

House Begins Voting on TANF and Child Care Reauthorization

After a series of hearings, two committees in the House of Representatives have voted on legislation to reauthorize the Temporary Assistance for Needy Families program (TANF) and the Child Care and Development Block Grant (CCDBG).

These bills largely reflect President Bush's welfare reform proposals. They increase work requirements for single mothers to 40 hours per week, reduce state flexibility to provide education and training, provide no focus on assisting families who are working but still in poverty, and offer no new guaranteed child care funding over the next five years. These two bills will be combined and voted on by the full House of Representatives as early as May 16.

TANF

On May 2, the House Ways and Means Committee approved H.R. 4090 to reauthorize TANF.

Key Features of H.R. 4090

- TANF funding would remain at the same level for the next five years, with no adjustment for inflation.
- Funding for the Child Care and Development Fund (CCDF) would also remain constant through FY 2007.
- Social Services Block Grant (SSBG) funding would not increase, remaining at \$1.7 billion.
- Work requirements would become tougher, requiring states to have 70% of their caseload working, instead of the current 50% requirement.
- TANF recipients would have to be

engaged in activities and work for 40 hours per week, rather than the current required 30 hours. At least 24 hours would have to be in job activities defined by the federal government, such as an actual job or supervised community service. The remaining 16 hours would

have to be in state-defined activities, such as job training, education, or other activities.

- States would be required to impose full "check" (full family) sanctions for failure to meet certain work and TANF

See *TANF*, page 3

Bilchik Testifies on TANF

On April 11, CWLA President and CEO Shay Bilchik testified before the House Ways and Means Subcommittee on Human Resources on the need to emphasize child well-being in the TANF reauthorization bill, H.R. 4090. Bilchik praised the bill's inclusion of child well-being in the overall purposes of the

TANF law, but he cautioned members to carefully assess how changes to the current tough work requirements would affect parents and their children. The proposed work rules, for example, could create great stress on families without really advancing their ability to obtain permanent jobs that would lift them out of poverty.

See *Bilchik*, page 5

ADVOCACY SPOTLIGHT

AS CONGRESS VOTES ON TANF REAUTHORIZATION, ASK YOUR REPRESENTATIVES TO:

- Support efforts to increase TANF funding by the rate of inflation, increase mandatory child care funding by no less than \$11.2 billion, and increase SSBG funding to \$2.8 billion.
- Reject unfair policies to increase the current work requirements for single mothers on TANF. Continue to give states flexibility to continue targeting services and providing education and training to mothers who are already required to work 20–30 hours per week.
- Support the targeted, limited waiver authority in H.R. 4090, which would extend child welfare waivers through 2007. Oppose broad "superwaiver" authority that could undermine the protections in current law for children and families in the child welfare system.

House Extends Important Children's Programs

On April 23, the House passed the Keeping Children and Families Safe Act, H.R. 3839. The bill reauthorizes and increases funding levels for the Child Abuse Prevention and Treatment Act (CAPTA), the Adoption Opportunities Act, and the Abandoned Infants Assistance Act (AIA). The Senate is expected to take action on a similar measure in the next few months.

CAPTA

H.R. 3839 extends CAPTA state grants, discretionary grants, and Community-Based Resource and Support Programs through FY 2007. CAPTA provides funding for child protective services (CPS), community-based prevention services, and research and development of innovative programs to prevent and treat child abuse and neglect.

The bill authorizes \$100 million for CAPTA state and discretionary grants and \$80 million for the community-based prevention grants. Currently, state grants are funded at \$22 million, discretionary grants at \$26 million, and community-based family resource centers at \$33 million. The Administration's budget proposes no increases for FY 2003.

An amendment by Rep. Jim Greenwood (R-PA) would require health care providers who deliver an infant born with fetal alcohol syndrome or drug addiction to refer the child to CPS. The amendment says the notification "shall not be construed to create a federal definition of what constitutes child abuse, and such notification shall not be construed to require prosecution for illegal actions." The notification is designed to provide for the development of a plan for appropriate services for infant and mother.

An amendment by Rep. Peter Hoekstra (R-MI) would require states to have proce-

dures for advising an individual, at the time of contact, of allegations made in child maltreatment complaints against that person.

