel keeps the operation moving in the proper direction.

Communications. Communications during large-scale incidents can be a nightmare if you do not properly control and predetermine them before the incident. The rescue team (on-line), the rescue group leader, and the hot zone safety officer at a minimum should operate on a rescue frequency (basically the fireground frequency) while the Operations Section chief and the IC maintain a Command frequency. Aides can be used to monitor the rescue frequency.

Although many of the communications will be face-to-face, also establish a hand signal communication system—especially for the member operating the aerial device. From the turntable, it may be difficult to hear the commands of someone guiding the device over the target zone.

Establish communication with the victim as soon as possible. Make every effort to put him at ease. Explain to the victim that he should not risk further injury by trying to respond to conversation or attempting to help the rescuers in the rescue operation. Also explain to the victim what is taking place and how the rescue will unfold. Establishing confidence and trust will greatly assist in the transition (vertical trip) from the target zone to the hot zone.

Safety. Safety must be the IC's overriding concern at all times. He must have zero tolerance for firefighter injury and must communicate this attitude through strong command and control.

A predesignated hot zone safety officer must oversee the operation in the hot zone and monitor and advise on activities in the target zone. He must have the technical skills and training of the other members operating in the hot and target zones. An overall incident safety officer should monitor hazards in the other designated operational zones. Safety should permeate the entire rescue ground.

Aerial devices must be rated for rope operations. Light-duty ladders rated for 250 pounds at the tip are not acceptable. Aerials should be rated for at least 500 pounds at the tip. Platforms may be well-suited if they have an adequate tip load to handle such rescues. Use aerial devices as gin poles only. While rotation of the devices is acceptable and will be necessary, using the devices for raising and lowering a load is not advised. This should be done only by manipulation of the rope systems.

All rope systems for rigging and on-line operations should be redundant—no member should operate with fewer than two ropes attached to him. The same is true for any victims moved on-line in litters.

Use utility tag lines on all equipment lowered and raised. This will eliminate unwanted equipment movement and help steer it in the right direction.

Another safety consideration is proper lighting of the target zone and topside, especially if the incident will extend into the night hours. Request a light unit well in advance of when you'll need it.

Engine noise and exhaust can create problems on-scene. Shut down apparatus not directly involved in the operation, especially those in the hot zone just being used as anchor points.

Technical rope rescue operations often show just how well or how poorly a department is prepared on the command and tactical levels. How well are you prepared?

TRIBUTE TO PRINCE ARTHUR SPEIGHTS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to honor Prince Arthur Speights of Pueblo, Colorado for the selfless act of courage he displayed on November 8, 2002. Prince's quick actions, along with the efforts of other students from Centennial High School, helped Edith Lichtenberg to safety after flames engulfed her home.

On November 8, 2002, billowing smoke one block from Centennial High School prompted a group of students—Prince Speights, Clint Albrecht, Nick Pino, Kathy Ortiz, Linus Trujillo, and Taylor Proctor—into action. Driving toward the smoke, the group quickly discovered the bushes and trees in 86-year-old Edith Lichtenberg's yard ablaze and used a cell phone to contact emergency dispatchers. The flames rapidly spread to the house and the group moved swiftly to make sure no one was in the home. With the fire engulfing the front of the house, the students jumped the locked fence around the backyard to warn anyone who might still be inside. Noticing the back door open and seeing Ms. Lichtenberg still inside, they caught her attention and guided her outside away from the flames. Prince courageously helped Ms. Lichtenberg out of the house personally, and the group moved her to safety.

The youths maintained their composure during a time of adversity and conducted themselves in a fashion that has brought honor to themselves, their families, their school, and the entire community of Pueblo. It is always heartening to see young Americans meet such an extraordinary circumstance successfully. Courage like theirs strengthens and protects our communities every day.

Mr. Speaker, I am honored to rise today and recognize the heroic efforts of Prince Speights before this body of Congress and this nation. Prince's quick actions, coupled with those of his fellow students, prevented a terrible fire from ending in great tragedy. Their selfless actions are an inspiration to us all, and it is an honor to represent such an outstanding group of Americans in this Congress.

TRIBUTE TO TAYLOR PROCTOR

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to honor Taylor Proctor of Pueblo, Colorado for the selfless act of courage he displayed on November 8, 2002. Taylor's quick actions, along with the efforts of other students from Centennial High School, helped Edith Lichtenberg to safety after flames engulfed her home.

