bill H.R. 4, supra; which was ordered to lie on the table.

SA 2961. Mr. TALENT submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2962. Mr. CAMPBELL submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2963. Mr. SANTORUM (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2964. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2965. Mr. JEFFORDS (for himself, Mr. SMITH, Ms. COLLINS, Mr. CHAFEE, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2966. Mr. LUGAR (for himself, Mr. LEAHY, Mrs. DOLE, and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2967. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2968. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2969. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2970. Mr. BAUCUS (for himself, Mr. HARKIN, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2971. Mr. BAUCUS (for himself, Mr. DASCHLE, Mr. LAUTENBERG, Mr. GRAHAM, of Florida, Mr. KENNEDY, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2972. Mr. BAUCUS (for himself, Mr. DASCHLE, Mr. JOHNSON, Mr. BINGAMAN, Mr. AKAKA, and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2973. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2974. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2975. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2976. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2977. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2978. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2979. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2980. Mr. ALEXANDER (for himself, Mr. VOINOVICH, Mr. NELSON, of Nebraska, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2981. Mr. ALEXANDER (for himself, Ms. SNOWE, Ms. COLLINS, Mr. BREAUX, Mr. BAYH, Mr. CARPER, Ms. LANDRIEU, Mrs. CLINTON, Mr. DODD, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2982. Mr. TALENT submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2983. Mr. BIDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2984. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2985. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2986. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2987. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2988. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2989. Mr. BINGAMAN (for himself, Mr. ALLEN, Mr. WYDEN, Mr. BURNS, Mr. AKAKA, and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2990. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2991. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2992. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2993. Mr. ROCKEFELLER (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2994. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2995. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2996. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2997. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2998. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 2999. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 3000. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 3001. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 3002. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 3003. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 3004. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 3005. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 4, supra; which was ordered to lie on the table.

SA 3006. Mr. FRIST (for Mr. MCCAIN (for himself, Mr. STEVENS, Mr. DORGAN, and Mr. REID)) proposed an amendment to the bill S. 275, to amend the Professional Boxing Safety Act of 1996, and to establish the United States Boxing Administration.

TEXT OF AMENDMENTS

SA 2956. Mr. GRAHAM of Florida (for himself, Mr. CHAFEE, Mr. CARPER, Ms. COLLINS, Mr. CORZINE, Mr. MCCAIN, Mrs. MURRAY, Ms. CANTWELL, Mrs. CLINTON, Mr. DURBIN, Mrs. FEINSTEIN, Mr. NELSON of Florida, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. 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:

''(4)(A) Only during the period described in subparagraph (C), a State may elect (in a plan amendment under this title) to provide medical assistance under this title for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) and who are otherwise eligible for such assistance, within any 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)(i) 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.

''(ii) The provisions of sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation

Act of 1996 shall not apply to a State that makes an election under subparagraph (A).

''(C) For purposes of subparagraph (A), the period described in this subparagraph is the period that begins on October 1, 2004, and ends on September 30, 2009.''.

(b) TITLE XXI.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following:

''(E) Section 1903(v)(4) (relating to optional coverage of permanent resident alien children), but only if the State has elected to apply such section to that category of children under title XIX and only with respect to the period described in subparagraph (C) of that section.''.

(c) EXTENSION OF CONVEYANCE/PASSENGER CUSTOMS USER FEES.—Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended to read as follows:

''(3)(A) Fees may not be charged under paragraphs (1) through (8) of subsection (a) after September 30, 2009.''.

SA 2957. Mr. LEVIN (for himself, Mr. JEFFORDS, Mr. ROCKEFELLER, Ms. STABENOW, Mr. DURBIN, Mr. CARPER, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 217, between lines 9 and 10, insert the following:

(g) INCREASE IN NUMBER OF MONTHS OF VOCATIONAL EDUCATIONAL TRAINING.—Section 407(d)(8) (42 U.S.C. 607(d)(8)) is amended by striking ''12'' and inserting ''24''.

SA 2958. Mrs. MURRAY submitted an amendment intended to be proposed by her to 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENSURING SAFETY AND SELF-SUFFICIENCY FOR ALL TANF RECIPIENTS.

(a) ADDRESSING DOMESTIC OR SEXUAL VIOLENCE IN THE TANF PROGRAM.—Section 402(a)(7) (42 U.S.C. 602(a)(7)) is amended to read as follows:

''(7) CERTIFICATIONS REGARDING DOMESTIC OR SEXUAL VIOLENCE.—

''(A) GENERAL PROVISIONS.—A certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to ensure domestic or sexual violence is comprehensively addressed, and a written document outlining how the State will do the following:

''(i) Address the needs of applicants or recipients or their families who are or have been subjected to domestic or sexual violence or are at risk of future such violence, including how the State will—

''(I) have trained caseworkers identify, and, at the option of the individual, assess individuals who are or have been subjected to domestic or sexual violence or are at risk of future such violence;

''(II) adequately inform each individual of eligibility and program requirements, confidentiality provisions, domestic or sexual violence services available within the community and within the program funded under this part, good cause exemptions modification and waiver of program requirements on the basis of domestic or sexual violence, benefits eligibility for immigrant victims of domestic or sexual violence, and the procedures to obtain such modifications, waivers, benefits, and services;

''(III) refer individuals who are or have been subjected to domestic or sexual violence or are at risk of future such violence to community-based domestic or sexual violence programs or other supportive services, modify or waive eligibility or program requirements or prohibitions to address domestic or sexual violence barriers, and ensure such individual's access to job training, vocational rehabilitation, child care, and other employment-related services as appropriate;

''(IV) implement procedures to maintain the privacy and confidentiality of applicants and recipients identified as being or having been subjected to domestic or sexual violence and restrict the disclosure of any identifying information obtained through any process or procedure implemented pursuant to this paragraph absent the individual's written consent or unless otherwise required to do so under law;

''(V) pursuant to a determination of good cause, waive, without time limit, any Federal or State eligibility or program requirement or prohibition for so long as necessary, in every case in which domestic or sexual violence has been verified for any individual or family receiving assistance under this part and the requirement makes it more difficult for the individual to address, escape or recover from the violence, unfairly penalizes the individual, or makes the individual or any child of the individual unsafe; and

''(VI) provide policies and procedures regarding verification of past, present, or the risk of future domestic or sexual violence that are flexible and not unduly burdensome, including accepting any one of the following forms of verification: documentation from police, court, medical or social service agencies, domestic or sexual violence counselors or organizations or others who have had contact with the applicant or recipient, written statements from third parties knowledgeable of the individual's circumstances, and signed written statements from the applicant or recipient.

''(ii) Coordinate or contract with State or tribal domestic or sexual violence coalitions or domestic or sexual violence programs in the development and implementation of standards, procedures, training, and programs required under this part to address domestic or sexual violence.

''(iii) Train caseworkers for recipients of assistance under the State program funded under this part in—

''(I) the nature and dynamics of domestic or sexual violence and the ways in which such violence may act to obstruct the economic security or safety of the individual and any child of the individual;

''(II) the standards, policies, and procedures implemented pursuant to this part, including the individual's rights and protections, such as notice and confidentiality;

''(III) how to screen for, and identify when, domestic or sexual violence creates barriers to compliance, how to make effective referrals for services, and how to modify eligibility and program requirements and prohibitions to address domestic or sexual violence barriers; and

''(IV) the process for determining good cause for noncompliance with an eligibility or program requirement or prohibition and granting waivers of such requirements.

''(iv) At State option, enter into contracts with or employ qualified professionals for the provision of services in each of the fields of domestic or sexual violence.

''(B) DEFINITIONS.—In this part:

''(i) DOMESTIC OR SEXUAL VIOLENCE.—The term 'domestic or sexual violence' has the meaning given the term 'battered or subjected to extreme cruelty' in section 408(a)(7)(C)(iii).

''(ii) QUALIFIED PROFESSIONAL.—The term 'qualified professional' includes a State or local organization with recognized expertise in the dynamics of domestic or sexual violence who has as one of its primary purposes to provide services to victims of domestic or sexual violence, such as a sexual assault crisis center or domestic or sexual violence program, or an individual trained by such an organization.''.

(b) ASSESSMENT.—Section 408(b) (42 U.S.C. 608(b)), as amended by section 110(a)(2)(A), is amended—

(1) in paragraph (1)(A), in the matter preceding clause (i), by striking ''and employability'' and inserting ''employability, and potential barriers, including domestic or sexual violence, mental or physical health, learning disability, substance abuse, English as a second language, child care needs, insufficient housing, or transportation''; and

(2) in paragraph (2)(A)—

(A) in clause (ii), by striking ''and'' at the end; and

(B) by inserting after clause (iii), the following:

''(iv) documents the individual's receipt of adequate notice of program requirements, confidentiality provisions, assessment and program services, and waivers available to individuals who have or may have been subjected to domestic or sexual violence or are at risk for future such violence, as well as the process to access such services or waivers; and

''(v) may not require the individual to participate in services to address domestic or sexual violence.''.

(c) REVIEW AND CONCILIATION PROCESS.—Section 408(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

''(12) REVIEW AND CONCILIATION PROCESS FOR FAMILIES SUBJECTED TO DOMESTIC OR SEXUAL VIOLENCE.—

''(A) IN GENERAL.—A State to which a grant is made under section 403 shall not impose a sanction or penalty against an individual under the State program funded under this part on the basis of noncompliance by an individual or family with a program requirement where domestic or sexual violence is a significant contributing factor in the noncompliance.

''(B) REQUIREMENT.—Prior to imposing a sanction or penalty against an individual under the State program funded under this part, the State shall—

''(i) specifically consider whether the individual has been or is being subjected to domestic or sexual violence; and

''(ii) if such violence is identified—

''(I) make a reasonable effort to modify or waive program requirements or prohibitions; and

''(II) offer the individual referral to voluntary services to address the violence.''.

(d) STATE OPTION TO INCLUDE SURVIVORS OF DOMESTIC OR SEXUAL VIOLENCE IN WORK PARTICIPATION RATES.—Section 407(c)(6) (42 U.S.C. 607(c)(6)), as amended by section 109(f), is amended by adding at the end the following:

''(G) STATE OPTION TO INCLUDE SURVIVORS OF DOMESTIC OR SEXUAL VIOLENCE.—For purposes of determining monthly participation rates under subsection (b)(1)(B)(i), a State may deem an individual receiving services to address having been or being subjected to domestic or sexual violence, or receiving a waiver from program requirements under section 402(a)(7), as being engaged in work for the month.''.

SA 2959. Mr. REID (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—BANNING ASBESTOS

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Ban Asbestos in America Act of 2004''.

SEC. ___02. FINDINGS.

Congress finds that—

(1) the Administrator of the Environmental Protection Agency has classified asbestos as a category A human carcinogen, the highest cancer hazard classification for a substance;

(2) there is no known safe level of exposure to asbestos;

(3)(A) in hearings before Congress in the early 1970s, the example of asbestos was used to justify the need for comprehensive legislation on toxic substances; and

(B) in 1976, Congress passed the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(4) in 1989, the Administrator promulgated final regulations under title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) to phase out asbestos in consumer products by 1997;

(5) in 1991, the United States Court of Appeals for the 5th Circuit overturned portions of the regulations, and the Government did not appeal the decision to the Supreme Court;

(6) as a result, while new applications for asbestos were banned, asbestos is still being used in some consumer and industrial products in the United States;

(7) the United States Geological Survey has determined that in 2000, companies in the United States consumed 15,000 metric tons of chrysotile asbestos, of which approximately 62 percent was consumed in roofing products, 22 percent in gaskets, 12 percent in friction products, and 4 percent in other products;

(8) available evidence suggests that—

(A) imports of some types of asbestos-containing products may be increasing; and

(B) some of those products are imported from foreign countries in which asbestos is poorly regulated;

(9) many people in the United States incorrectly believe that—

(A) asbestos has been banned in the United States; and

(B) there is no risk of exposure to asbestos through the use of new commercial products;

(10) the Department of Commerce estimates that in 2000, the United States imported 51,483 metric tons of asbestos-cement products;

(11) banning asbestos from being used in or imported into the United States will provide certainty to manufacturers, builders, environmental remediation firms, workers, and consumers that after a specific date, asbestos will not be added to new construction and manufacturing materials used in this country;

(12) asbestos has been banned in Argentina, Australia, Austria, Belgium, Chile, Croatia, the Czech Republic, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Latvia, Luxembourg, the Netherlands, Norway, Poland, Saudi Arabia, the Slovak Republic, Spain, Sweden, Switzerland, and the United Kingdom;

(13) asbestos will be banned throughout the European Union in 2005;

(14) in 2000, the World Trade Organization upheld the right of France to ban asbestos, with the United States Trade Representative filing a brief in support of the right of France to ban asbestos;

(15) the 1999 brief by the United States Trade Representative stated, ''In the view of the United States, chrysotile asbestos is a toxic material that presents a serious risk to human health.'';

(16) people in the United States have been exposed to harmful levels of asbestos as a contaminant of other minerals;

(17) in the town of Libby, Montana, workers and residents have been exposed to dangerous levels of asbestos for generations because of mining operations at the W.R. Grace vermiculite mine located in that town;

(18) the Agency for Toxic Substances and Disease Registry found that over a 20-year period, ''mortality in Libby resulting from asbestosis was approximately 40 to 80 times higher than expected. Mesothelioma mortality was also elevated.'';

(19)(A) in response to this crisis, in January 2002, the Governor of Montana requested that the Administrator of the Environmental Protection Agency designate Libby as a Superfund site; and

(B) on October 23, 2002, the Administrator placed Libby on the National Priorities List;

(20)(A) vermiculite from Libby was shipped for processing to 42 States; and

(B) Federal agencies are investigating potential harmful exposures to asbestos-contaminated vermiculite at sites throughout the United States;

(21) the Administrator has identified 14 sites that have dangerous levels of asbestos-tainted vermiculite and require cleanup efforts; and

(22) although it is impracticable to eliminate exposure to asbestos entirely because asbestos is a naturally occurring mineral in the environment and occurs in several deposits throughout the United States, Congress needs to do more to protect the public from exposure to asbestos and Congress has the power to prohibit the continued, intentional use of asbestos in consumer products.

SEC. ___03. ASBESTOS-CONTAINING PRODUCTS.

(a) IN GENERAL.—Title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) is amended—

(1) by inserting before section 201 (15 U.S.C. 2641) the following:

''Subtitle A—General Provisions'';

and

(2) by adding at the end the following:

''Subtitle B—Asbestos-Containing Products

''SEC. 221. DEFINITIONS.

''In this subtitle:

''(1) ASBESTOS-CONTAINING PRODUCT.—The term 'asbestos-containing product' means any product (including any part) to which asbestos is deliberately or knowingly added or in which asbestos is deliberately or knowingly used in any concentration.

''(2) CONTAMINANT-ASBESTOS PRODUCT.—The term 'contaminant-asbestos product' means any product that contains asbestos as a contaminant of any mineral or other substance, in any concentration.

''(3) DISTRIBUTE IN COMMERCE.—

''(A) IN GENERAL.—The term 'distribute in commerce' has the meaning given the term in section 3.

''(B) EXCLUSIONS.—The term 'distribute in commerce' does not include—

''(i) an action taken with respect to an asbestos-containing product in connection with the end use of the asbestos-containing product by a person that is an end user; or

''(ii) distribution of an asbestos-containing product by a person solely for the purpose of disposal of the asbestos-containing product in compliance with applicable Federal, State, and local requirements.

''(4) DURABLE FIBER.—

''(A) IN GENERAL.—The term 'durable fiber' means a silicate fiber that—

''(i) occurs naturally in the environment; and

''(ii) is similar to asbestos in—

''(I) resistance to dissolution;

''(II) leaching; and

''(III) other physical, chemical, or biological processes expected from contact with lung cells and other cells and fluids in the human body.

''(B) INCLUSIONS.—The term 'durable fiber' includes—

''(i) richterite;

''(ii) winchite;

''(iii) erionite; and

''(iv) nonasbestiform varieties of crocidolite, amosite, anthophyllite, tremolite, and actinolite.