Adoption Opportunities Act

H.R. 3839 also extends the Adoption Opportunities program through FY 2007, authorizing up to \$40 million in 2003, and such sums as necessary through 2007.

Funded at \$27.4 million in FY 2002, this program provides discretionary grants for demonstration projects that eliminate barriers to adoption and provide permanent loving homes for children who would benefit from adoption, particularly children with special needs.

AIA

The bill extends authorized funding levels for AIA at \$45 million for FY 2003 and such sums as necessary for 2004–2007. It also calls for HHS to report on the annual number of infants and young children relinquished, abandoned, or found dead in the United States, and the annual costs incurred by federal, state, and local governments in providing housing and care for abandoned infants and young children. Accurate data is currently unavailable.

AIA, which received \$12.2 million in FY 2002, funds local projects that address the serious problem of caring for infants abandoned in hospitals as a result of parental HIV/AIDS and substance abuse. AIA projects provide for the well-being, safety, and stability of these infants, usually referred to as "boarder babies." Through comprehensive services to families affected by substance abuse and HIV/AIDS, AIA helps prevent children from being abandoned.

Abstinence Education, Transitional Medical Assistance Approved

On April 24, the House Energy and Commerce Committee approved two provi-

sions that will become part of the final TANF reauthorization bill, which may come to a vote before Memorial Day.

The bill, H.R. 4122, extends the existing state grant program for abstinence-only sexuality education (Section 510 of the Maternal and Child Health Block Grant). This program was funded at \$50 million for FY 2002. An amendment to increase state flexibility within the abstinence education programs was defeated.

H.R. 4122 also provides a one-year reauthorization of the Transitional Medical Assistance program, which continues Medicaid coverage for up to one year for low-income workers leaving welfare while they transition to work.

Senate Child Care Reauthorization Bill Introduced

On April 11, Sen. Christopher Dodd (D-CT) introduced S. 2117, the Access to High Quality Child Care Act. Cosponsored by Sens. Olympia Snowe (R-ME), Mike DeWine (R-OH), James Jeffords (I-VT), John D. Rockefeller IV (D-WV), Jack Reed (D-RI), Susan Collins (R-ME), and John Breaux (D-LA), the legislation has strong bipartisan support.

CWLA has issued a press release in strong support of S. 2117. (See www.cwla.org/newsevents/news020416cc.htm.)

S. 2117 may serve as the chief legislative vehicle for child care reauthorization in the Senate. It addresses both the mandatory and discretionary funding in the Child Care and Development Fund and makes the same changes to regulations. The bill does not set a mandatory funding level—sponsors are still deciding that level. The bill does create a 4% quality set-aside, a 4% parental access set-aside, and separate smaller funds for infant and toddler initiatives, child care

requirements. If an adult failed to meet activities and requirements of the program partially, or for one month, the state would have to impose a partial reduction in benefits. If the failure were complete and for two months or more, then the entire family would be cut off. This would apply to the use of both federal and state TANF funds.

As of August 2000, 13 states had a full-family sanction in place for first instance of noncompliance. Thirty-four states impose a full-family sanction only as an ultimate sanction; 16 states do not impose a full cut-off.

- Child well-being would be added to the existing four purposes that determine how states can spend federal and state TANF funds. The second purpose would be modified to “reduce poverty” by promoting job preparation, work, and marriage.
- HHS authority to approve child welfare waivers would be extended through 2007. That authority is due to expire this year. The legislation would place no limits on the total number of child welfare waivers HHS could approve for all states, on the number of individual waivers any one state could receive, or on the types of waivers HHS could approve.

The bill would streamline the process for considering amendments to and extensions of demonstration projects requiring waivers. The bill does not address the eligibility link between Title IV-E Foster Care and Adoption Assistance and the old Aid to Families with Dependent Children program.

- The Secretary of the Health and Human Services would gain broad “superwaiver” authority to waive any rule under TANF or SSBG. This provision was modified as it moved

through the amendment process in the Ways and Means Committee. How broadly this waiver authority would extend will not be clear until it is combined with other waiver provisions in the House Rules Committee and until the full House of Representatives votes on the bill. The Rules Committee could also add back waiver provisions that were removed during debate in Ways and Means.