On November 8, 2002, billowing smoke one block from Centennial High School prompted a group of students—Prince Speights, Clint Albrecht, Nick Pino, Kathy Ortiz, Linus Trujillo, and Taylor Proctor—into action. Driving toward the smoke, the group quickly discovered the bushes and trees in 86-year-old Edith Lichtenberg's yard ablaze and used a cell phone to contact emergency dispatchers. The flames rapidly spread to the house and the group moved swiftly to make sure no one was in the home. With the fire engulfing the front of the house, the students jumped the locked fence around the backyard to warn anyone who might still be inside. Noticing the back door open and seeing Ms. Lichtenberg still inside, they caught her attention and guided her outside away from the flames. Taylor courageously assisted in getting Ms. Lichtenberg out of the house personally, and the group moved her to safety.

The youths maintained their composure during a time of adversity and conducted themselves in a fashion that has brought honor to themselves, their families, their school, and the entire community of Pueblo. It is always heartening to see young Americans meet such an extraordinary circumstance successfully. Courage like theirs strengthens and protects our communities every day.

Mr. Speaker, I am honored to rise today and recognize the heroic efforts of Taylor Proctor before this body of Congress and this nation. Taylor's quick actions, coupled with those of his fellow students, prevented a terrible fire from ending in great tragedy. Their selfless actions are an inspiration to us all, and it is an honor to represent such an outstanding group of Americans in this Congress.

Daily Digest

HIGHLIGHTS

House and Senate agreed to the Conference Report on H.J. Res. 2, Omnibus Appropriations.

House and Senate agreed to H. Con. Res. 41, Adjournment Resolution.

House passed H.R. 4, Personal Responsibility, Work and Family Promotion.

House Committees ordered reported seven sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S2371–S2389

Measures Introduced: Twenty-nine bills and seven resolutions were introduced, as follows: S. 385–413, S.J. Res. 6, S. Res. 57–59, and S. Con. Res. 5–7. **(See next issue.)**

Measures Reported:

S. Res. 57, authorizing expenditures by the Committee on Armed Services. **(See next issue.)**

Measures Passed:

Enrollment Correction: Senate agreed to H. Con. Res. 35, directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.J. Res. 2. **(See next issue.)**

Adjournment Resolution: Senate agreed to H. Con. Res. 41, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. **(See next issue.)**

Do Not Call Registry: Senate passed H.R. 395, to authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a ''do-not-call'' registry, clearing the measure for the President. **(See next issue.)**

Government Consent to Assemble: Senate agreed to H. Con. Res. 1, regarding consent to assemble outside the seat of Government. **(See next issue.)**

U.N. Resolution Support: Committee on Foreign Relation was discharged from further consideration of S. Con. Res. 4, welcoming the expression of support of 18 European nations for the enforcement of United Nations Security Counsel Resolution 1441, and the resolution was then agreed to. **(See next issue.)**

Ronald Reagan Birthday Recognition: Senate passed H.J. Res. 19, recognizing the 92d birthday of Ronald Reagan, clearing the measure for the President. **(See next issue.)**

Congratulating the University of Portland Women's Soccer Team: Senate agreed to S. Res. 59, congratulating the University of Portland women's soccer team for winning the 2002 NCAA Division I national championship. **(See next issue.)**

Omnibus Appropriations Conference Report: By 76 yeas to 20 nays (Vote No. 34), Senate agreed to the conference report on H.J. Res. 2, making further continuing appropriations for the fiscal year 2003, clearing the measure for the President. **(See next issue.)**

Nomination Considered: Senate continued consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

Pages S2372–89 (continued next issue)

A unanimous-consent agreement was reached providing for further consideration of the nomination at 10 a.m., on Friday, February 14, 2003. **(See next issue.)**

Protect Act—Agreement: A unanimous-consent-time agreement was reached providing for the consideration of S. 151, to amend title 18, United States Code, with respect to the sexual exploitation of children, at 3:30 p.m., on Monday, February 24, 2003, that there be two hours of debate, and that

upon the use or yielding back of time, the Senate vote in relation to the bill. **(See next issue.)**

Discharged and Referred—Agreement: A unanimous-consent agreement was reached providing that S. Res. 55, authorizing expenditures by the Committee on Small Business and Entrepreneurship be discharged from the Committee on Small Business and Entrepreneurship and referred to the Committee on Rules and Administration. **(See next issue.)**

Authority for Committees: All committees were authorized to file executive and legislative reports during the adjournment of the Senate on Thursday, February 20th, 2003, from 10 a.m. until 12 noon. **(See next issue.)**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report concerning the justification of the Australia Group and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction; to the Committee on Foreign Relations. (PM–16) **(See next issue.)**

Nominations Confirmed: Senate confirmed the following nominations:

William H. Donaldson, of New York, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2007.