''(5) FIBER.—The term 'fiber' means an acicular single crystal or similarly elongated polycrystalline aggregate particle with a length to width ratio of 3 to 1 or greater.

''(6) PERSON.—The term 'person' means—

''(A) any individual;

''(B) any corporation, company, association, firm, partnership, joint venture, sole proprietorship, or other for-profit or nonprofit business entity (including any manufacturer, importer, distributor, or processor);

''(C) any Federal, State, or local department, agency, or instrumentality; and

''(D) any interstate body.

''SEC. 222. NATIONAL ACADEMY OF SCIENCES STUDY.

''The Administrator shall enter into a contract with the National Academy of Sciences to study and, not later than 18 months after the date of enactment of this subtitle, provide the Administrator, and other Federal agencies, as appropriate—

''(1) a description of the current state of the science relating to the human health effects of exposure to asbestos and other durable fibers; and

''(2) recommendations for the establishment of—

''(A) a uniform system for the establishment of asbestos exposure standards for workers, school children, and other populations; and

''(B) a uniform system for the establishment of protocols for detecting and measuring asbestos.

''SEC. 223. ASBESTOS POLICIES PANEL.

''(a) PANEL.—

''(1) IN GENERAL.—The Administrator shall establish an Asbestos Policies Panel (referred to in this section as the 'panel') to study asbestos and other durable fibers.

''(2) MEMBERSHIP.—The panel shall be comprised of representatives of—

''(A) the Secretary of Labor;

''(B) the Secretary of Health and Human Services; and

''(C) the Chairman of the Consumer Product Safety Commission;

''(D) nongovernmental environmental, public health, and consumer organizations;

''(E) industry;

''(F) school officials;

''(G) public health officials;

''(H) labor organizations; and

''(I) the public.

''(b) DUTIES.—The panel shall—

''(1) provide independent advice and counsel to the Administrator and other Federal agencies on policy issues associated with the use and management of asbestos and other durable fibers; and

''(2) study and, not later than 2 years after the date of enactment of this subtitle, provide the Administrator, other Federal agencies, and Congress recommendations concerning—

''(A) implementation of subtitle A;

''(B) grant programs under subtitle A;

''(C) revisions to the national emissions standards for hazardous air pollutants promulgated under the Clean Air Act (42 U.S.C. 7401 et seq.);

''(D) legislative and regulatory options for improving consumer and worker protections against harmful health effects of exposure to asbestos and durable fibers;

''(E) whether the definition of asbestos-containing material, meaning any material that contains more than 1 percent asbestos by weight, should be modified throughout the Code of Federal Regulations;

''(F) the feasibility of establishing a durable fibers testing program;

''(G) options to improve protections against exposure to asbestos from asbestos-containing products and contaminant-asbestos products in buildings;

''(H) current research on and technologies for disposal of asbestos-containing products and contaminant-asbestos products; and

''(I) at the option of the panel, the effects on human health that may result from exposure to ceramic, carbon, and other manmade fibers.

''SEC. 224. STUDY OF ASBESTOS-CONTAINING PRODUCTS AND CONTAMINANT-ASBESTOS PRODUCTS.

''(a) IN GENERAL.—In consultation with the Secretary of Labor, the Chairman of the International Trade Commission, the Chairman of the Consumer Product Safety Commission, and the Assistant Secretary for Occupational Safety and Health, the Administrator shall conduct a study on the status of the manufacture, processing, distribution in commerce, ownership, importation, and disposal of asbestos-containing products and contaminant-asbestos products in the United States.

''(b) ISSUES.—In conducting the study, the Administrator shall examine—

''(1) how consumers, workers, and businesses use asbestos-containing products and contaminant-asbestos products that are entering commerce as of the date of enactment of this subtitle; and

''(2) the extent to which consumers and workers are being exposed to unhealthful levels of asbestos through exposure to products described in paragraph (1).

''(c) REPORT.—Not later than 18 months after the date of enactment of this subtitle, the Administrator shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study.

''SEC. 225. PROHIBITION ON ASBESTOS-CONTAINING PRODUCTS.

''(a) IN GENERAL.—Subject to subsection (b), the Administrator shall promulgate—

''(1) not later than 1 year after the date of enactment of this subtitle, proposed regulations that—

''(A) prohibit persons from manufacturing, processing, or distributing in commerce asbestos-containing products; and

''(B) provide for implementation of subsections (b) and (c); and

''(2) not later than 2 years after the date of enactment of this subtitle, final regulations that, effective 60 days after the date of promulgation, prohibit persons from manufacturing, processing, or distributing in commerce asbestos-containing products.

''(b) EXEMPTIONS.—

''(1) IN GENERAL.—Any person may petition the Administrator for, and the Administrator may grant an exemption from the requirements of subsection (a) if the Administrator determines that—

''(A) the exemption would not result in an unreasonable risk of injury to public health or the environment; and

''(B) the person has made good faith efforts to develop, but has been unable to develop, a substance, or identify a mineral, that—

''(i) does not present an unreasonable risk of injury to public health or the environment; and

''(ii) may be substituted for an asbestos-containing product.

''(2) TERMS AND CONDITIONS.—An exemption granted under this subsection shall be in effect for such period (not to exceed 1 year) and subject to such terms and conditions as the Administrator may prescribe.

''(c) DISPOSAL.—

''(1) IN GENERAL.—Except as provided in paragraph (2), not later than 3 years after the date of enactment of this subtitle, each person that possesses an asbestos-containing product that is subject to the prohibition established under this section shall dispose of the asbestos-containing product, by a means that is in compliance with applicable Federal, State, and local requirements.

''(2) EXEMPTION.—Nothing in paragraph (1)—

''(A) applies to an asbestos-containing product that—

''(i) is no longer in the stream of commerce; or

''(ii) is in the possession of an end user; or

''(B) requires that an asbestos-containing product described in subparagraph (A) be removed or replaced.

''SEC. 226. PUBLIC EDUCATION PROGRAM.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of this subtitle, and subject to subsection (c), in consultation with the Chairman of the Consumer Product Safety Commission and the Secretary of Labor, the Administrator shall establish a program to increase awareness of the dangers posed by asbestos-containing products and contaminant-asbestos products in homes and workplaces.

''(b) GREATEST RISKS.—In establishing the program, the Administrator shall—

''(1) base the program on the results of the study conducted under section 224;

''(2) give priority to asbestos-containing products and contaminant-asbestos products used by consumers and workers that pose the greatest risk of injury to human health; and

''(3) at the option of the Administrator on receipt of a recommendation from the Asbestos Policies Panel, include in the program the conduct of projects and activities to increase public awareness of the effects on human health that may result from exposure to—

''(A) durable fibers; and

''(B) ceramic, carbon, and other manmade fibers.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

(b) VERMICULITE INSULATION.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency and the Consumer Product Safety Commission shall begin a national campaign to educate consumers concerning—

(1) the dangers of vermiculite insulation that may be contaminated with asbestos; and

(2) measures that homeowners and business owners can take to protect against those dangers.

SEC. ___04. ASBESTOS-CAUSED DISEASES.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

''SEC. 417D. RESEARCH ON ASBESTOS-CAUSED DISEASES.

''(a) IN GENERAL.—The Secretary, acting through the Director of NIH and the Director of the Centers for Disease Control and Prevention, shall expand, intensify, and coordinate programs for the conduct and support of research on diseases caused by exposure to asbestos, particularly mesothelioma, asbestosis, and pleural injuries.

''(b) ADMINISTRATION.—The Secretary shall carry out this section—

''(1) through the Director of NIH and the Director of the CDC (Centers for Disease Control and Prevention); and

''(2) in collaboration with the Administrator of the Agency for Toxic Substances and Disease Registry and the head of any other agency that the Secretary determines to be appropriate.

''(c) MESOTHELIOMA REGISTRY.—Not later than 1 year after the date of enactment of this section, the Director of the Centers for Disease Control and Prevention, in cooperation with the Director of the National Institute for Occupational Safety and Health and the Administrator of the Agency for Toxic Substances and Disease Registry, shall establish a mechanism by which to obtain data from State cancer registries and other cancer registries, which shall form the basis for establishing a Mesothelioma Registry.

''(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available for the purposes described in subsection (a) under other law, there are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2004 and each fiscal year thereafter.

''SEC. 417E. MESOTHELIOMA RESEARCH AND TREATMENT CENTERS.

''(a) IN GENERAL.—The Director of NIH shall provide $1,000,000 for each of fiscal years 2004 through 2008 for each of up to 10 mesothelioma disease research and treatment centers.

''(b) REQUIREMENTS.—The Centers shall—

''(1) be chosen through competitive peer review;

''(2) be geographically distributed throughout the United States with special consideration given to areas of high incidence of mesothelioma disease;

''(3) be closely associated with Department of Veterans Affairs medical centers to provide research benefits and care to veterans, who have suffered excessively from mesothelioma;

''(4) be engaged in research to provide mechanisms for detection and prevention of mesothelioma, particularly in the areas of pain management and cures;

''(5) be engaged in public education about mesothelioma and prevention, screening, and treatment;

''(6) be participants in the National Mesothelioma Registry;

''(7) be coordinated in their research and treatment efforts with other Centers and institutions involved in exemplary mesothelioma research; and

''(8) be focused on research and treatments for mesothelioma that have historically been underfunded.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2004 through 2008.''.

SEC. ___05. CONFORMING AMENDMENTS.

The table of contents in section 1 of the Toxic Substances Control Act (15 U.S.C. prec. 2601) is amended—

(1) by inserting before the item relating to section 201 the following:

''Subtitle A—General Provisions'';

and

(2) by adding at the end of the items relating to title II the following:

SA 2960. Mr. TALENT submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

Beginning on page 194, strike line 7 and all that follows through page 210, line 9, and insert the following:

(f) DETERMINATION OF COUNTABLE HOURS ENGAGED IN WORK.—

(1) IN GENERAL.—Section 407(c) (42 U.S.C. 607(c)) is amended to read as follows:

''(c) DETERMINATION OF COUNTABLE HOURS ENGAGED IN WORK.—

''(1) SINGLE PARENT OR RELATIVE WITH A CHILD OVER AGE 6.—

''(A) MINIMUM AVERAGE NUMBER OF HOURS PER WEEK.—Subject to the succeeding paragraphs of this subsection, a family in which an adult recipient or minor child head of household in the family is participating in work activities described in subsection (d) shall be treated as engaged in work for purposes of determining monthly participation rates under subsection (b)(1)(B)(i) as follows:

''(i) In the case of a family in which the total number of hours in which any adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 20, but less than 25, hours per week in a month, as 0.675 of a family.

''(ii) In the case of a family in which the total number of hours in which any adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 25, but less than 33, hours per week in a month, as 0.75 of a family.

''(iii) In the case of a family in which the total number of hours in which any adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 33, but less than 40, hours per week in a month, as 0.875 of a family.

''(iv) In the case of a family in which the total number of hours in which any adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 40 hours per week in a month, as 1 family.

''(B) DIRECT WORK ACTIVITIES REQUIRED FOR AN AVERAGE OF 24 HOURS PER WEEK.—Except as provided in subparagraph (C)(i), a State may not count any hours of participation in work activities specified in paragraph (9), (10), or (11) of subsection (d) of any adult recipient or minor child head of household in a family before the total number of hours of participation by any adult recipient or minor child head of household in the family in work activities described in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (12) of subsection (d) for the family for the month averages at least 24 hours per week.

''(C) STATE FLEXIBILITY TO COUNT PARTICIPATION IN CERTAIN ACTIVITIES.—

''(i) QUALIFIED ACTIVITIES FOR 3-MONTHS IN ANY 24-MONTH PERIOD.—

''(I) 24-HOURS PER WEEK REQUIRED.—Subject to subclauses (III) and (IV), for purposes of determining hours under subparagraph (A), a State may count the total number of hours any adult recipient or minor child head of household in a family engages in qualified activities described in subclause (II) as a work activity described in subsection (d), without regard to whether the recipient has satisfied the requirement of subparagraph (B), but only if—

''(aa) the total number of hours of participation in such qualified activities for the family for the month average at least 24 hours per week; and

''(bb) engaging in such qualified activities is a requirement of the family self-sufficiency plan.

''(II) QUALIFIED ACTIVITIES DESCRIBED.—For purposes of subclause (I), qualified activities described in this subclause are any of the following:

''(aa) Postsecondary education.

''(bb) Adult literacy programs or activities.

''(cc) Substance abuse counseling or treatment.

''(dd) Programs or activities designed to remove barriers to work, as defined by the State.

''(ee) Work activities authorized under any waiver for any State that was continued under section 415 before the date of enactment of the Personal Responsibility and Individual Development for Everyone Act.

''(III) LIMITATION.—Except as provided in clause (ii), subclause (I) shall not apply to a family for more than 3 months in any period of 24 consecutive months.

''(IV) CERTAIN ACTIVITIES.—The Secretary may allow a State to count the total hours of participation in qualified activities described in subclause (II) for an adult recipient or minor child head of household without regard to the minimum 24 hour average per week of participation requirement under subclause (I) if the State has demonstrated conclusively that such activity is part of a substantial and supervised program whose effectiveness in moving families to self-sufficiency is superior to any alternative activity and the effectiveness of the program in moving families to self-sufficiency would be substantially impaired if participating individuals participated in additional, concurrent qualified activities that enabled the individuals to achieve an average of at least 24 hours per week of participation.

''(ii) ADDITIONAL 3-MONTH PERIOD PERMITTED FOR CERTAIN ACTIVITIES.—

''(I) SELF-SUFFICIENCY PLAN REQUIREMENT COMBINED WITH MINIMUM NUMBER OF HOURS.—A State may extend the 3-month period under clause (i) for an additional 3 months in the same period of 24 consecutive months in the case of an adult recipient or minor child head of household who is receiving qualified rehabilitative services described in subclause (II) if—

''(aa) the total number of hours that the adult recipient or minor child head of household engages in such qualified rehabilitative services and, subject to subclause (III), a work activity described in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (12) of subsection (d) for the month average at least 24 hours per week; and

''(bb) engaging in such qualified rehabilitative services is a requirement of the family self-sufficiency plan.

''(II) QUALIFIED REHABILITATIVE SERVICES DESCRIBED.—For purposes of subclause (I), qualified rehabilitative services described in this subclause are any of the following:

''(aa) Adult literacy programs or activities.

''(bb) Participation in a program designed to increase proficiency in the English language.

''(cc) In the case of an adult recipient or minor child head of household who has been certified by a qualified medical, mental health, or social services professional (as defined by the State) as having a physical or mental disability, substance abuse problem, or other problem that requires a rehabilitative service, substance abuse treatment, or mental health treatment, the service or treatment determined necessary by the professional.

''(III) NONAPPLICATION OF LIMITATIONS ON JOB SEARCH AND VOCATIONAL EDUCATIONAL TRAINING.—An adult recipient or minor child head of household who is receiving qualified rehabilitative services described in subclause (II) may engage in a work activity described in paragraph (6) or (8) of subsection (d) for purposes of satisfying the minimum 24 hour average per week of participation requirement under subclause (I)(aa) without regard to any limit that otherwise applies to the activity (including the 30 percent limitation on participation in vocational educational training under paragraph (6)(C)).

''(iii) HOURS IN EXCESS OF AN AVERAGE OF 24 WORK ACTIVITY HOURS PER WEEK.—If the total number of hours that any adult recipient or minor child head of household in a family has participated in a work activity described in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (12) of subsection (d) averages at least 24 hours per week in a month, a State, for purposes of determining hours under subparagraph (A), may count any hours an adult recipient or minor child head of household in the family engages in—

''(I) any work activity described in subsection (d), without regard to any limit that otherwise applies to the activity (including the 30 percent limitation on participation in vocational educational training under paragraph (6)(C)); and

''(II) any qualified activity described in clause (i)(II), as a work activity described in subsection (d).