- A new \$100 million-a-year program to promote marriage would allow eligible states to match federal dollars with federal or state TANF funds. Additionally, a national \$20 million fatherhood program would fund projects that promote fatherhood and increase fathers’ involvement with their children.

Several attempts to amend H.R. 4090 were unsuccessful. Rejected amendments would have allowed states to continue counting a limited amount of job search as a work activity, to continue allowing mothers with children under age 6 to complete just 20 hours of work per week, to increase mandatory child care funding, and to restore welfare benefits to legal immigrants.

CCDBG

On May 1, the House Education and Workforce Committee approved H.R. 4092 to reauthorize CCDBG. The bill also adopts the same changes to TANF work requirements as H.R. 4090.

Key Features of H.R. 4092

- CCDBG discretionary funding would be increased by \$200 million in FY 2003 and as necessary for the next four years.
- State child care plans would have to explain how the state intends to provide parents with information on child care services, research, and best practices.
- Current CCDF income eligibility standards would be eliminated.

Take Action

Contact the President and your U.S. senators and representative about key children’s issues. Tell them how their actions impact the vulnerable children and families in your state and local community. Your voice does make a difference!

President George W. Bush

The President
The White House
1600 Pennsylvania Avenue NW
Washington DC 20500
Comment Line 202/456-1111
Fax 202/456-2461

Your U.S. Senators

The Honorable (insert name)
U.S. Senate
Washington DC 20510

Your U.S. Representative

The Honorable (insert name)
U.S. House of Representatives
Washington DC 20515

Call Your Member of Congress

Call the U.S. Capitol switchboard at 202/244-3121 and ask for your senator’s or representative’s office.

Contact by E-mail

Use CWLA Kids’ Advocate Online to e-mail your senators and representative about key children’s issues with a CWLA issue-specific letter, or write your own letter. Access Kids’ Advocate Online via the advocacy page of CWLA’s website at www.cwla.org/advocacy.

- Some of the current uses of quality CCDF funding would be set in statute. These definitions are now broadly outlined in child care regulations.

Summaries of these bills are available on CWLA’s website:

- H.R. 4090 is available at www.cwla.org/advocacy/tanf.htm.
- H.R. 4092 is available at www.cwla.org/advocacy/childcare.htm.

As these bills go for a final vote on the House floor, they will be combined into one bill with a different number. Check the Advocacy page of the CWLA website (www.cwla.org/advocacy) for the latest bill number and status. **CM**

Points of Interest

Model Compliance Form Available for HIPAA Extension

The Administrative Simplification Compliance Act, P.L. 107-105, was enacted in December 2001. It allows an additional year to comply with the Health Insurance Portability and Accountability Act (HIPAA) standards for electronic transactions and code sets. Entities that need an extension must file a compliance plan with the Centers for Medicare and Medicaid (CMS) by October 15, 2002.

CMS has released a model compliance plan for entities to file that includes required summary information on the reason for an extension, budget, and implementation strategy. The HIPAA model compliance form and instructions are available on the CMS website at www.cms.hhs.gov/hipaa.

Administration Proposes Changes to Medical Privacy Regulation

On March 21, the Bush Administration proposed two major changes to the HIPAA medical privacy regulation that would affect patient privacy:

- **Consent and notice.** The proposal would eliminate the existing requirement that patients give their written consent before health care providers use or disclose patient health care information for the purpose of providing treatment or seeking reimbursement. Instead, the proposed rule would provide patients with the opportunity to acknowledge receiving a notice of privacy rights and practices.
- **Privacy rights of minors.** The proposal would clarify that state law governs disclosure of the medical informa-

tion of minor children to parents. In cases where state law is silent or unclear, the rule would preserve state law and professional practice by permitting a health care provider to use discretion to provide or deny a parent access to such records as long as that decision is consistent with state or other law.

Health and Human Services Secretary Tommy Thompson said the proposed changes were in response to concerns that the existing rule made it more difficult for patients to get medical care. For example, pharmacies had expressed concerns that the existing consent provisions could prevent friends and family members from picking up prescriptions for sick patients.