Routine lists in the Foreign Service. **Page S2389**

Messages From the House: **(See next issue.)**

Measures Referred: **(See next issue.)**

Executive Communications: **(See next issue.)**

Petitions and Memorials: **(See next issue.)**

Executive Reports of Committees: **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Statements on Introduced Bills/Resolutions: **(See next issue.)**

Additional Statements: **(See next issue.)**

Authority for Committees to Meet: **(See next issue.)**

Record Votes: One record vote was taken today. (Total—34) **(See next issue.)**

Adjournment: Senate met at 11 a.m, and adjourned at 11:09 p.m., until 10 a.m., on Friday, February 14, 2003. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S2389.)

Committee Meetings

(Committees not listed did not meet)

2004 BUDGET: DEFENSE

Committee on Armed Services: Committee concluded hearings on proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense and the Future Years Defense Program, after receiving testimony from Donald H. Rumsfeld, Secretary of Defense; and General Richard B. Myers, U.S. Air Force, Chairman, Joint Chiefs of Staff.

COMMITTEE FUNDING RESOLUTION

Committee on Armed Services: Committee ordered favorably reported an original resolution (S. Res. 57), authorizing expenditures by the Committee.

ORGANIZATIONAL BUSINESS

Committee on the Budget: on Wednesday, February 12, Committee adopted its rules of procedure for the 108th Congress, and ordered favorably reported an original resolution (S. Res. 56) authorizing expenditures by the Committee.

2004 BUDGET: TRANSPORTATION

Committee on the Budget: Committee concluded hearings on the President's proposed budget for fiscal year 2004, focusing on the Department of Transportation and safety issues, after receiving testimony from Michael P. Jackson, Deputy Secretary of Transportation.

U.S. OLYMPIC COMMITTEE REFORM

Committee on Commerce, Science, and Transportation: Committee held hearings to examine the current organizational structure and culture of the United States Olympic Committee, including possible reforms for increased effectiveness and efficiency, receiving testimony from Fred F. Fielding, Wiley, Rein, and Fielding, Washington, D.C.; Donald M. Fehr, Major League Baseball Players Association, and Harvey W. Schiller, Assante U.S., both of New York, New York; Anita L. DeFrantz, Amateur Athletic Foundation, Los Angeles, California, and Donna de Varona, Greenwich, Connecticut, both of the United States Olympic Committee; David F. D'Alessandro, John Hancock Financial Services, Boston, Massachusetts.

Hearing recessed subject to call.

MINORITY INSTITUTION TECHNOLOGY PROGRAM

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine S. 196, to

establish a digital and wireless network technology program for minority serving institutions, after receiving testimony from William B. DeLauder, Delaware State University, Dover; Ricardo Fernandez, City University of New York, West Bronx, on behalf of the Hispanic Association of College and Universities and Hispanic-serving Institutions; Floyd H. Flake, Wilberforce University, Wilberforce, Ohio; Marie V. McDemmond, Norfolk State University, Norfolk, Virginia; and Gerald Monette, Turtle Mountain Community College, Belcourt, North Dakota, on behalf of the American Indian Higher Education Consortium.

2004 BUDGET: FOREST SERVICE

Committee on Energy and Natural Resources: Committee concluded hearings to examine the President's proposed budget request for fiscal year 2004 for the Forest Service of the Department of Agriculture, including the Healthy Forests Initiative, after receiving testimony from Mark Rey, Under Secretary for Natural Resources and the Environment, and Dale N. Bosworth, Chief, Forest Service, both of the Department of Agriculture.

OIL SUPPLY AND PRICES

Committee on Energy and Natural Resources: Committee concluded hearings to examine the current U.S. energy situation, focusing on oil, natural gas, and hydrogen supplies, energy conservation, and the outlook for global oil supply and prices, after receiving testimony from Robert E. Ebel, Center for Strategic and International Studies, Red Cavaney, American Petroleum Institute, James C. May, Air Transport Association of America, all of Washington, D.C.; and Matthew R. Simmons, Simmons and Company International, Houston, Texas.