''(2) SINGLE PARENT OR RELATIVE WITH A CHILD UNDER AGE 6.—

''(A) IN GENERAL.—A family in which an adult recipient or minor child head of household in the family is the only parent or caretaker relative in the family of a child who has not attained 6 years of age and who is participating in work activities described in subsection (d) shall be treated as engaged in work for purposes of determining monthly participation rates under subsection (b)(1)(B)(i) as follows:

''(i) In the case of such a family in which the total number of hours in which the adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 20, but less than 24, hours per week in a month, as 0.675 of a family.

''(ii) In the case of such a family in which the total number of hours in which the adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 24 hours per week in a month, as 1 family.

''(B) APPLICATION OF RULES REGARDING DIRECT WORK ACTIVITIES AND STATE FLEXIBILITY TO COUNT PARTICIPATION IN CERTAIN ACTIVITIES.—Subparagraphs (B) and (C) of paragraph (1) apply to a family described in subparagraph (A) in the same manner as such subparagraphs apply to a family described in paragraph (1)(A).

''(3) 2-PARENT FAMILIES.—

''(A) IN GENERAL.—Subject to paragraph (6)(A), a 2-parent family in which an adult recipient or minor child head of household in the family is participating in work activities described in subsection (d) shall be treated as engaged in work for purposes of determining monthly participation rates under subsection (b)(1)(B)(i) as follows:

''(i) In the case of such a family in which the total number of hours in which any adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 26, but less than 30, hours per week in a month, as 0.675 of a family.

''(ii) In the case of such a family in which the total number of hours in which any adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 30, but less than 33, hours per week in a month, as 0.75 of a family.

''(iii) In the case of such a family in which the total number of hours in which any adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 33, but less than 40, hours per week in a month, as 0.875 of a family.

''(iv) In the case of such a family in which the total number of hours in which any adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 40 hours per week in a month, as 1 family.

''(B) APPLICATION OF RULES REGARDING DIRECT WORK ACTIVITIES AND STATE FLEXIBILITY TO COUNT PARTICIPATION IN CERTAIN ACTIVITIES.—Subparagraphs (B) and (C) of paragraph (1) apply to a 2-parent family described in subparagraph (A) in the same manner as such subparagraphs apply to a family described in paragraph (1)(A), except that subparagraph (B) of paragraph (1) shall be applied to a such a 2-parent family by substituting '34' for '24' each place it appears.

''(4) 2-PARENT FAMILIES THAT RECEIVE FEDERALLY FUNDED CHILD CARE.—

''(A) IN GENERAL.—Subject to paragraph (6)(A), if a 2-parent family receives federally funded child care assistance, an adult recipient or minor child head of household in the family participating in work activities described in subsection (d) shall be treated as engaged in work for purposes of determining monthly participation rates under subsection (b)(1)(B)(i) as follows:

''(i) In the case of such a family in which the total number of hours in which any adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 40, but less than 45, hours per week in a month, as 0.675 of a family.

''(ii) In the case of such a family in which the total number of hours in which any adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 45, but less than 51, hours per week in a month, as 0.75 of a family.

''(iii) In the case of such a family in which the total number of hours in which any adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 51, but less than 55, hours per week in a month, as 0.875 of a family.

''(iv) In the case of such a family in which the total number of hours in which any adult recipient or minor child head of household in the family is participating in such work activities for an average of at least 55 hours per week in a month, as 1 family.

SA 2961. Mr. TALENT submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

Beginning on page 184, strike line 6 and all that follows through line 4 on page 185, and insert the following:

(c) MINIMUM PARTICIPATION RATE FLOOR.—Section 407(a), as amended by subsection (b), is amended by adding at the end, the following:

''(2) MINIMUM PARTICIPATION RATE FLOOR.—

''(A) IN GENERAL.—Notwithstanding any other provision of this part, a State to which a grant is made under section 403 for a fiscal year shall achieve a minimum participation rate floor under the State program funded under this part that is not less than—

''(i) 10 percent for fiscal year 2004;

''(ii) 20 percent for fiscal year 2005;

''(iii) 30 percent for fiscal year 2006;

''(iv) 40 percent for fiscal year 2007; and

''(v) 55 percent for fiscal year 2008 and each succeeding year.

''(B) CALCULATION OF PARTICIPATION RATES FOR PURPOSES OF DETERMINING THE MINIMUM PARTICIPATION RATE FLOOR.—The minimum participation rate floor of a State for a fiscal year shall be calculated according to subsection (b) except that—

''(i) the minimum participation rate floor for a State shall not be reduced by an employment credit under subsection (b)(2) or a caseload reduction credit under subsection (b)(3) (in the case of a State that has opted to phase-in replacement of that credit under section 109(d)(3)(B) of the Personal Responsibility and Individual Development for Everyone Act); and

''(ii) the options to exempt families for purposes of the determining monthly participation rates provided in paragraph (4) shall not apply.

''(C) DEFINITION OF ASSISTANCE.—For purposes of calculating the minimum participation rate floor under this paragraph, the term 'assistance' means assistance to a family that—

''(i) meets the definition of that term in section 419; and

''(ii) is provided—

''(I) under the State program funded under this part; or

''(II) under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).

''(D) NO WORK REQUIREMENT IMPOSED FOR FAMILIES WITH AN INFANT.—Nothing in this paragraph shall be construed as requiring a State to require a family in which the youngest child has not attained 12 months of age to engage in work or other activities.

On page 194, line 23, insert ''and the minimum participation rate floor under subsection (a)(2)'' after ''(b)(1)(B)(i)''.

On page 225, line 10, insert ''paragraph (1) or (2) of'' after ''section''.

On page 225, line 17, insert ''paragraph (1) or (2) of'' after ''section''.

SA 2962. Mr. CAMPBELL submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

Beginning on page 236, strike line 21 and all that follows through page 239, line 8, and insert the following:

SEC. 113. DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.

(a) REAUTHORIZATION OF TRIBAL FAMILY ASSISTANCE GRANTS.—Section 412(a)(1)(A) (42 U.S.C. 612(a)(1)(A)), as amended by section 3(h) of the Welfare Reform Extension Act of 2003, is amended by striking ''1997, 1998, 1999, 2000, 2001, 2002, and 2003'' and inserting ''2005 through 2009''.

(b) TRIBAL TANF IMPROVEMENT FUND.—

(1) TRIBAL TANF IMPROVEMENT GRANTS.—

(A) IN GENERAL.—Section 412(a) (42 U.S.C. 612(a)) is amended by striking paragraph (2) and inserting the following:

''(2) TRIBAL TANF IMPROVEMENT GRANTS.—

''(A) TRIBAL CAPACITY GRANTS.—

''(i) IN GENERAL.—Of the amount appropriated under subparagraph (D) for the period of fiscal years 2005 through 2009, $185,000,000 of such amount shall be used by the Secretary to award grants for tribal human services program infrastructure improvement (as defined in clause (v)) to—

''(I) Indian tribes that have applied for approval of a tribal family assistance plan and that meet the requirements of clause (ii)(I);

''(II) Indian tribes with an approved tribal family assistance plan and that meet the requirements of clause (ii)(II); and

''(III) Indian tribes that have applied for approval of a foster care and adoption assistance program under section 479B or that plan to enter into, or have in place, a tribal-State cooperative agreement under section 479B(c) and that meet the requirements of clause (ii)(III).

''(ii) PRIORITIES FOR AWARDING OF GRANTS.—The Secretary shall give priority in awarding grants under this subparagraph as follows:

''(I) First, for grants to Indian tribes that have applied for approval of a tribal family assistance plan, that have not operated such a plan as of the date of enactment of the Personal Responsibility and Individual Development for Everyone Act that will have such plan approved, and that include in the plan submission provisions for tribal human services program infrastructure improvement (as so defined) and related management information systems training.

''(II) Second, for Indian tribes with an approved tribal family assistance plan that are not described in subclause (I) and that submit an addendum to such plan that includes provisions for tribal human services program infrastructure improvement that includes implementing or improving management information systems of the tribe (including management information systems training), as such systems relate to the operation of the tribal family assistance plan.

''(III) Third, for Indian tribes that have applied for approval of a foster care and adoption assistance program under section 479B or that plan to enter into, or have in place, a tribal-State cooperative agreement under section 479B(c) and that include in the plan submission under section 471 (or in an addendum to such plan) provisions for tribal human services program infrastructure improvement (as so defined) and related management information systems training.

''(iii) OTHER REQUIREMENTS FOR AWARDING GRANTS.—In awarding grants under this subparagraph, the Secretary—

''(I) may not award an Indian tribe more than 1 grant under this subparagraph per fiscal year; and

''(II) shall award grants in such a manner as to maximize the number of Indian tribes that receive grants under this subparagraph.

''(iv) APPLICATION.—An Indian tribe desiring a grant under this subparagraph shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

''(v) DEFINITION OF HUMAN SERVICES PROGRAM INFRASTRUCTURE IMPROVEMENT.—In this subparagraph, the term 'human services program infrastructure improvement' includes (but is not limited to) improvement of management information systems, management information systems-related training, equipping offices, and renovating, but not constructing, buildings, as described in an

application for a grant under this subparagraph, and subject to approval by the Secretary.

''(B) ADJUSTED TRIBAL TANF GRANTS FOR INCREASED CASELOADS.—

''(i) IN GENERAL.—Of the amount appropriated under subparagraph (E) for the period of fiscal years 2005 through 2009, $140,000,000 of such amount shall be used by the Secretary to make supplemental grants for each of fiscal years 2005 through 2009 to each Indian tribe that—

''(I) has an approved tribal family assistance plan; and

''(II) demonstrates that the number of Indian families receiving cash assistance under the tribal family assistance plan as of the first quarter of the third year of the operation of such plan has increased by at least 20 percent over such number for the first quarter of the first year of the operation of such plan.

''(ii) ALLOCATION OF FUNDS.—The Secretary, in consultation with Indian tribes with approved tribal family assistance plans, shall determine a formula for the allocation of $35,000,000 of the funds described in clause (i) for each fiscal year described in that clause in a manner that is proportionate to the size, service population, and percentage increase in the number of Indian families served by each Indian tribe eligible for an adjusted grant under this subparagraph for that fiscal year. If the amount available for allocation for a fiscal year is less than the total amount of funds requested for allocation among the Indian tribes for that fiscal year, the Secretary shall allocate the funds among such tribes on a pro rata basis.

''(C) MAINTENANCE OF EFFORT PAYMENTS.—

''(i) IN GENERAL.—Subject to clause (ii), of the amount appropriated under subparagraph (E), $40,000,000 of such amount for each of fiscal years 2005 through 2009 shall be used by the Secretary to pay a State an amount equal to 50 percent of the total amount of qualified State expenditures (as defined in section 409(a)(7)(B)(i)) incurred by the State for each such fiscal year for support of tribal family assistance plans.

''(ii) PRO RATA REDUCTIONS.—If the amount available for making payments under clause (i) for a fiscal year is less than the total amount of payments otherwise required to be made under clause (i) for the fiscal year, then the amount otherwise payable to any State for the fiscal year under clause (i) shall be reduced by a percentage equal to the amount available divided by the total amount of payments required for that fiscal year.

''(D) TECHNICAL ASSISTANCE FOR INDIAN TRIBES.—

''(i) IN GENERAL.—Of the amount appropriated under subparagraph (E) for the period of fiscal years 2005 through 2009, $15,000,000 shall be used by the Secretary to provide technical assistance to Indian tribes—

''(I) considering applying for or carrying out a grant made under this paragraph;

''(II) considering applying for or carrying out a tribal family assistance plan under this section; or

''(III) related to best practices and approaches for State and tribal coordination on the transfer of the administration of social services programs to Indian tribes.

''(ii) RESERVATION OF FUNDS.—Not less than—

''(I) $5,000,000 of the amount described in clause (i) shall be used by the Secretary to support through grants or contracts peer-learning programs among tribal administrators; and

''(II) $5,000,000 of such amount shall be used by the Secretary for making grants to Indian tribes to conduct feasibility studies of the capacity of Indian tribes to operate tribal family assistance plans under this part.

''(E) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $500,000,000 for the period of fiscal years 2005 through 2009 to carry out this paragraph. Amounts appropriated under this subparagraph shall remain available until expended.''.

(B) CONFORMING AMENDMENT.—Section 405(a) (42 U.S.C. 605(a)) is amended by striking ''section 403'' and inserting ''sections 403 and 412(a)(2)(C)''.

(2) ELIGIBILITY FOR BONUS TO REWARD EMPLOYMENT ACHIEVEMENT; CONTINGENCY FUND.—

(A) BONUS TO REWARD EMPLOYMENT ACHIEVEMENT.—Section 403(a)(4)(G) (42 U.S.C. 603(a)(4)(G)), as amended by section 105, is amended to read as follows:

''(G) RESERVATION OF FUNDS FOR DISTRIBUTION TO INDIAN TRIBES.—

''(i) IN GENERAL.—Of the amount available for grants under this paragraph for a bonus year, the Secretary shall reserve an amount equal to 3 percent of such amount to make grants pursuant to this subparagraph to each Indian tribe with an approved tribal family assistance plan that is a high performing Indian tribe for that bonus year.

''(ii) CRITERIA FOR DETERMINING TRIBAL PERFORMANCE.—

''(I) IN GENERAL.—Subject to subclause (II), the Secretary, in consultation with Indian tribes with approved tribal family assistance plans located throughout the United States, shall determine the criteria for determining which such tribes are high performing Indian tribes with respect to a bonus year.

''(II) INCLUSION OF CERTAIN FACTORS.—Such criteria shall include factors related to the employment of recipients of assistance under a tribal family assistance plan and to moving such recipients to self-sufficiency.''.

(B) ELIGIBILITY FOR CONTINGENCY FUND.—Section 403(b)(1) (42 U.S.C. 603(b)(3)), as amended by section 106(a)(1), is amended—

(i) in subparagraph (A), by striking ''subparagraph (C)'' and inserting ''subparagraphs (C) and (D)'';

(ii) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(iii) by inserting after subparagraph (C), the following:

''(D) INCREASED ECONOMIC HARDSHIP PAYMENTS TO INDIAN TRIBES.—

''(i) IN GENERAL.—Of the total amount appropriated pursuant to paragraph (2), $50,000,000 of such amount shall be reserved for making payments to Indian tribes with approved tribal family assistance plans that are operating in situations of increased economic hardship.

''(ii) DETERMINATION OF CRITERIA FOR TRIBAL ACCESS.—

''(I) IN GENERAL.—Subject to subclause (II), the Secretary, in consultation with Indian tribes with approved tribal family assistance plans, shall determine the criteria for access by Indian tribes to the amount reserved under clause (i).

''(II) INCLUSION OF CERTAIN FACTORS.—Such criteria shall include factors related to increases in unemployment, loss of employers, and loss of qualified State expenditures (as defined in section 409(a)(7)(B)(i)) in support of tribal family assistance plans.

''(iii) APPLICATION OF REQUIREMENTS FOR PAYMENTS TO STATES.—The Secretary, in consultation with Indian tribes with approved tribal family assistance plans located throughout the United States, shall determine the extent to which requirements of States for payments from the Fund shall apply to Indian tribes receiving payments under this subparagraph.''.

(c) HIGH JOBLESSNESS ON NATIVE LANDS.—Section 408(a)(7)(D) (42 U.S.C. 608(a)(7)(D)) is amended—

(1) in the subparagraph heading, by striking ''BY ADULT'' and all that follows through ''UNEMPLOYMENT'' and inserting ''IN AREAS OF INDIAN COUNTRY OR AN ALASKAN NATIVE VILLAGE WITH HIGH JOBLESSNESS'';

(2) by striking clause (i) and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), in determining the number of months for which an adult has received assistance under a State or tribal program funded under this part, the State or tribe shall disregard any month during which the adult lived in Indian country or an Alaskan Native village if the most reliable data available (or such other data submitted by a State or tribal program as the Secretary may approve) with respect to the month (or a period including the month) indicate that at least 20 percent of the adult recipients who were living in Indian country or in the village were jobless.'';

(3) by redesignating clause (ii) as clause (iii); and

(4) by inserting after clause (i), the following:

''(ii) REQUIREMENT.—A month may only be disregarded under clause (i) with respect to an adult recipient described in that clause if the adult is in compliance with program requirements.''.