Senator Edward Kennedy (D-MA) and consumer advocates, including the Consumer Coalition for Health Privacy, a patients' rights group, have raised serious concerns about the changes, especially the consent provision. The proposed rule was published in the March 27, 2002, *Federal Register*, and HHS allowed only a limited comment period of 30 days, which expired April 26. When HHS will issue a final decision is unclear.

CWLA Submits Comments on Faith-Based Initiative

CWLA has submitted comments to HHS on establishing a Compassion Capital Fund as a part of the Administration's Faith-Based Initiative. Congress approved \$32 million for this fund in FY 2002, but HHS has not yet released the funds.

In its comments, CWLA said the availability of funds to support partnerships assisting small faith- and community-based organizations to develop the capacity to replicate, expand, and evaluate social service programs should help strengthen community supports for children and families


across the country. CWLA also expressed the need to create an effective infrastructure to administer and support the Administration's initiative.

CWLA's comments are available online at www.cwla.org/advocacy/fbihhscomments020410.htm.

CMS Seeks to End Federal Oversight of Medicaid Lead Screening

CWLA and other national organizations have called on HHS Secretary Tommy Thompson to ensure that children continue to be screened and treated for lead poisoning under Medicaid, as federal law requires. At a March 12 public meeting, CMS announced plans to terminate federal oversight and leadership of screening Medicaid children for lead poisoning, deferring that responsibility to the states. Some members of Congress have expressed concern, and hearings on the issue are possible.

HHS to Host National Youth Summit

HHS, in collaboration with other major U.S. government agencies, is sponsoring a National Youth Summit, June 26–28, in Washington, DC. The summit will feature nationally prominent speakers from the public and private sectors, who will discuss what young people need to develop into healthy adults. For more information, and to register online, visit www.acf.dhhs.gov/programs/fysb/summit.html. 

Bilchik also emphasized the critical need for increased child care funding and the need to improve quality in existing programs. He told the subcommittee, “We have an ever-growing need for child care with or without changes in TANF work requirements,” and that Congress “must address the needs of those on or leaving TANF as well as a broader population. All this must be done while improving standards and quality of that care.”

Bilchik stressed that families receiving TANF assistance face a number of obstacles that can keep them from moving from welfare to personal responsibility and work, including substance abuse, mental illness, domestic violence, and disabilities. For those families who come to the attention of the child welfare system—many of them TANF recipients—alcohol and other drug use is a major contributor to remaining unemployed for long periods of time.

Bilchik outlined specific improvements in TANF that CWLA would like to see, such as screening and assessment, sanctions, and work requirements for those needing substance abuse treatment. He also highlighted the need for Congress to

address youth development and to remove the eligibility link between Title IV-E Foster Care and Adoption Assistance and the old Aid to Families with Dependent Children program.

On April 25, CWLA submitted written testimony to the Senate Finance Subcommittee on Social Security and Family Policy, which held a hearing on helping hard-to-employ families. As in Bilchik’s testimony earlier in the month, the League emphasized the importance of eliminating barriers such as substance abuse, mental illness, domestic violence, and disabilities for those hardest-to-employ. In addition to its recommendations for improving TANF, CWLA also advocated for more resources for comprehensive, appropriate, and accessible substance abuse treatment for families who come to the attention of child welfare.

Bilchik’s testimony before the Human Resources Subcommittee is available online at www.cwla.org/advocacy/tanf020411.htm.

CWLA’s written testimony to the Social Security and Family Policy Subcommittee is available online at www.cwla.org/advocacy/tanf020425. **CM**

provider development, and education incentive grants.

States would receive funds to improve training in early childhood development, enhance salaries and benefits, expand parent resource and referral services, improve provider reimbursement to levels more reflective of local markets, and reduce copayments for families struggling to make ends meet. States would be required to coordinate other federal, state, and local child care and early childhood development programs and improve the transition for children between early care and elementary school.

The measure also establishes incentives for states to track their progress in improving child care quality with regard to school readiness. States would be encouraged to develop creative methods to promote the social, emotional, physical, and cognitive needs of children, including preliteracy and oral language development. **CM**

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