NRC OVERSIGHT

Committee on Environment and Public Works: Subcommittee on Clean Air, Climate Change, and Nuclear Safety, concluded oversight hearings to examine the licensing and regulatory responsibilities of the Nuclear Regulatory Commission, after receiving from Richard A. Meserve, Chairman, and Greta Joy Dicus, Nils J. Diaz, Edward McGaffigan, Jr., and Jeffrey S. Merrifield, each a Commissioner, and Hubert T. Bell, Inspector General, all of the U.S. Nuclear Regulatory Commission.

ENRON

Committee on Finance: Committee held hearings to examine the activities and transactions related to Enron's tax returns, focusing on the Joint Committee on Taxation's investigative report, receiving testimony from Lindy L. Paull, Chief of Staff, Joint Committee on Taxation; Jim A. Seida, University of Notre Dame, Notre Dame, Indiana; George A. Plesko, Massachusetts Institute of Technology, Cambridge; Edmund Outslay, Michigan State University, East Lansing; and Kathryn J. Kennedy, John Marshall Law School, Chicago, Illinois.

Hearing recessed subject to the call.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nomination of Jeffrey S. Sutton, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

BUSINESS MEETING

Committee on Rules and Administration: Committee adopted its rules of procedure for the 108th Congress.

COMMITTEE FUNDING RESOLUTION

Committee on Rules and Administration: Committee concluded hearings on proposed legislation authorizing expenditures by the Committee on Foreign Relations, after receiving testimony from Senators Lugar and Biden.

House of Representatives

Chamber Action

Measures Introduced: 111 public bills, H.R. 756–866; 1 private bill, H.R. 867; and 23 resolutions, H.J. Res. 22–23, H. Con. Res. 40–51, and H. Res. 77–86, were introduced. **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Reports Filed: Reports were filed today as follows:

H.R. 342, to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases (H. Rept. 108–12);

H.R. 389, to authorize the use of certain grant funds to establish an information clearinghouse that provides information to increase public access to defibrillation in schools (H. Rept. 108–13);

H.R. 398, to revise and extend the Birth Defects Prevention Act of 1998, amended (H. Rept. 108–14); and

H.R. 399, to amend the Public Health Service Act to promote organ donation (H. Rept. 108–15).

(See next issue.)

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Simpson to act as Speaker pro tempore for today.

Page H465

Guest Chaplain: The prayer was offered by Rev. Jim Schetler, Pastor, Pensacola Christian College Campus Church of Pensacola, Florida. **Page H465**

Personal Responsibility, Work and Family Promotion: The House passed H.R.4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families and improve access to quality child care by a yea-and-nay vote of 230 yeas to 192 nays, Roll No. 30.

Pages H471–H546 (continued next issue)

Rejected the Cardin motion that sought to recommit the bill to the Committee on Ways and Means with instructions to report it back forthwith with amendments that increase child care funding by $11 billion by a yea-and-nay vote of 197 yeas to 221 nays, Roll No. 29. **(See next issue.)**

Rejected:

Kucinich amendment in the nature of a substitute No. 1 printed in H. Rept. 108–9, that sought to provide states with poverty reduction bonuses, maintain current work requirements, remove the cap on vocation education participation, extend time limit on education, provide $20 billion for Child Care development Block grant, require states to address barriers to work, and restore eligibility to immigrants (rejected by recorded vote of 124 ayes to 300 noes Roll No. 27; and **Pages H513–30**

Cardin amendment in the nature of a substitute No. 2 printed in H. Rept. 108–9 that sought to expand state flexibility to provide training and education, increases to 70% the number that are required to be engaged in work related activities, provide states with an employment credit, maintain the current participation requirement, maintain time limit on Temporary Assistance for Needy Families (TANF) benefits, increase child care funding by $11 billion over the next 5 years, and remove barriers to serving legal immigrants (rejected by recorded vote of 197 ayes to 225 noes, roll No. 28).

Pages H530–46 (continued next issue)

H. Res. 69, the rule that provided for consideration of the bill was agreed to by voice vote.

Pages H465–71

Committee Election—Minority Members: The House agreed to H. Res. 79, electing the following named minority members, delegates, and resident commissioners to standing committees of the House of Representatives:

Committee on Agriculture: Representative Case to rank immediately after Resident Commissioner Acevedo-Vilá, and Representatives Pomeroy, Boswell, Thompson of California, Udall of Colorado, Larsen of Washington, and Davis of Tennessee.