(d) NATIVE FOSTER CARE; ADOPTION ASSISTANCE.—

(1) CHILDREN PLACED IN TRIBAL CUSTODY ELIGIBLE FOR FOSTER CARE FUNDING.—Section 472(a)(2) (42 U.S.C. 672(a)(2)) is amended—

(A) by striking ''or (B)'' and inserting ''(B)''; and

(B) by inserting before the semicolon the following: '', or (C) an Indian tribe or tribal organization (as defined in section 479B(e)) or an intertribal consortium if the Indian tribe, tribal organization, or consortium is not operating a program pursuant to section 479B and (i) has a cooperative agreement with a State pursuant to section 479B(c) or (ii) submits to the Secretary a description of the arrangements (jointly developed or developed in consultation with the State) made by the Indian tribe, tribal organization, or consortium for the payment of funds and the provision of the child welfare services and protections required by this title''.

(2) PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—Part E of title IV (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

''SEC. 479B. PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.

''(a) APPLICATION.—Except as provided in subsection (b), this part shall apply to an Indian tribe or tribal organization that elects to operate a program under this part in the same manner as this part applies to a State.

''(b) MODIFICATION OF PLAN REQUIREMENTS.—

''(1) IN GENERAL.—In the case of an Indian tribe or tribal organization submitting a plan for approval under section 471, the plan shall—

''(A) in lieu of the requirement of section 471(a)(3), identify the service area or areas and population to be served by the Indian tribe or tribal organization; and

''(B) in lieu of the requirement of section 471(a)(10), provide for the approval of foster homes pursuant to tribal standards and in a manner that ensures the safety of, and accountability for, children placed in foster care.

''(2) DETERMINATION OF FEDERAL SHARE.—

''(A) PER CAPITA INCOME.—

''(i) IN GENERAL.—For purposes of determining the Federal medical assistance percentage applicable to an Indian tribe or tribal organization under paragraphs (1) and (2)

of section 474(a), the calculation of an Indian tribe's or tribal organization's per capita income shall be based upon the service population of the Indian tribe or tribal organization as defined in its plan in accordance with paragraph (1)(A).

''(ii) CONSIDERATION OF OTHER INFORMATION.—An Indian tribe or tribal organization may submit to the Secretary such information as the Indian tribe or tribal organization considers relevant to the calculation of the per capita income of the Indian tribe or tribal organization, and the Secretary shall consider such information before making the calculation.

''(B) ADMINISTRATIVE EXPENDITURES.—The Secretary shall, by regulation, determine the proportions to be paid to Indian tribes and tribal organizations pursuant to section 474(a)(3), except that in no case shall an Indian tribe or tribal organization receive a lesser proportion than the corresponding amount specified for a State in that section.

''(C) SOURCES OF NON-FEDERAL SHARE.—An Indian tribe or tribal organization may use Federal or State funds to match payments for which the Indian tribe or tribal organization is eligible under section 474.

''(3) MODIFICATION OF OTHER REQUIREMENTS.—Upon the request of an Indian tribe, tribal organization, or a consortia of tribes or tribal organizations, the Secretary may modify any requirement under this part if, after consulting with the Indian tribe, tribal organization, or consortia of tribes or tribal organizations, the Secretary determines that modification of the requirement would advance the best interests and the safety of children served by the Indian tribe, tribal organization, or consortia of tribes or tribal organizations.

''(4) CONSORTIUM.—The participating Indian tribes or tribal organizations of an intertribal consortium may develop and submit a single plan under section 471 that meets the requirements of this section.

''(c) COOPERATIVE AGREEMENTS.—An Indian tribe, tribal organization, or intertribal consortium and a State may enter into a cooperative agreement for the administration or payment of funds pursuant to this part. In any case where an Indian tribe, tribal organization, or intertribal consortium and a State enter into a cooperative agreement that incorporates any of the provisions of this section, those provisions shall be valid and enforceable. Any such cooperative agreement that is in effect as of the date of enactment of this section, shall remain in full force and effect subject to the right of either party to the agreement to revoke or modify the agreement pursuant to the terms of the agreement.

''(d) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall, in full consultation with Indian tribes and tribal organizations, promulgate regulations to carry out this section.

''(e) DEFINITIONS OF INDIAN TRIBE; TRIBAL ORGANIZATIONS.—In this section, the terms 'Indian tribe' and 'tribal organization' have the meanings given those terms in subsections (e) and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), respectively, except that, with respect to the State of Alaska, the term 'Indian tribe' has the meaning given that term in section 419(4)(B).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on the date of enactment of this Act.

(e) CLARIFICATION OF APPLICATION OF INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.—Section 412 (42 U.S.C.612), as amended by section 108(b)(2), is amended by adding at the end the following:

''(i) APPLICATION OF INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.—Notwithstanding any other provision of law, if an Indian tribe elects to incorporate the services it provides using funds made available under this part into a plan under section 6 of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3405), the programs authorized to be conducted with such funds shall be—

''(1) considered to be programs subject to section 5 of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3404); and

''(2) subject to the single plan and single budget requirements of section 6 of that Act (25 U.S.C. 3505) and the single report format required under section 11 of that Act (25 U.S.C. 3410).''.

(f) JOB CREATION ON NATIVE LANDS.—

(1) DIAGNOSTIC AND DEVELOPMENT FUNDS.—

(A) ECONOMIC DIAGNOSTIC STUDIES.—

(i) ESTABLISHMENT.—There is established within the Administration for Native Americans within the Department of Health and Human Services, a fund to be known as the ''Native American Economies Diagnostic Studies Fund'' (referred to in this paragraph as the ''Diagnostic Fund''), to be used to strengthen Indian tribal economies by supporting investment policy reforms and technical assistance to eligible Indian tribes.

(ii) USE OF AMOUNTS FROM DIAGNOSTIC FUND.—

(I) IN GENERAL.—An Indian tribe may amounts in the Diagnostic Fund to establish an interdisciplinary mechanism by which the tribe may—

(aa) conduct diagnostic studies of the tribe's economy; and

(bb) provide for reforms in the policy, legal, regulatory, and investment areas and general economic environment of the tribe.

(iii) CONDITIONS FOR STUDIES.—A diagnostic study conducted by an Indian tribe under clause (ii) shall, at a minimum, identify inhibitors to greater levels of private sector investment and job creation with respect to the Indian tribe.

(iv) EXPENDITURES FROM DIAGNOSTIC FUND.—

(I) IN GENERAL.—Subject to subclause (II), on request by an Indian tribe, the Administrator of the Administration for Native Americans within the Department of Health and Human Services shall transfer from the Diagnostic Fund to the tribe such amounts as are necessary to carry out this subparagraph.

(II) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Diagnostic Fund shall be available in each fiscal year to pay the administrative expenses necessary to carry out this subparagraph.

(B) NATIVE AMERICAN ECONOMIC DEVELOPMENT FUND.—

(i) ESTABLISHMENT.—There is established within the Administration for Native Americans within the Department of Health and Human Services, a fund to be known as the ''Native American Economic Development Fund'' (referred to in this paragraph as the ''Economic Fund'').

(ii) USE OF AMOUNTS FROM ECONOMIC FUND.—An Indian tribe shall be eligible to use amounts in the Economic Fund to ensure that Federal development assistance and other resources dedicated to Native American economic development are provided only to Native American communities with demonstrated commitments to—

(I) sound economic and political policies;

(II) good governance; and

(III) practices that promote increased levels of economic growth and job creation.

(C) APPROPRIATIONS.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2005 through 2009—

(i) $5,000,000 to the Diagnostic Fund; and

(ii) $5,000,000 to the Economic Fund.

(2) TAX-EXEMPT BOND FINANCE AUTHORITY.—

(A) IN GENERAL.—Paragraph (1) of section 7871(c) (relating to Indian tribal governments treated as States for certain purposes) is amended to read as follows:

''(1) IN GENERAL.—Subsection (a) of section 103 shall apply to any obligation issued by an Indian tribal government (or subdivision thereof) only if—

''(A) such obligation—

''(i) is part of an issue 95 percent or more of the net proceeds of which are to be used to finance any facility located on an Indian reservation, and

''(ii) is issued before January 1, 2014, or

''(B) such obligation is part of an issue substantially all of the proceeds of which are to be used in the exercise of any essential governmental function.''.

(B) SPECIAL RULES AND DEFINITIONS.—Subsection (c) of section 7871 is amended by inserting at the end the following new paragraph:

''(4) SPECIAL RULES AND DEFINITIONS.—

''(A) EXCLUSION OF GAMING.—An obligation described in subparagraph (A) or (B) of paragraph (1) may not be used to finance any portion of a building in which class II or III gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2702)) is conducted or housed.

''(B) INDIAN RESERVATION.—For purposes of this subsection, the term 'Indian reservation' means—

''(i) a reservation, as defined in section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)), and

''(ii) lands held under the provisions of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) by a Native corporation as defined in section 3(m) of such Act (43 U.S.C. 1602(m)).''.

(3) INDIAN EMPLOYMENT TAX CREDIT.—Section 45A(f) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking ''December 31, 2004'' and inserting ''December 31, 2014''.

(4) ACCELERATED DEPRECIATION ALLOWANCE.—Section 168(j)(8) of such Code (relating to termination) is amended by striking ''December 31, 2004'' and inserting ''December 31, 2014''.

SA 2963. Mr. SANTORUM (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 156, strike lines 1 through 3 and insert the following:

priated for grants under this paragraph—

''(I) for fiscal year 2004, $100,000,000; and

''(II) for each of fiscal years 2005 through 2008, $120,000,000.

On page 239, strike lines 21 and 22, and insert ''$100,000,000 for fiscal year 2004 and $120,000,000 for each of fiscal years 2005 through 2008, which shall remain available to''.

Beginning on page 289, strike line 24 and all that follows through page 290, line 5, and insert the following:

''(E) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the purpose of carrying out

this paragraph, $40,000,000 for each of fiscal years 2004 through 2008.''.

SA 2964. Mr. KOHL submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 344, between lines 3 and 4, insert the following:

SEC. ___. SSI EXTENSION FOR HUMANITARIAN IMMIGRANTS.

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 adding at the end the following:

''(M) TWO-YEAR SSI EXTENSION THROUGH FISCAL YEAR 2007.—

''(i) IN GENERAL.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(A), the 7-year period described in subparagraph (A) shall be deemed to be a 9-year period during fiscal years 2005 through 2007.

''(ii) ALIENS WHOSE BENEFITS CEASED IN PRIOR FISCAL YEARS.—

''(I) IN GENERAL.—Beginning on the date of the enactment of the SSI Extension for Elderly and Disabled Refugees Act, any qualified alien rendered ineligible for the specified Federal program described in paragraph (3)(A) during fiscal years prior to fiscal year 2005 solely by reason of the termination of the 7-year period described in subparagraph (A) shall be eligible for such program for an additional 2-year period in accordance with this subparagraph, if such alien meets all other eligibility factors under title XVI of the Social Security Act.

''(II) PAYMENT OF BENEFITS.—Benefits paid under subparagraph (I) shall be paid prospectively over the duration of the qualified alien's renewed eligibility.''.

SA 2965. Mr. JEFFORDS (for himself, Mr. SMITH, Ms. COLLINS, Mr. CHAFEE, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 216, between lines 19 and 20, insert the following:

''(G) STATE OPTION TO RECEIVE CREDIT FOR RECIPIENTS WHO ARE DETERMINED BY APPROPRIATE AGENCIES WORKING IN COORDINATION TO HAVE A DISABILITY AND TO BE IN NEED OF SPECIALIZED ACTIVITIES.—

''(i) IN GENERAL.—At the option of the State, if the State agency responsible for administering the State program funded under this part works in collaboration or has a referral relationship with other governmental or private agencies with expertise in disability determination or appropriate services plans for adults with disabilities (including agencies that receive funds under this part), and one of those entities determines that an individual described in clause (iv) is not able to meet the State's full work requirements after the periods applicable under paragraph (1)(C) because of the individual's disability and continuing need for rehabilitative services, then for purposes of determining monthly participation rates under subsection (b)(1)(B)(i) the State may receive credit in accordance with clause (ii) for certain activities undertaken with respect to the individual.

''(ii) CREDIT FOR ACTIVITIES UNDERTAKEN THROUGH COLLABORATIVE AGENCY PROCESS.—Subject to clause (iii), if the State undertakes to provide services for an individual to which clause (i) applies through a collaborative process that includes governmental or private agencies with expertise in disability determination or appropriate services for adults with disabilities, the State shall be credited for purposes of the monthly participation rate determined under subsection (b)(1)(B)(i) with the lesser of—

''(I) the sum of the number of hours the individual participates in an activity described in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (12) of subsection (d) for the month and the number of hours that the individual participates in rehabilitation services under this subparagraph for the month; or

''(II) twice the number of hours the individual participates in an activity described in paragraph (1), (2), (3), (4), (5), (6), (7), (8), or (12) of subsection (d) for the month.

''(iii) LIMITATION.—A State shall not receive credit under clause (ii) towards the monthly participation rate under subsection (b)(1)(B)(i) unless the State reviews the disability determination of an individual to which clause (i) applies and the activities in which the individual is participating not less than every 6 months.

''(iv) INDIVIDUAL DESCRIBED.—For purposes of this subparagraph, an individual described in this clause is an individual who the State has determined has a disability and would benefit from participating in rehabilitative services while combining such participation with other work activities.

''(v) DEFINITION OF DISABILITY.—In this subparagraph, the term 'disability' means a physical or mental impairment, including substance abuse, that—

''(I) constitutes or results in a substantial impediment to employment; or

''(II) substantially limits 1 or more major life activities.''.

SA 2966. Mr. LUGAR (for himself, Mr. LEAHY, Mrs. DOLE, and Mr. KOHL) submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

After title VI insert the following:

TITLE ___FOOD BANK DONATIONS

SEC. ___01. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.—For purposes of this section—

''(A) CONTRIBUTIONS BY NON-CORPORATE TAXPAYERS.—In the case of a charitable contribution of food by a taxpayer, paragraph (3)(A) shall be applied without regard to whether or not the contribution is made by a corporation.

''(B) LIMIT ON REDUCTION.—In the case of a charitable contribution of food which is a qualified contribution (within the meaning of paragraph (3)(A), as modified by subparagraph (A) of this paragraph)—

''(i) paragraph (3)(B) shall not apply, and

''(ii) the reduction under paragraph (1)(A) for such contribution shall be no greater than the amount (if any) by which the amount of such contribution exceeds twice the basis of such food.

''(C) DETERMINATION OF BASIS.—For purposes of this paragraph, if a taxpayer uses the cash method of accounting, the basis of any qualified contribution of such taxpayer shall be deemed to be 50 percent of the fair market value of such contribution.

''(D) DETERMINATION OF FAIR MARKET VALUE.—In the case of a charitable contribution of food which is a qualified contribution (within the meaning of paragraph (3), as modified by subparagraphs (A) and (B) of this paragraph) and which, solely by reason of internal standards of the taxpayer, lack of market, or similar circumstances, or which is produced by the taxpayer exclusively for the purposes of transferring the food to an organization described in paragraph (3)(A), cannot or will not be sold, the fair market value of such contribution shall be determined—

''(i) without regard to such internal standards, such lack of market, such circumstances, or such exclusive purpose, and

''(ii) if applicable, by taking into account the price at which the same or similar food items are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

SEC. ___02. TIME SENSITIVE GOODS MOVEMENT.

(a) IN GENERAL.—The Secretary shall enter into a contract or grant agreement with a nongovernmental organization described in subsection (b)(1) to establish and maintain a program for the tracking, collection, and delivery of time sensitive goods.

(b) DEFINITIONS.—For purposes of this section—

(1) NONGOVERNMENTAL ORGANIZATION.—The nongovernmental organization referred to in subsection (a) shall be a national nonprofit charitable organization selected by the Secretary on a competitive basis and shall—

(A) have several years experience in gathering information from virtually all of the States regarding time sensitive goods;

(B) have several years working experience with transport providers such as trucking companies in creating, coordinating, and maintaining transfer systems designed to assist, at the national level, the delivery of time sensitive goods to appropriate nationwide coordination centers;

(C) agree to contribute in-kind resources towards implementing this section and agree to provide services and information free of charge; and

(D) be capable of and experienced in working with major domestic food manufacturers and processors, grocery chains and stores, food warehouse operators, transport providers such as trucking companies, and public food assistance agencies.