(See next issue.)

Committee on Education and the Workforce: Representative Davis of Illinois to rank immediately after Representative McCollum and Representative Van Hollen to rank immediately after Representative Majette. **(See next issue.)**

Committee on Government Reform: Representatives Cooper and Bell. **(See next issue.)**

Committee on Science: Representatives Sherman, Baird, Moore, Weiner, and Matheson.

(See next issue.)

Committee on Small Business: Representative Napolitano, Resident Commissioner Acevedo-Vilá, and Representatives Case, Bordallo, Marshall, and Michaud. **(See next issue.)**

Committee on Veterans' Affairs: Representatives Hooley, Reyes, Strickland, Berkley, Udall of New Mexico, Davis of California, and Ryan of Ohio.

(See next issue.)

Interim Expenses of the Select Committee on Homeland Security: The House agreed to H. Res. 77, providing amounts for interim expenses of the Select Committee on Homeland Security in the first session of the One Hundred Eighth Congress.

(See next issue.)

Omnibus Appropriations Conference Report: The House agreed to the conference report to accompany H.J. Res. 2, making further continuing appropriations for the fiscal year 2003 by a recorded vote of 338 ayes to 83 noes, Roll No. 32. **(See next issue.)**

Rejected the Obey motion to recommit the conference report to the committee on conference with instructions to the managers on the part of the House to (1) disagree to section 323 in Division F, expanding logging in Federal forests, (2) disagree to section 335 in Division F, preventing administrative or judicial review of the Tongass Land Management Plan, (3) reconsider its decisions on the Bureau of Land Management, Energy and Minerals Program, (4) fund, within the scope of conference, conservation spending category items in division F, including National Park Service grants to States and U.S. Fish and Wildlife Service programs, at no less than current rate, and (5) increase funding for training,

equipment, and assistance for first responders provided through the Office of Domestic Preparedness to levels as close to the levels requested by the President by a yea-and-nay vote of 193 yeas to 226 nays, Roll No. 31. **(See next issue.)**

The House agreed to H. Res. 71, the rule that waived points of order against the conference report and provided for the corrections in the enrollment of H.J. Res. 2, making further continuing appropriations for the fiscal year 2003 by voice vote. **(See next issue.)**

Enrollment Correction: Pursuant to the provisions of H. Res. 71, and upon the adoption of the omnibus appropriations conference report, the House was considered to have agreed to H. Con. Res. 35, directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H. J. Res. 2, making further continuing appropriations for the fiscal year 2003. **(See next issue.)**

Disposition of Rules Committee Resolution: Agreed to lay H. Res. 48, providing for consideration of H.J. Res. 18, making further continuing appropriations for the fiscal year 2003, on the table. **(See next issue.)**

Committee Resignation—Minority Member: Without objection, the Chair accepted the resignation from Representative Jackson-Lee of Texas from the Committee on Science. **(See next issue.)**

Presidential Message—Effectiveness of the Australia Group: Message whereby he certified pursuant to condition 7(C)(I), Effectiveness of the Australia Group, of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, that the Australia Group members continue to maintain equally effective control over exports and that it remains a viable mechanism for limiting the spread of chemical and biological weapons related materials and technology—referred to the Committee on International Relations. **(See next issue.)**

President's Day District Work Period: The House agreed to H. Con. Res. 41, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. **(See next issue.)**

Message from the Senate Pertaining to Conference Report and Concurrent Resolution: Agreed that when the House adjourns today it adjourn to meet at 2 p.m. on Friday, February 14, 2003 unless it sooner has received a message or messages from the Senate transmitting both its adoption of the conference report to accompany H.J. Res. 2 and its adoption of H. Con. Res. 41, in which case the House shall stand adjourned pursuant to that concurrent resolution. **(See next issue.)**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, Feb. 26. **(See next issue.)**

George Washington Birthday Observance: Agreed that it be in order for the Speaker to appoint two members of the House, one upon the recommendation of the Minority Leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's Birthday to be held on Friday, February 21, 2003. **(See next issue.)**

Speaker Pro Tempore During District Work Period: Read a letter from the Speaker wherein he appointed Representative JoAnn Davis of Virginia or if not available to perform this duty Representative Bartlett to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 25. **(See next issue.)**