(2) TIME SENSITIVE GOODS.—The term ''tine sensitive goods'' meand raw materials or finished goods that are nearing the end of their useful life.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(c) PROGRAM REQUIREMENTS.—The Secretary shall ensure that funds allocated under this section are used for—

(1) the development and maintenance of a computerized system for the tracking of time sensitive goods;

(2) capital and operating costs associated with the collection and transportation of time sensitive goods; and

(3) capital and operating costs associated with the storage and distribution of time sensitive goods.

(d) AUDITS.—The Secretary shall establish fair and reasonable auditing procedures regarding the expenditures of funds to carry out this section.

(e) FUNDING.—From amounts resulting from the amendments made by section ___04, there is authorized to be appropriated and hereby appropriated to the Secretary $10,000,000 in each of fiscal years 2005 through 2010 to implement this section. The nongovernmental organization may contract with and provide funds to 1 additional nonprofit organization which the Secretary determines meets the requirements set forth in subsection (b)(1) to carry out some of the functions required by this section.

SEC. ___03. SERVICE INSTITUTIONS.

(a) OPERATING EXPENSES.—Section 13(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)(1)) is amended by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—A payment to a service institution shall be equal to the maximum amount for food service under subparagraphs (B) and (C).''.

(b) ADMINISTRATIVE COSTS.—Section 13(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)) is amended by striking paragraph (3) and inserting the following:

''(3) ADMINISTRATIVE COSTS.—Payment to a service institution for administrative costs shall be equal to the maximum allowable levels determined by the Secretary under the study required under paragraph (4).''.

(c) CONFORMING AMENDMENT.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (f).

SEC. ___04. LIMITATIONS ON DEDUCTION FOR CHARITABLE CONTRIBUTIONS OF PATENTS AND SIMILAR PROPERTY.

(a) DEDUCTION ALLOWED ONLY TO THE EXTENT OF BASIS.—Section 170(e)(1)(B) (relating to certain contributions of ordinary income and capital gain property) is amended by striking ''or'' at the end of clause (i), by adding ''or'' at the end of clause (ii), and by inserting after clause (ii) the following new clause:

''(iii) of any patent, copyright, trademark, trade name, trade secret, know-how, software, or similar property, or applications or registrations of such property,''.

(b) TREATMENT OF CONTRIBUTIONS WHERE DONOR RECEIVES INTEREST.—Section 170(e) is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULES FOR CONTRIBUTIONS OF PATENTS AND SIMILAR PROPERTY WHERE DONOR RECEIVES INTEREST.—

''(A) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowed under this section with respect to a contribution of property described in paragraph (1)(B)(iii) if the taxpayer after the contribution has any interest in the property other than a qualified interest.

''(B) CONTRIBUTIONS WITH QUALIFIED INTEREST.—If a taxpayer after a contribution of property described in paragraph (1)(B)(iii) has a qualified interest in the property—

''(i) any payment pursuant to the qualified interest shall be treated as ordinary income and shall be includible in gross income of the taxpayer for the taxable year in which the payment is received by the taxpayer, and

''(ii) subsection (f)(3) and section 1011(b) shall not apply to the transfer of the property from the taxpayer to the donee.

''(C) QUALIFIED INTEREST.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified interest' means, with respect to any taxpayer, a right to receive from the donee a percentage (not greater than 50 percent) of any royalty payment received by the donee with respect to property described in paragraph (1)(B)(iii) (other than copyrights which are described in section 1221(a)(3) or 1231(b)(1)(C)) contributed by the taxpayer to the donee.

''(ii) SECRETARIAL AUTHORITY.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Secretary may by regulation or other administrative guidance treat as a qualified interest the right to receive other payments from the donee, but only if the donee does not possess a right to receive any payment (whether royalties or otherwise) from a third party with respect to the contributed property.

''(II) EXCEPTIONS.—The Secretary may not treat as a qualified interest the right to receive any payment which provides a benefit to the donor which is greater than the benefit retained by the donee or the right to receive any portion of the proceeds from the sale of the property contributed.

''(iii) LIMITATION.—An interest shall be treated as a qualified interest under this subparagraph only if the taxpayer has no right to receive any payment described in clause (i) or (ii)(I) after the earlier of the date on which the legal life of the contributed property expires or the date which is 20 years after the date of the contribution.''.

(c) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Section 6050L(a) (relating to returns regarding certain dispositions of donated property) is amended—

(A) by striking ''If'' and inserting:

''(1) DISPOSITIONS OF DONATED PROPERTY.—If'',

(B) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and

(C) by adding at the end the following new paragraph:

''(2) PAYMENTS OF QUALIFIED INTERESTS.—Each donee of property described in section 170(e)(1)(B)(iii) which makes a payment to a donor pursuant to a qualified interest (as defined in section 170(e)(7)) during any calendar year shall make a return (in accordance with forms and regulations prescribed by the Secretary) showing—

''(A) the name, address, and TIN of the payor and the payee with respect to such a payment,

''(B) a description, and date of contribution, of the property to which the qualified interest relates,

''(C) the dates and amounts of any royalty payments received by the donee with respect to such property,

''(D) the date and the amount of the payment pursuant to the qualified interest, and

''(E) a description of the terms of the qualified interest.''.

(2) CONFORMING AMENDMENTS.—

(A) The heading for section 6050L is amended by striking ''**CERTAIN DISPOSITIONS OF**''.

(B) The item relating to section 6050L in the table of sections for subpart B of part III of subchapter A of chapter 61 is amended by striking ''certain dispositions of''.

(d) ANTI-ABUSE RULES.—The Secretary of the Treasury may prescribe such regulations or other administrative guidance as may be necessary or appropriate to prevent the avoidance of the purposes of section 170(e)(1)(B)(iii) of the Internal Revenue Code of 1986 (as added by subsection (a)), including preventing—

(1) the circumvention of the reduction of the charitable deduction by embedding or bundling the patent or similar property as part of a charitable contribution of property that includes the patent or similar property,

(2) the manipulation of the basis of the property to increase the amount of the charitable deduction through the use of related persons, pass-thru entities, or other intermediaries, or through the use of any provision of law or regulation (including the consolidated return regulations), and

(3) a donor from changing the form of the patent or similar property to property of a form for which different deduction rules would apply.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the date of the enactment of this Act.

SA 2967. Mr. GREGG submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT AMENDMENTS

SEC. ___01. SHORT TITLE

This title may be cited as the ''Caring for Children Act of 2004''.

Subtitle A—Child Care and Development Block Grant Act of 1990

SEC. ___11. SHORT TITLE AND GOALS.

(a) HEADING.—Section 658A of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 note) is amended by striking the section heading and inserting the following:

''SEC. 658A. SHORT TITLE AND GOALS.''.

(b) 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) in paragraph (4), by striking ''parents'' and all that follows and inserting ''low-income working parents;'';

(3) by redesignating paragraph (5) as paragraph (8); and

(4) by inserting after paragraph (4) the following:

''(5) to assist States in improving the quality of child care available to families;

''(6) to promote school preparedness by encouraging children, families, and caregivers to engage in developmentally appropriate and age-appropriate activities in child care settings that will—

''(A) improve the children's social, emotional, and behavioral skills; and

''(B) foster their early cognitive, pre-reading, and language development;

''(7) to promote parental and family involvement in the education of young children in child care settings; and''.

SEC. ___12. AUTHORIZATION OF APPROPRIATIONS.

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended by striking ''subchapter'' and all that follows and inserting ''subchapter $2,300,000,000 for fiscal year 2005, $2,500,000,000 for fiscal year 2006, $2,700,000,000 for fiscal year 2007, $2,900,000,000 for fiscal year 2008, and $3,100,000,000 for fiscal year 2009.''.

SEC. ___13. LEAD AGENCY.

Section 658D(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858b(a)) is amended by striking ''designate'' and all that follows and inserting ''designate an agency (which may be an appropriate collaborative agency), or establish a joint interagency office, that complies with the requirements of subsection (b) to serve as the lead agency for the State under this subchapter.''.

SEC. ___14. STATE PLAN.

(a) LEAD AGENCY.—Section 658E(c)(1) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(1)) is amended by striking ''designated'' and inserting ''designated or established''.

(b) POLICIES AND PROCEDURES.—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) in subparagraph (A)(i)(II), by striking ''section 658P(2)'' and inserting ''section 658T(2)'';

(2) by striking subparagraph (D) and inserting the following:

''(D) CONSUMER AND CHILD CARE PROVIDER EDUCATION INFORMATION.—Certify that the State will—

''(i) 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 concerning 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 established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766), and the medicaid and State children's health insurance programs under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.); and

''(ii) report to the Secretary the manner in which the consumer education information described in clause (i) was provided to parents and the number of parents to whom such consumer education information was provided, during the period of the previous State plan.'';

(3) by striking subparagraph (E) and inserting the following:

''(E) COMPLIANCE WITH STATE AND TRIBAL LICENSING REQUIREMENTS.—

''(i) IN GENERAL.—Certify that the State (or the Indian tribe or tribal organization) involved has in effect licensing requirements applicable to child care services provided within the State (or area served by the tribe or organization), and provide a detailed description of such requirements and of how such requirements are effectively enforced.

''(ii) CONSTRUCTION.—Nothing in clause (i) shall be construed to require that licensing requirements be applied to specific types of providers of child care services.'';

(4) in subparagraph (F)—

(A) in the first sentence, by striking ''within the State, under State or local law,'' and inserting ''within the State (or area served by the Indian tribe or tribal organization), under State or local law (or tribal law),''; and

(B) in the second sentence, by striking ''State or local law'' and inserting ''State or local law (or tribal law)''; and

(5) by adding at the end the following:

''(I) PROTECTION FOR WORKING PARENTS.—

''(i) REDETERMINATION PROCESS.—Describe the procedures and policies that are in place to ensure that working parents (especially parents in families 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.)) are not required to unduly disrupt their employment in order to comply with the State's requirements for redetermination of eligibility for assistance under this subchapter.

''(ii) MINIMUM PERIOD.—Demonstrate that each child that receives assistance under this subchapter in the State will receive such assistance for not less than 6 months before the State redetermines the eligibility of the child under this subchapter, except as provided in clause (iii).

''(iii) PERIOD BEFORE TERMINATION.—At the option of the State, demonstrate that the State will not terminate assistance under this subchapter based on a parent's loss of work or cessation of attendance at a job training or educational program for which the family was receiving the assistance, without continuing the assistance for a reasonable period of time, of not less than 1 month, after such loss or cessation in order for the parent to engage in a job search and resume work, or resume attendance of a job training or educational program, as soon as possible.

''(J) COORDINATION WITH OTHER PROGRAMS.—Describe how the State, in order to expand accessibility and continuity of quality early care and early education, will coordinate the early childhood education activities assisted under this subchapter with—

''(i) programs carried out under the Head Start Act (42 U.S.C. 9831 et seq.), including the Early Head Start programs carried out under section 645A of that Act (42 U.S.C. 9840a);

''(ii)(I) Early Reading First and Even Start programs carried out under subparts 2 and 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6371 et seq., 6381 et seq.); and

''(II) other preschool programs carried out under title I of that Act (20 U.S.C. 6301 et seq.);

''(iii) programs carried out under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

''(iv) State prekindergarten programs; and

''(v) other early childhood education programs.

''(K) TRAINING IN EARLY LEARNING AND CHILDHOOD DEVELOPMENT.—Describe any training requirements that are in effect within the State that are designed to enable child care providers to promote the social, emotional, physical, and cognitive development of children and that are applicable to child care providers that provide services for which assistance is made available under this subchapter in the State.

''(L) PUBLIC-PRIVATE PARTNERSHIPS.—Demonstrate how the State is encouraging partnerships among State agencies, other public agencies, and private entities, to leverage existing service delivery systems (as of the date of submission of the State plan) for early childhood education and to increase the supply and quality of child care services for children who are less than 13 years of age.

''(M) 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 assistance is provided under this subchapter, who have children with special needs, work nontraditional hours, or require child care services for infants and toddlers.

''(N) COORDINATION WITH TITLE IV OF THE SOCIAL SECURITY ACT.—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 low-income parents about eligibility for assistance under this subchapter.''.

(c) USE OF BLOCK GRANT FUNDS.—Section 658E(c)(3) the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3)) is amended—

(1) in subparagraph (A), by striking ''as required under'' and inserting ''in accordance with''; and

(2) in subparagraph (B)—

(A) by striking ''The State'' and inserting the following:

''(i) IN GENERAL.—The State'';

(B) in clause (i) (as designated in subparagraph (A)), by striking ''appropriate to realize any of the goals specified in paragraphs (2) through (5) of section 658A(b)'' and inserting ''appropriate (which may include an activity described in clause (ii)) to realize any of the goals specified in paragraphs (2) through (8) of section 658A(b)''; and

(C) by adding at the end the following:

''(ii) CHILD CARE RESOURCE AND REFERRAL SYSTEM.—A State may use amounts described in clause (i) to establish or support a system of local child care resource and referral organizations coordinated by a statewide private, nonprofit, community-based lead child care resource and referral organization. The local child care resource and referral organizations shall—

''(I) provide parents in the State with information, and consumer education, concerning the full range of child care options, including child care provided during nontraditional hours and through emergency child care centers, in their communities;

''(II) collect and analyze data on the supply of and demand for child care in political subdivisions within the State;

''(III) submit reports to the State containing data and analysis described in clause (II); and

''(IV) work to establish partnerships with public agencies and private entities to increase the supply and quality of child care services.''.

(d) DIRECT SERVICES.—Section 658E(c)(3) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3)) is amended—

(1) in subparagraph (A), by striking ''(D)'' and inserting ''(E)''; and

(2) by adding at the end the following:

''(E) DIRECT SERVICES.—From amounts provided to a State for a fiscal year to carry out this subchapter, the State shall—

''(i) reserve the minimum amount required to be reserved under section 658G, and the funds for costs described in subparagraph (C); and

''(ii) from the remainder, use not less than 70 percent to fund direct services (as defined by the State).''.

(e) PAYMENT RATES.—Section 658E(c)(4) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(4)) is amended—

(1) in subparagraph (A), by striking ''The State plan'' and all that follows and inserting the following:

''(i) SURVEY.—The State plan shall—

''(I) demonstrate that the State has, after consulting with local area child care program administrators, developed and conducted a statistically valid and reliable survey of the market rates for child care services in the State (that reflects variations in the cost of child care services by geographic area, type of provider, and age of child) within the 2 years preceding the date of the submission of the application containing the State plan;

''(II) detail the results of the State market rates survey conducted pursuant to subclause (I);

''(III) describe how the State will provide for timely payment for child care services,

and set payment rates for child care services, for which assistance is provided under this subchapter in accordance with the results of the market rates survey conducted pursuant to subclause (I) without reducing the number of families in the State receiving such assistance under this subchapter, relative to the number of such families on the date of introduction of the Caring for Children Act of 2004; and

''(IV) describe how the State will, not later than 30 days after the completion of the survey described in subclause (I), make the results of the survey widely available through public means, including posting the results on the Internet.

''(ii) EQUAL ACCESS.—The State plan shall include a certification that the payment rates are sufficient to ensure equal access for eligible children to child care services comparable to child care services in the State or substate area that are provided to children whose parents are not eligible to receive child care assistance under any Federal or State program.''; and

(2) in subparagraph (B)—

(A) by striking ''Nothing'' and inserting the following:

''(i) NO PRIVATE RIGHT OF ACTION.—Nothing''; and

(B) by adding at the end the following:

''(ii) NO PROHIBITION OF CERTAIN DIFFERENT RATES.—Nothing in this subchapter shall be construed to prevent a State from differentiating the payment rates described in subparagraph (A) on the basis of—

''(I) geographic location of child care providers (such as location in an urban or rural area);

''(II) the age or particular needs of children (such as children with special needs and children served by child protective services);

''(III) whether the providers provide child care during weekend and other nontraditional hours; and

''(IV) the State's determination that such differentiated payment rates are needed to enable a parent to choose child care that the parent believes to be of high quality.''.