United States Group of the North Atlantic Assembly: The Chair announced the Speaker's appointment of Representative Bereuter, Chairman, and Representatives Regula, Hefley, Gillmor, Goss, Ehlers, McInnis, and Bilirakis to the United States Group of the North Atlantic Assembly. **(See next issue.)**

Quorum Calls—Votes: Three yea-and-nay votes and three recorded votes developed during the proceedings of the House today and appear on pages H529–30 (continued next issue). There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 9:52 p.m. pursuant to the provisions of H. Con. Res. 41, the House stands adjourned until 2 p.m. on Friday, February 14, 2003, unless it sooner has received a message or messages from the Senate transmitting both its adoption of the conference report to accompany H.J. Res. 2 and its adoption of H. Con. Res. 41, in which case the House shall stand adjourned until 2 p.m. on Tuesday, February 25, 2003, pursuant to H. Con. Res. 41.

Committee Meetings

STATE DEPARTMENT BUDGET PRIORITIES FISCAL YEAR 2004

Committee on the Budget: Held a hearing on the Department of State Budget priorities Fiscal Year 2004. Testimony was heard from Colin L. Powell, Secretary of State.

MUSEUM AND LIBRARY SERVICES ACT; KEEPING CHILDREN AND FAMILIES SAFE ACT

Committee on Education and the Workforce: Ordered reported the following bills: H.R. 13, Museum and Library Services Act of 2003; and H.R. 14, amended, Keeping Children and Families Safe Act of 2003.

PENSION SECURITY ACT—NEW PENSION PROTECTIONS

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing on "The Pension Security Act: New Pension Protections to Safeguard the Retirement Savings of American Workers." Testimony was heard from Ann L. Combs, Assistant Secretary, Employee Benefits Security, Department of Labor; and public witnesses.

MISCELLANEOUS MEASURES; BUDGET VIEWS AND ESTIMATES

Committee on Financial Services: Ordered reported the following bills: H.R. 254, to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank; H.R. 258, amended, American 5-Cent Coin Design Continuity Act of 2003; H.R. 239, Brownfields Redevelopment Enhancement Act; H.R. 659, Hospital Mortgage Insurance Act of 2003; and H.R. 657, Emergency Securities Response Act of 2003.

The Committee also approved for submission to the Committee on the Budget a committee print entitled "Views and Estimates of the Committee on Financial Services on Matters to be Set Forth in the Concurrent Resolution on the Budget for Fiscal Year 2004."

COMMITTEE ORGANIZATION; OVERSIGHT PLAN; BUDGET VIEWS AND ESTIMATES

Committee on Government Reform: Met for organizational purposes.

The Committee also approved the following: an Oversight Plan for the 108th Congress; and Committee Budget Views and Estimates for Fiscal Year 2004 for submission to the Committee on the Budget.

OVERSIGHT—NORTH KOREA'S NUCLEAR PROGRAM

Committee on International Relations: Subcommittee on Asia and the Pacific held an oversight hearing on North Korea's Nuclear Program: The Challenge to Stability in Northeast Asia. Testimony was heard from James A. Kelly, Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State.

FEDERAL R&D BUDGET OVERVIEW

Committee on Science: Held a hearing on An Overview of the Federal R&D Budget for fiscal year 2004. Testimony was heard from John Marburger, Director, Office of Science and Technology Policy; Samuel W. Bodman, Deputy Secretary, Department of Commerce; Rita R. Colwell, Director, NSF; and Robert Card, Under Secretary, Energy, Science and Environment, Department of Energy.

MEDICARE REGULATORY AND CONTRACTING REFORM

Committee on Ways and Means: Subcommittee on Health held a hearing on Medicare Regulatory and Contracting Reform. Testimony was heard from Thomas Scully, Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and public witnesses.

FREE ELECTRONIC FILING NATIONAL TAXPAYER ADVOCATE ANNUAL REPORT

Committee on Ways and Means: Subcommittee on Oversight held a hearing on Free Electronic Filing National Taxpayer Advocate Annual Report. Testimony was heard from the following officials of the IRS, Department of the Treasury: Robert Wenzel, Acting Commissioner; and Nina E. Olson, National Taxpayer Advocate; and public witnesses.

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 14, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Governmental Affairs: to hold hearings to examine the President's proposal to create a terrorist threat integration center, including consolidating intelligence analysis, 9:30 a.m., SD–342.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

10 a.m., Friday, February 14

Senate Chamber

Program for Friday: Senate will continue consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, February 25

House Chamber

Program for Tuesday: To be announced

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