SEC. 15. 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.

''(a) IN GENERAL.—

''(1) RESERVATION.—Each State that receives funds to carry out this subchapter for a fiscal year shall reserve and use not less than 6 percent of the funds for activities provided directly, or through grants or contracts with resource and referral organizations or other appropriate entities, that are designed to improve the quality of child care services.

''(2) ACTIVITIES.—The funds reserved under paragraph (1) may only be used to—

''(A) develop and implement voluntary guidelines on pre-reading and language skills and activities, for child care programs in the State, that are aligned with State standards for kindergarten through grade 12 or the State's general goals for school preparedness;

''(B) support activities and provide technical assistance in Federal, State, and local child care settings to enhance early learning for preschool and school-aged children, to promote literacy, to foster school preparedness, and to support later school success;

''(C) offer training, professional development, and educational opportunities for child care providers that relate to the use of developmentally appropriate and age-appropriate curricula, and early childhood teaching strategies, that are scientifically based and aligned with the social, emotional, physical, and cognitive development of children, including—

''(i) developing and operating distance learning child care training infrastructures;

''(ii) developing model technology-based training courses;

''(iii) offering training for caregivers in informal child care settings; and

''(iv) offering training for child care providers who care for infants and toddlers and children with special needs.

''(D) engage in programs designed to increase the retention and improve the competencies of child care providers, including wage incentive programs and initiatives that establish tiered payment rates for providers that meet or exceed child care services guidelines, as defined by the State;

''(E) evaluate and assess the quality and effectiveness of child care programs and services offered in the State to young children on improving overall school preparedness; and

''(F) carry out other activities determined by the State to improve the quality of child care services provided in the State and for which measurement of outcomes relating to improved child safety, child well-being, or school preparedness is possible.

''(b) CERTIFICATION.—Beginning with fiscal year 2005, the State shall annually submit to the Secretary a certification in which the State certifies that the State was in compliance with subsection (a) during the preceding fiscal year and describes how the State used funds made available to carry out this subchapter to comply with subsection (a) during that preceding fiscal year.

''(c) STRATEGY.—The State shall annually submit to the Secretary—

''(1) beginning with fiscal year 2005, an outline of the strategy the State will implement during that fiscal year to address the quality of child care services for which financial assistance is made available under this subchapter, including—

''(A) a statement specifying how the State will address the activities carried out under subsection (a);

''(B) a description of quantifiable, objective measures that the State will use to evaluate the State's progress in improving the quality of the child care services (including measures regarding the impact, if any, of State efforts to improve the quality by increasing payment rates, as defined in section 658H(c)), evaluating separately the impact of the activities listed in each of such subparagraphs on the quality of the child care services; and

''(C) a list of State-developed child care services quality targets quantified for such fiscal year for such measures; and

''(2) beginning with fiscal year 2006, a report on the State's progress in achieving such targets for the preceding fiscal year.

''(d) IMPROVEMENT PLAN.—If the Secretary determines that a State failed to make progress as described in subsection (c)(2) for a fiscal year—

''(1) the State shall submit an improvement plan that describes the measures the State will take to make that progress; and

''(2) the State shall comply with the improvement plan by a date specified by the Secretary but not later than 1 year after the date of the determination.

''(e) CONSTRUCTION.—Nothing in this subchapter shall be construed to require that the State apply measures for evaluating quality of child care services to specific types of child care providers.''.

SEC. 16. OPTIONAL PRIORITY USE OF ADDITIONAL FUNDS.

The Child Care and Development Block Grant Act of 1990 is amended by inserting after section 658G (42 U.S.C. 9858e) the following:

''SEC. 658H. OPTIONAL PRIORITY USE OF ADDITIONAL FUNDS.

''(a) IN GENERAL.—If a State receives funds to carry out this subchapter for a fiscal year, and the amount of the funds exceeds the amount of funds the State received to carry out this subchapter for fiscal year 2004, the State shall consider using a portion of the excess—

''(1) to support payment rate increases in accordance with the market rate survey conducted pursuant to section 658E(c)(4);

''(2) to support the establishment of tiered payment rates as described in section 658G(a)(2)(D); and

''(3) to support payment rate increases for care for children in communities served by local educational agencies that have been identified for improvement under section 1116(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(c)(3)).

''(b) NO REQUIREMENT TO REDUCE CHILD CARE SERVICES.—Nothing in this section shall be construed to require a State to take an action that the State determines would result in a reduction of child care services to families of eligible children.

''(c) PAYMENT RATE.—In this section, the term 'payment rate' means the rate of State payment or reimbursement to providers for subsidized child care.''.

SEC. 17. REPORTING REQUIREMENTS.

(a) HEADING.—Section 658K of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i) is amended by striking the section heading and inserting the following:

''SEC. 658K. REPORTS AND AUDITS.''.

(b) REQUIRED INFORMATION.—Section 658K(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i(a)) is amended to read as follows:

''(a) REPORTS.—

''(1) IN GENERAL.—A State that receives funds to carry out this subchapter shall collect the information described in paragraph (2) on a monthly basis.

''(2) REQUIRED INFORMATION.—The information required under this paragraph shall include, with respect to a family unit receiving assistance under this subchapter, information concerning—

''(A) family income;

''(B) county of residence;

''(C) the gender, race, and age of children receiving such assistance;

''(D) whether the head of the family unit is a single parent;

''(E) the sources of family income, including—

''(i) employment, including self-employment; and

''(ii) 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 a State program for which State spending is counted toward the maintenance of effort requirement under section 409(a)(7) of the Social Security Act (42 U.S.C. 609(a)(7));

''(F) the type of child care in which the child was enrolled (such as family child care, home care, center-based child care, or other types of child care described in section 658T(5));

''(G) whether the child care provider involved was a relative;

''(H) the cost of child care for such family, separately stating the amount of the subsidy payment of the State and the amount of the co-payment of the family toward such cost;

''(I) the average hours per month of such care;

''(J) household size;

''(K) whether the parent involved reports that the child has an individualized education program or an individualized family service plan described in section 602 or 636 of

the Individuals with Disabilities Education Act (20 U.S.C. 1401 and 1436); and

''(L) the reason for any termination of benefits under this subchapter, including whether the termination was due to—

''(i) the child's age exceeding the allowable limit;

''(ii) the family income exceeding the State eligibility limit;

''(iii) the State recertification or administrative requirements not being met;

''(iv) parent work, training, or education status no longer meeting State requirements;

''(v) a nonincome related change in status; or

''(vi) other reasons;

during the period for which such information is required to be submitted.

''(3) SUBMISSION TO SECRETARY.—A State described in paragraph (1) shall, on a quarterly basis, submit to the Secretary the information required to be collected under paragraph (2) and the number of children and families receiving assistance under this subchapter (stated on a monthly basis). Information on the number of families receiving the assistance shall also be posted on the website of such State. In the fourth quarterly report of each year, a State described in paragraph (1) shall also submit to the Secretary information on the annual number and type of child care providers (as described in section 658T(5)) that received funding under this subchapter and the annual number of payments made by the State through vouchers, under contracts, or by payment to parents reported by type of child care provider.

''(4) USE OF SAMPLES.—

''(A) AUTHORITY.—A State may comply with the requirement to collect the information described in paragraph (2) through the use of disaggregated case record information on a sample of families selected through the use of scientifically acceptable sampling methods approved by the Secretary.

''(B) SAMPLING AND OTHER METHODS.—The Secretary shall provide the States with such case sampling plans and data collection procedures as the Secretary determines necessary to produce statistically valid samples of the information described in paragraph (2). The Secretary may develop and implement procedures for verifying the quality of data submitted by the States.''.

(c) PERIOD OF COMPLIANCE AND WAIVERS.—

(1) IN GENERAL.—States shall have 2 years from the date of enactment of this Act to comply with the changes to data collection and reporting required by the amendments made by this section.

(2) WAIVERS.—The Secretary of Health and Human Services may grant a waiver from paragraph (1) to States with plans to procure data systems.

SEC. ___18. NATIONAL ACTIVITIES.

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. NATIONAL ACTIVITIES.

''(a) REPORT.—

''(1) IN GENERAL.—The Secretary shall, not later than April 30, 2005, and annually thereafter, 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, and, not later than 30 days after the date of such submission, post on the Department of Health and Human Services website, a report that contains the following:

''(A) A summary and analysis of the data and information provided to the Secretary in the State reports submitted under sections 658E, 658G(c), and 658K.

''(B) Aggregated statistics on and an analysis of the supply of, demand for, and quality of child care, early education, and non-school-hour programs.

''(C) An assessment and, where appropriate, recommendations for Congress concerning efforts that should be undertaken to improve the access of the public to quality and affordable child care in the United States.

''(D) A progress report describing the progress of the States in streamlining data reporting, the Secretary's plans and activities to provide technical assistance to States, and an explanation of any barriers to getting data in an accurate and timely manner.

''(2) COLLECTION OF INFORMATION.—The Secretary may make arrangements with resource and referral organizations, to utilize the child care data system of the resource and referral organizations at the national, State, and local levels, to collect the information required by paragraph (1)(B).

''(b) GRANTS TO IMPROVE QUALITY AND ACCESS.—

''(1) IN GENERAL.—The Secretary shall award grants to States, from allotments made under paragraph (2), to improve the quality of and access to child care for infants and toddlers, subject to the availability of appropriations for this purpose.

''(2) ALLOTMENTS.—From funds reserved under section 658O(a)(3) for a fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the amount the State receives for the fiscal year under section 658 bears to the amount all States receive for the fiscal year under section 658O.

''(c) TOLL-FREE HOTLINE.—The Secretary shall award a grant or contract, or enter into a cooperative agreement for the operation of a national toll-free hotline to assist families in accessing local information on child care options and providing consumer education materials, subject to the availability of appropriations for this purpose.

''(d) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States on developing and conducting the State market rates survey described in section 658E(c)(4)(A)(i).''.

SEC. ___19. ALLOCATION OF FUNDS FOR INDIAN TRIBES, QUALITY IMPROVEMENT, AND A HOTLINE.

(a) IN GENERAL.—Section 658O(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(a)) is amended—

(1) in paragraph (2), by striking ''not less than 1 percent, and not more than 2 percent,'' and inserting ''2 percent''; and

(2) by adding at the end the following:

''(3) GRANTS TO IMPROVE QUALITY AND ACCESS.—The Secretary shall reserve an amount not to exceed $100,000,000 for each fiscal year to carry out section 658L(b), subject to the availability of appropriations for this purpose.

''(4) TOLL-FREE HOTLINE.—The Secretary shall reserve an amount not to exceed $1,000,000 to carry out section 658L(c), subject to the availability of appropriations for this purpose.''.

(b) CONFORMING AMENDMENT.—Section 658O(c)(1) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(c)(1)) is amended by inserting ''(in accordance with the requirements of subparagraphs (E) and (F) of section 658E(c)(2) for such tribes or organizations)'' after ''applications under this section''.

SEC. ___20. DEFINITIONS.

(a) ELIGIBLE CHILD.—Section 658P(4) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(4)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking ''85 percent of the State median income for a family of the same size'' and inserting ''an income level determined by the State involved, with priority based on need as defined by the State''; and

(2) in subparagraph (C)—

(A) in clause (i), by striking ''a parent or parents'' and inserting ''a parent (including a legal guardian or foster parent) or parents''; and

(B) by striking clause (ii) and inserting the following:

''(ii)(I) is receiving, or needs to receive, protective services (which may include foster care) or is a child with significant cognitive or physical disabilities as defined by the State; and

''(II) resides with a parent (including a legal guardian or foster parent) or parents not described in clause (i).''.

(b) CHILD WITH SPECIAL NEEDS.—Section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n) is amended by inserting after paragraph (2) the following:

''(3) CHILD WITH SPECIAL NEEDS.—The term 'child with special needs' means—

''(A) a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401);

''(B) a child who is eligible for early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.); and

''(C) a child with special needs, as defined by the State involved.''.

(c) LEAD AGENCY.—Section 658P(8) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(8)) is amended by striking ''section 658B(a)'' and inserting ''section 658D(a)''.

(d) PARENT.—Section 658P(9) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(9)) is amended by inserting '', foster parent,'' after ''guardian''.

(e) NATIVE HAWAIIAN ORGANIZATION.—Section 658P(14)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(14)(B)) is amended by striking ''Native Hawaiian Organization, as defined in section 4009(4) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 4909(4))'' and inserting ''Native Hawaiian organization, as defined in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)''.

(f) REDESIGNATION.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended—

(1) by redesignating section 658P as section 658T; and

(2) by moving that section 658T to the end of the Act.

SEC. ___21. RULES OF CONSTRUCTION.

The Child Care and Development Block Grant Act of 1990 (as amended by section ___20(f)) is further amended by inserting after section 658O (42 U.S.C. 9858m) the following:

''SEC. 658P. RULES OF CONSTRUCTION.

''Nothing in this subchapter shall be construed to require a State to impose State child care licensing requirements on any type of early childhood provider, including any such provider who is exempt from State child care licensing requirements on the date of enactment of the Caring for Children Act of 2004.''.

Subtitle B—Enhancing Security at Child Care Centers in Federal Facilities

SEC. ___31. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) CORRESPONDING CHILD CARE FACILITY.—The term ''corresponding child care facility'', used with respect to the Chief Administrative Officer of the House of Representatives, the Librarian of Congress, or the head of a designated entity in the Senate, means a child care facility operated by, or under a contract or licensing agreement with, an office of the House of Representatives, the Library of Congress, or an office of the Senate, respectively.

(3) ENTITY SPONSORING A CHILD CARE FACILITY.—The term ''entity sponsoring'', used with respect to a child care facility, means a Federal agency that operates, or an entity that enters into a contract or licensing agreement with a Federal agency to operate, a child care facility primarily for the use of Federal employees.

(4) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given the term in section 105 of title 5, United States Code, except that the term—

(A) does not include the Department of Defense and the Coast Guard; and

(B) includes the General Services Administration, with respect to the administration of a facility described in paragraph (5)(B).

(5) EXECUTIVE FACILITY.—The term ''executive facility''—

(A) means a facility that is owned or leased by an Executive agency; and

(B) includes a facility that is owned or leased by the General Services Administration on behalf of a judicial office.

(6) FEDERAL AGENCY.—The term ''Federal agency'' means an Executive agency, a legislative office, or a judicial office.

(7) JUDICIAL FACILITY.—The term ''judicial facility'' means a facility that is owned or leased by a judicial office (other than a facility that is also a facility described in paragraph (5)(B)).

(8) JUDICIAL OFFICE.—The term ''judicial office'' means an entity of the judicial branch of the Federal Government.

(9) LEGISLATIVE FACILITY.—The term ''legislative facility'' means a facility that is owned or leased by a legislative office.

(10) LEGISLATIVE OFFICE.—The term ''legislative office'' means an entity of the legislative branch of the Federal Government.

SEC. ___32. ENHANCING SECURITY.

(a) COVERAGE.—

(1) EXECUTIVE BRANCH.—The Administrator shall issue the regulations described in subsection (b) for child care facilities, and entities sponsoring child care facilities, in executive facilities.

(2) LEGISLATIVE BRANCH.—The Chief Administrative Officer of the House of Representatives, the Librarian of Congress, and the head of a designated entity in the Senate shall issue the regulations described in subsection (b) for corresponding child care facilities, and entities sponsoring the corresponding child care facilities, in legislative facilities.

(3) JUDICIAL BRANCH.—The Director of the Administrative Office of the United States Courts shall issue the regulations described in subsection (b) for child care facilities, and entities sponsoring child care facilities, in judicial facilities.

(b) REGULATIONS.—The officers and designated entity described in subsection (a) shall issue regulations that concern—

(1) matters relating to an occupant emergency plan and evacuations, such as—

(A) providing for building security committee membership for each director of a child care facility described in subsection (a);

(B) establishing a separate section in an occupant emergency plan for each such facility;

(C) promoting familiarity with procedures and evacuation routes for different types of emergencies (such as emergencies caused by hazardous materials, a fire, a bomb threat, a power failure, or a natural disaster);

(D) strengthening onsite relationships between security personnel and the personnel of such a facility, such as by ensuring that the post orders of guards reflect responsibility for the facility;

(E) providing specific, clear, and concise evacuation instructions for a facility, including instructions specifying who authorizes an evacuation;

(F) providing for good evacuation equipment, especially cribs; and

(G) promoting the ability to evacuate without outside assistance; and

(2) matters relating to relocation sites, such as—

(A) promoting an informed parent body that is knowledgeable about evacuation procedures and relocation sites;

(B) providing regularly updated parent contact information (regarding matters such as names, locations, electronic mail addresses, and cell phone and other telephone numbers);

(C) establishing remote telephone contact for parents, to and from areas that are not less than 10 miles from such a facility; and

(D) providing for an alternate site (in addition to regular sites) in the event of a catastrophe, which site may include—

(i) a site that would be an unreasonable distance from the facility under normal circumstances; and

(ii) a facility with 24-hour operations, such as a hotel or law school library.

Subtitle C—Removal of Barriers to Increasing the Supply of Quality Child Care

SEC. ___41. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall establish a program to award grants to States, on a competitive basis, to assist States in providing funds to encourage the establishment and operation of employer-operated child care programs.

(b) APPLICATION.—To be eligible to receive a grant 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 may require, including an assurance that the funds required under subsection (e) will be provided.

(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States receiving grants under this section.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts provided under a grant awarded under this section to provide assistance to a consortium of a small business and other appropriate entities located in the State to enable the small businesses to establish and operate child care programs. Such assistance may include—

(A) the acquisition, construction, renovation, and operation of child care facilities and equipment;

(B) technical assistance in the establishment of a child care program;

(C) assistance for the startup costs related to a child care program;

(D) assistance for the training of child care providers;

(E) scholarships for low-income wage earners;

(F) the provision of services to care for sick children or to provide care to school-aged children;

(G) the entering into of contracts with local resource and referral or local health departments;

(H) assistance for care for children with disabilities; or

(I) assistance for any other activity determined appropriate by the State (including loans, grants, investment guarantees, interest subsidies, or other mechanisms to expand the availability of, and improve the quality of, employer-operated child care in the State).

(2) APPLICATION.—To be eligible to receive assistance from a State under this section, a consortium shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—In providing assistance under this section, a State shall give priority to a consortium that desires to provide child care in a geographic area within the State where such care is not generally available or accessible.

(4) LIMITATION.—With respect to grant funds received under this section, a State may not provide in excess of $500,000 in assistance from such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section, a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by a consortium receiving assistance from the State to carry out activities under this section—

(1) the consortium will make available non-Federal contributions to such costs in an amount equal to—

(A) for the first fiscal year in which the consortium receives such assistance, not less than 50 percent of such costs;

(B) for the second fiscal year in which the consortium receives such assistance, not less than 66⅔ percent of such costs; and

(C) for the third fiscal year in which the consortium receives such assistance, not less than 75 percent of such costs; and

(2) the consortium will make the contributions available—

(A) directly or through donations from public or private entities; and

(B) as determined by the State, in cash or in kind, fairly evaluated, including plant, equipment, or services.

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section, a child care provider—

(1) who receives assistance from a State shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State; and

(2) who recieves assistance from an Indian tribe or tribal organization shall comply with all applicable regulatory standards.

(g) STATE-LEVEL ACTIVITIES.—A State may not retain more than 3 percent of the amount described in subsection (c) for State administration and other State-level activities.

(h) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering a grant awarded for the State under this section and for monitoring consortia that receive assistance under such grant.

(2) AUDITS.—A State shall require each consortium receiving assistance under a grant awarded under this section to conduct an annual audit with respect to the activities of the consortium. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that a consortium receiving assistance under a grant

awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such a consortium the repayment of an amount equal to the amount of any such misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(i) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of consortia to meet the child care needs of communities within States;

(ii) the kinds of consortia that are being formed with respect to child care at the local level to carry out programs funded under this section; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) REPORT.—Not later than 28 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—

(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities that are funded through consortia that received assistance through a grant awarded under this section and that remain in operation and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(j) DEFINITIONS.—In this section:

(1) CONSORTIUM.—The term ''consortium'' means 2 or more entities that—

(A) shall include at least 1 small business; and

(B) may include other small businesses, nonprofit agencies or community development corporations, local governments, or other appropriate entities.

(2) INDIAN COMMUNITY.—The term ''Indian community'' means a community served by an Indian tribe or tribal organization.

(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms ''Indian tribe'' and ''tribal organization'' have the meanings given the terms in section 658T of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(4) SMALL BUSINESS.—The term ''small business'' means an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

(k) APPLICATION TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—In this section:

(1) IN GENERAL.—Except as provided in subsection (f)(1), and in paragraphs (2) and (3), the term ''State'' includes an Indian tribe or tribal organization.

(2) GEOGRAPHIC REFERENCES.—The term ''State'' includes an Indian community in subsections (c) (the second and third place the term appears), (d)(1) (the second place the term appears), (d)(1)(I) (the second place the term appears), (d)(3) (the second place the term appears), and (i)(1)(A)(i).

(3) STATE-LEVEL ACTIVITIES.—The term ''State-level activities'' includes activities at the tribal level.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $30,000,000 for the period of fiscal years 2005 through 2009.

(2) EVALUATIONS AND ADMINISTRATION.—With respect to the total amount appropriated for such period in accordance with this subsection, not more than $2,500,000 of that amount may be used for expenditures related to conducting evaluations required under, and the administration of, this section.

(m) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2010.

SA 2968. Mr. DOMENICI submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 181, between lines 7 and 8, insert the following:

(e) AUTHORITY TO USE FUNDS FOR CERTAIN EDUCATION AND TRAINING.—Section 404 (42 U.S.C. 604), as amended by subsection (d) is amended by adding at the end the following:

''(m) AUTHORITY TO USE FUNDS FOR CERTAIN EDUCATION AND TRAINING.—A State to which a grant is made under section 403 may use the grant to provide education and training to support adult recipients in self-employment activities.''.

SA 2969. Mr. AKAKA submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 295, between lines 10 and 11, insert the following:

SEC. 121. EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.

(a) 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 adding at the end the following

''(M) EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for the specified Federal programs described in subparagraphs (A) and (B) of paragraph (3), paragraph (1) shall not apply to any individual who lawfully resides in the United States (including territories and possessions of the United States) in accordance with—

''(i) section 141 of the Compact of Free Association between the Government of the United States and the Government of the Federated States of Micronesia, approved by Congress in the Compact of Free Association Amendments Act of 2003;

''(ii) section 141 of the Compact of Free Association between the Government of the United States and the Government of the Republic of the Marshall Islands, approved by Congress in the Compact of Free Association Amendments Act of 2003; or

''(iii) section 141 of the Compact of Free Association between the Government of the United States and the Government of Palau, approved by Congress in Public Law 99–658 (100 Stat. 3672).''.

(b) MEDICAID AND TANF EXCEPTIONS.—Section 402(b)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at the end the following:

''(G) MEDICAID EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for the program defined in paragraph (3)(C) (relating to the medicaid program), section 401(a) and paragraph (1) shall not apply to any individual who lawfully resides in the United States (including territories and possessions of the United States) in accordance with a Compact of Free Association referred to in section 402(a)(2)(M).

''(H) TANF EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for the program defined in paragraph (3)(A) (relating to the temporary assistance for needy families program), section 401(a) and paragraph (1) shall not apply to any individual who lawfully resides in the United States (including territories and possessions of the United States) in accordance with a Compact of Free Association referred to in section 402(a)(2)(M).''.

(c) QUALIFIED ALIEN.—Section 431(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)) is amended—

(1) in paragraph (6), by striking ''or'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(8) an individual who lawfully resides in the United States (including territories and possessions of the United States) in accordance with a Compact of Free Association referred to in section 402(a)(2)(M).''.

SA 2970. Mr. BAUCUS (for himself, Mr. HARKIN, and Mr. CARPER) submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

Beginning on page 152, strike line 1 and all that follows through page 157, line 18, and insert the following:

SEC. 103. HEALTHY MARRIAGE PROMOTION GRANTS.

(a) IN GENERAL.—Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended to read as follows:

''(2) HEALTHY MARRIAGE PROMOTION GRANTS.—

''(A) AUTHORITY.—

''(i) IN GENERAL.—From the amount appropriated under subparagraph (F) for a fiscal year and remaining after the application of clauses (ii), (iii), and (iv) of this subparagraph and subparagraph (E)(iii), the Secretary shall pay each State that satisfies the requirements of subparagraph (D), a grant equal to the product of—

''(I) such amount; and

''(II) the ratio (expressed as a percentage) of—

''(aa) the population of the State for the most recent year for which data is available; to

''(bb) the population of all States for such year.

''(ii) REQUIREMENT.—No State shall be paid a grant for a fiscal year under this paragraph that is less than $1,000,000.

''(iii) INDIAN TRIBES.—From the amount appropriated under subparagraph (F) for a fiscal year, the Secretary shall set aside an amount equal to 2 percent of such amount for making grants to Indian tribes that satisfy the requirements of subparagraph (D).

''(iv) TERRITORIES.—

''(I) IN GENERAL.—From the amount appropriated under subparagraph (F) for a fiscal year, the Secretary shall set aside $1,000,000 of such amount for purposes of making grants to territories described in subclause (III) that satisfy the requirements of subparagraph (D).

''(II) AMOUNT OF GRANT.—The amount of a grant made under this clause for a fiscal year is equal to the product of—

''(aa) $1,000,000; and

''(bb) the ratio (expressed as a percentage) of the population of the territory for the most recent year for which data is available to the population of all the territories described in subclause (III) for such year.

''(III) TERRITORY DESCRIBED.—For purposes of subclause (I), a territory described in this subclause is Puerto Rico, Guam, the United States Virgin Islands, and American Samoa.

''(B) MATCHING FUNDS.—A State or Indian tribe that receives a grant under this paragraph for a fiscal year shall expend at least $1 in non-Federal funds (in cash or in kind, fairly valued, including plant, equipment, or services) for every $4 of funds paid to the State or Indian tribe under this paragraph for the fiscal year.

''(C) HEALTHY MARRIAGE PROMOTION ACTIVITIES.—Funds provided under a grant made under this paragraph shall be used for the cost of developing and implementing demonstration projects to promote stronger families, with an emphasis on the promotion of healthy marriages, through the testing and evaluation of a wide variety of approaches to strengthening families and 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) Voluntary marriage education and marriage skills programs for nonmarried pregnant women and nonmarried expectant fathers.

''(iii) Voluntary premarital education and marriage skills training for engaged couples and for couples interested in marriage.

''(iv) Voluntary marriage enhancement and marriage skills training programs for married couples.

''(v) Marriage mentoring programs that use married couples as role models and mentors in at-risk communities.

''(vi)(I) Programs that offer individuals and families with multiple barriers to economic self-sufficiency and stability services that include community-based comprehensive, family development services provided by local organizations that have demonstrated experience and success in administering similar initiatives that encourage the formation and maintenance of healthy and economically self-sufficient families.

''(II) Programs under clause (I) shall provide a mix of comprehensive services and supports that further develop the capability of low-income parents to financially and emotionally support their children by caring for their children independently or in the context of mutually respectful, non-violent, and voluntary co-parenting relationships, securing and maintaining employment and child care, fulfilling other basic needs such as housing, hunger, mental health and health care, adopting appropriate approaches to income enhancement, and meeting child support obligations, linkages to community resources and other skills that will lead to greater family stability (including programs that replicate or adapt the Iowa Family Development and Self-Sufficiency Program and the demonstration program known as the Minnesota Family Investment Program).

''(III) The Secretary shall give preference in making awards under this paragraph to programs described in this clause.

''(vii) Teen pregnancy prevention programs.

''(viii) Development and dissemination of best practices for addressing domestic and sexual violence as a barrier to economic security, including caseworker training, technical assistance, and voluntary services for victims.

''(ix) Responsible fatherhood programs.

''(D) REQUIREMENTS FOR RECEIPT OF PAYMENT.—The Secretary may not make a grant to a State or Indian tribe under this paragraph unless the State or Indian tribe—

''(i) consults with national, State, local, or tribal organizations with demonstrated expertise in working with survivors of domestic violence;

''(ii) agrees to participate in the evaluation conducted under subparagraph (E);

''(iii) ensures that each sub-grantee complies with the requirements of clauses (i) and (ii);

''(iv) provides for a period of public comment on the use of funds paid to the State or Indian tribe under this paragraph; and

''(v) makes all sub-grant applications approved by the State or Indian tribe available to the public.

''(E) EVALUATION.—

''(i) IN GENERAL.—The Director of the National Academy of Sciences shall conduct, directly or through contracts, a rigorous comprehensive evaluation of a representative sample of the programs and activities described in subparagraph (C) and carried out with funds paid under this paragraph. The Director shall seek public input on both the methods and measures to be used in the evaluation.

''(ii) REQUIRED INFORMATION.—The evaluation conducted under this subparagraph shall, with respect to each program and activity described in subparagraph (C), include measures of family structure, levels of family conflict and violence, and child well-being (including measures of health status, educational performance, food security, and family income).

''(iii) FUNDING.—$5,000,000 of the amount appropriated under subparagraph (G) for each fiscal year shall be reserved for carrying out the evaluation required under this subparagraph.

''(F) REPORTS.—

''(i) INITIAL REPORT.—Not later than September 30, 2007, the Secretary shall submit an initial report to Congress describing the programs and activities funded under grants made under this paragraph.

''(ii) INITIAL EVALUATION FINDINGS.—Not later than September 30, 2008, the Director of the National Academy of Sciences shall submit a report to Congress describing the initial findings of the evaluation conducted under subparagraph (E).

''(iii) FINAL REPORTS.—Not later than September 30, 2010, the Secretary and the Director of the National Academy of Sciences shall each submit final reports on the activities funded under grants made under this paragraph and the evaluation conducted under subparagraph (E), respectively.

''(iv) GAO.—Not later than September 30, 2008, the Comptroller General of the United States shall submit a report to the Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives and the Chairman and Ranking Member of the Committee on Finance of the Senate describing—

''(I) the programs and activities supported by grants made under this paragraph; and

''(II) the results of such programs and activities.

''(G) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated for each of fiscal years 2004 through 2008, $200,000,000 for purposes of carrying out this paragraph.''.

(b) ELIMINATION OF FUNDING FOR RESEARCH, DEMONSTRATIONS, AND TECHNICAL ASSISTANCE.—Notwithstanding any other provision of law, section 413 of the Social Security Act (42 U.S.C. 613) shall be applied without regard to the amendment made by section 114(a) of this Act.

SA 2971. Mr. BAUCUS (for himself, Mr. DASCHLE, Mr. LAUTENBERG, Mr. GRAHAM of Florida, Mr. KENNEDY, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DIRECT CONGRESSIONAL ACCESS TO THE OFFICE OF THE CHIEF ACTUARY IN THE CENTERS FOR MEDICARE & MEDICAID SERVICES.

(a) FINDINGS.—Congress finds the following:

(1) In creating the Office of the Actuary in the Health Care Financing Administration (now known as the Centers for Medicare & Medicaid Services) with the enactment of the Balanced Budget Act of 1997, Congress intended that the Office would provide independent advice and analysis to assist in the development of health care legislation.

(2) While the Congressional Budget Office would continue to serve as the official source for cost estimates for Congress, Congress created the Office of the Actuary in order to have—

(A) an additional, independent source for estimates in the development of health care legislation; and

(B) access to more detailed actuarial data and assumptions related to program participation, payments, and costs.

(3) While the joint explanatory statement of the committee of conference contained in the conference report for the Balanced Budget Act of 1997 provided a clear statement of the Congressional intent described in paragraphs (1) and (2), Congressional access to the Office of the Actuary has been inappropriately restricted over the past year.

(b) ACCESS.—Section 1117(b) of the Social Security Act (42 U.S.C. 1317(b)), as amended by section 900(c) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), is amended by adding at the end the following new paragraphs:

''(4)(A) In exercising the duties of the office of the Chief Actuary, the Chief Actuary shall provide the committees of jurisdiction of Congress with independent counsel and technical assistance with respect to the programs under titles XVIII, XIX, and XXI.

''(B)(i) The Chief Actuary may directly provide Congress with reports, comments on, and estimates of, the financial effects of potential legislation, and other actuarial information related to the programs described in subparagraph (A).

''(ii) No officer or agency of the United States may require the Chief Actuary to submit to any officer or agency of the United

States for approval, comments, or review, prior to the provision to Congress of such reports, comments, estimates, or other information.

''(C)(i) Any person who knowingly interferes with the Chief Actuary in complying with subparagraph (A) or (B)(i) or who knowingly violates the requirement under subparagraph (B)(ii) shall be subject, in addition to any other penalties that may be prescribed by law, to a civil monetary penalty of not more than $250,000 for each violation involved.

''(ii) The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under clause (i) in the same manner as they apply to a civil money penalty or proceeding under section 1128A(a).

''(5) Beginning in 2005, on the same day the President submits to Congress the budget of the United States Government for the following fiscal year, the Chief Actuary shall submit to Congress, and publish on the Internet website of the Centers for Medicare & Medicaid Services, a report that contains—

''(A) the Chief Actuary's 10-year projections and assumptions with respect to the programs under titles XVIII, XIX, and XXI, based on current-law baselines with respect to such programs; and

''(B) cost estimates for proposed changes to the programs under titles XVIII, XIX, and XXI that are contained in such budget submission.''.

SA 2972. Mr. BAUCUS (for himself, Mr. DASCHLE, Mr. JOHNSON, Mr. BINGAMAN, Mr. AKAKA, and Mr. INOUYE) submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

Beginning on page 236, strike line 21 and all that follows through page 239, line 8, and insert the following:

SEC. 113. DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.

(a) TRIBAL TANF PROGRAMS.—

(1) FINDINGS.—Congress makes the following findings:

(A) The Federal Government bears a unique trust responsibility for Indian tribes.

(B) Despite this responsibility, Indians remain remarkably impoverished. According to the Bureau of the Census, 25.9 percent of American Indians live in poverty, more than twice the national poverty rate. The average household income for Indians in 2000 was only 75 percent of that of the rest of Americans.

(C) In some States with substantial Indian populations, the percentage of the welfare caseload that is made up of Indians has increased since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 because some Indians face substantial barriers in their moving from welfare to work.

(D) A General Accounting Office review of data from the Bureau of the Census found that 25 of the 26 counties in the United States with a majority of American Indians had poverty rates ''significantly'' higher than average.

(E) Many Indian tribes are located in isolated rural areas that lack sufficient economic opportunities, including jobs and economic development, transportation services, child care, and other services necessary to ensure a successful transition from welfare to work.

(F) Tribal temporary assistance to needy families programs have demonstrated remarkable success in moving Indians from welfare to work.

(G) Tribal governments, unlike State governments, have not been afforded an opportunity to administer and fully participate in the Federal entitlement program for foster care and adoption assistance, a program Congress recognizes as an important component of welfare services.

(H) Welfare reform has not brought enough change to Indian Country. Welfare reform has not, and will not, succeed unless it adequately addresses the unique barriers many Indians face in moving from welfare to work.

(2) FUNDING FOR TRIBAL TANF PROGRAMS.—

(A) REAUTHORIZATION OF TRIBAL FAMILY ASSISTANCE GRANTS.—Section 412(a)(1)(A) (42 U.S.C. 612(a)(1)(A)), as amended by section 3(h) of the Welfare Reform Extension Act of 2003, is amended by striking ''1997, 1998, 1999, 2000, 2001, 2002, and 2003'' and inserting ''2005 through 2009''.

(B) TRIBAL TANF IMPROVEMENT FUND.—Section 412(a) (42 U.S.C. 612(a)) is amended by striking paragraph (2) and inserting the following:

''(2) TRIBAL TANF IMPROVEMENT GRANTS.—

''(A) TRIBAL CAPACITY GRANTS.—

''(i) IN GENERAL.—Of the amount appropriated under subparagraph (D) for the period of fiscal years 2005 through 2008, $35,000,000 shall be used by the Secretary to award grants for tribal human services program infrastructure improvement (as defined in clause (v)) to—

''(I) Indian tribes that have applied for approval of a tribal family assistance plan and that meet the requirements of clause (ii)(I);

''(II) Indian tribes with an approved tribal family assistance plan and that meet the requirements of clause (ii)(II); and

''(III) Indian tribes that have applied for approval of a foster care and adoption assistance program under section 479B or that plan to enter into, or have in place, a tribal-State cooperative agreement under section 479B(c) and that meet the requirements of clause (ii)(III).

''(ii) PRIORITIES FOR AWARDING OF GRANTS.—The Secretary shall give priority in awarding grants under this subparagraph as follows:

''(I) First, for grants to Indian tribes that have applied for approval of a tribal family assistance plan, that have not operated such a plan as of the date of enactment of the Personal Responsibility and Individual Development for Everyone Act that will have such plan approved, and that include in the plan submission provisions for tribal human services program infrastructure improvement (as so defined) and related management information systems training.

''(II) Second, for Indian tribes with an approved tribal family assistance plan that are not described in subclause (I) and that submit an addendum to such plan that includes provisions for tribal human services program infrastructure improvement that includes implementing or improving management information systems of the tribe (including management information systems training), as such systems relate to the operation of the tribal family assistance plan.

''(III) Third, for Indian tribes that have applied for approval of a foster care and adoption assistance program under section 479B or that plan to enter into, or have in place, a tribal-State cooperative agreement under section 479B(c) and that include in the plan submission under section 471 (or in an addendum to such plan) provisions for tribal human services program infrastructure improvement (as so defined) and related management information systems training.

''(iii) OTHER REQUIREMENTS FOR AWARDING GRANTS.—In awarding grants under this subparagraph, the Secretary—

''(I) may not award an Indian tribe more than 1 grant under this subparagraph per fiscal year;

''(II) shall award grants in such a manner as to maximize the number of Indian tribes that receive grants under this subparagraph; and

''(III) shall consult with Indian tribes located throughout the United States.

''(iv) APPLICATION.—An Indian tribe desiring a grant under this subparagraph shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

''(v) DEFINITION OF HUMAN SERVICES PROGRAM INFRASTRUCTURE IMPROVEMENT.—In this subparagraph, the term 'human services program infrastructure improvement' includes (but is not limited to) improvement of management information systems, management information systems-related training, equipping offices, and renovating, but not constructing, buildings, as described in an application for a grant under this subparagraph, and subject to approval by the Secretary.

''(B) TRIBAL DEVELOPMENT GRANTS.—

''(i) IN GENERAL.—Of the amount appropriated under subparagraph (D) for the period of fiscal years 2005 through 2008, $35,000,000 shall be used by the Secretary to award, through the Commissioner of the Administration for Native Americans, grants to nonprofit organizations, Indian tribes, and tribal organizations to enable such organizations and tribes to provide technical assistance to Indian tribes and tribal organizations in any or all of the following areas:

''(I) The development and improvement of uniform commercial codes.

''(II) The creation or expansion of small business or microenterprise programs.

''(III) The development and improvement of tort liability codes.

''(IV) The creation or expansion of tribal marketing efforts.

''(V) The creation or expansion of for-profit collaborative business networks.

''(VI) The development of innovative uses of telecommunications to assist with distance learning or telecommuting.

''(VII) The development of economic opportunities and job creation in areas of high joblessness in Alaska (as defined in section 408(a)(7)(D)(ii)).

''(ii) REQUIREMENTS.—

''(I) IN GENERAL.—At least an amount equal to 10 percent of the total amount of grants awarded under this subparagraph shall be awarded to carry out clause (i)(VII).

''(II) CONSULTATION.—In awarding grants under this subparagraph the Secretary shall consult with other Federal agencies with expertise in the areas described in clause (i).

''(iii) APPLICATION.—A nonprofit organization, Indian tribe, or tribal organization desiring a grant under this subparagraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(C) TECHNICAL ASSISTANCE.—

''(i) IN GENERAL.—Of the amount appropriated under subparagraph (D) for the period of fiscal years 2005 through 2008, $5,000,000 shall be used by the Secretary for making grants, or entering into contracts, to provide technical assistance to Indian tribes—

''(I) in applying for or carrying out a grant made under this paragraph;

''(II) in applying for or carrying out a tribal family assistance plan under this section; or

''(III) related to best practices and approaches for State and tribal coordination on

the transfer of the administration of social services programs to Indian tribes.

''(ii) RESERVATION OF FUNDS.—Not less than—

''(I) $2,500,000 of the amount described in clause (i) shall be used by the Secretary to support, through grants or contracts, peer-learning programs among tribal administrators; and

''(II) $1,000,000 of such amount shall be used by the Secretary for making grants to Indian tribes to conduct feasibility studies of the capacity of Indian tribes to operate tribal family assistance plans under this part.

''(D) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated $75,000,000 for the period of fiscal years 2005 through 2008 to carry out this paragraph. Amounts appropriated under this subparagraph shall remain available until expended.''.

(C) CONFORMING AMENDMENT.—Section 405(a) (42 U.S.C. 605(a)) is amended by striking ''section 403'' and inserting ''sections 403 and 412(a)(2)(C)''.

(3) ELIGIBILITY FOR CONTINGENCY FUND.—

(A) IN GENERAL.—Section 403(b)(1) (42 U.S.C. 603(b)(3)), as amended by section 102(a)(1), is amended—

(i) in subparagraph (A), by striking ''subparagraph (C)'' and inserting ''subparagraphs (C) and (D)'';

(ii) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(iii) by inserting after subparagraph (C), the following:

''(D) PAYMENTS TO INDIAN TRIBES.—

''(i) IN GENERAL.—Of the total amount appropriated pursuant to subparagraph (F), $25,000,000 of such amount shall be reserved for making payments to Indian tribes with approved tribal family assistance plans that are operating in situations of increased economic hardship.

''(ii) DETERMINATION OF CRITERIA FOR TRIBAL ACCESS.—

''(I) IN GENERAL.—Subject to subclause (II), the Secretary, in consultation with Indian tribes with approved tribal family assistance plans, shall determine the criteria for access by Indian tribes to the amount reserved under clause (i).

''(II) INCLUSION OF CERTAIN FACTORS.—Such criteria shall include factors related to increases in unemployment and loss of employers.

''(iii) APPLICATION OF REQUIREMENTS FOR PAYMENTS TO STATES.—The Secretary, in consultation with Indian tribes with approved tribal family assistance plans located throughout the United States, shall determine the extent to which requirements of States for payments from the contingency fund established under this subsection shall apply to Indian tribes receiving payments under this subparagraph.''.

(B) CONFORMING AMENDMENTS.—Section 403(b)(1)(B) (42 U.S.C. 603(b)(1)(B)), as so amended, is further amended—

(i) in the matter preceding clause (i), by striking ''subparagraph (D)(i)'' and inserting ''subparagraph (E)(i)'';

(ii) in clause (i), by striking ''subparagraph (D)(ii)'' and inserting ''subparagraph (E)(ii)''; and

(iii) in clause (ii), by striking ''subparagraph (D)(iii)'' and inserting ''subparagraph (E)(iii)''.

(4) TRIBAL JOB TRAINING PROGRAMS.—

(A) TRIBAL EMPLOYMENT SERVICES PROGRAMS.—

(i) IN GENERAL.—Section 412(a) (42 U.S.C. 612(a)), as amended by paragraph (2)(B), is amended by adding at the end the following:

''(4) GRANTS FOR TRIBAL EMPLOYMENT SERVICES PROGRAMS.—

''(A) PURPOSE.—The purpose of this paragraph is to support comprehensive services to enable eligible beneficiaries to support themselves through employment without requiring cash benefits from public assistance programs for themselves or their families.

''(B) STATEMENT OF POLICY.—The programs funded under grants made under this paragraph shall be administered in a manner consistent with the principles of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and the government-to-government relationship between the Federal Government and Indian tribal governments.

''(C) DEFINITIONS.—In this paragraph:

''(i) ALASKA NATIVE ORGANIZATION.—The term 'Alaska Native organization' has the meaning given the term 'Indian tribe' with respect to the State of Alaska in section 419(4)(B).

''(ii) DEPARTMENT.—Unless otherwise specified, the term 'Department' means the Department of Labor.

''(iii) ELIGIBLE BENEFICIARY.— The term 'eligible beneficiary' means—

''(I) an individual who is an Indian or Alaska Native receiving or eligible to receive cash benefits for the individual or the individual's family under the State program funded under this part, a tribal family assistance program under this section, or the General Assistance program;

''(II) an individual who is an Indian or Alaska Native transitioning from receipt of cash benefits under any such programs to employment;

''(III) an individual who is an Indian or Alaska Native with a history of long-term dependence (as defined in clause (v)) on cash benefits under any such programs or under the aid for families with dependent children program under this part (as in effect before August 22, 1996);

''(IV) an individual who is an Indian or Alaska Native who is a non-custodial parent of a minor child receiving, eligible to receive, or with a history of receiving cash benefits under any such programs, or an individual who has an obligation to provide support for such children; or

''(V) an individual who is an Indian or Alaska Native and is a member of a family who is at risk of becoming dependent on cash benefits under any such programs or who has exhausted eligibility for such benefits because of the application of time limits on benefits.

''(iv) GENERAL ASSISTANCE.—The term 'General Assistance' means the General Assistance program supported through the Bureau of Indian Affairs in the Department of the Interior.

''(v) LONG-TERM DEPENDENCE.—The term 'long-term dependence' means receipt of cash benefits under a program referred to in clause (iii)(III) for at least 24 months, which need not be consecutive.

''(vi) SECRETARY.—Unless otherwise specified, the term 'Secretary' means the Secretary of Labor.

''(D) AUTHORITY TO MAKE GRANTS.—

''(i) DIRECT SERVICES.—The Secretary shall make grants to Indian tribes, tribal organizations, and Alaska Native organizations on the basis of a formula determined in accordance with subparagraph (H)(ii) to carry out the activities described in subparagraph (E).

''(ii) PROGRAM SUPPORT.—The Secretary shall, through grants or contracts with entities, or interagency agreements, carry out the activities described in subparagraph (F).

''(iii) APPROPRIATION.—

''(I) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated $37,000,000 for each of fiscal years 2005 through 2009 to carry out this paragraph.

''(II) RESERVATION OF FUNDS FOR PROGRAM SUPPORT.—The Secretary may reserve an amount equal to not more than 1.5 percent of the amount appropriated under subclause (I) for a fiscal year to make grants or enter into contracts under clause (ii).

''(E) DIRECT SERVICE ACTIVITIES.—

''(i) IN GENERAL.—A recipient of a grant made under subparagraph (D)(i) shall use the funds provided under the grant to support any services which may be useful in preparing eligible beneficiaries to enter or reenter the workforce, to retain employment or to advance to positions which may enable the eligible beneficiary and the beneficiary's family to become economically self-sufficient.

''(ii) SERVICES PERMITTED.—Services provided with funds made available under a grant made under subparagraph (D)(i) may include—

''(I) assessment;

''(II) education;

''(III) job readiness and placement;

''(IV) occupational training (including on-the-job training);

''(V) work experience;

''(VI) wage subsidies;

''(VII) job retention;

''(VIII) job creation specifically for eligible beneficiaries;

''(IX) case management;

''(X) counseling;

''(XI) supportive services, including (but not limited to) child care, transportation, mental health and substance abuse treatment, and prevention services important to employability; and

''(XII) counseling and other services to promote marriage, discourage teen pregnancies, assist in the formation and stabilization of 2-parent families, and address situations involving domestic violence.

''(iii) RETENTION OF ELIGIBILITY FOR OTHER SERVICES.—An eligible beneficiary who receives services through funds provided under a grant made under subparagraph (D)(i) shall not be precluded from receiving other services from any State, local, or tribal government agency, or any other entity.

''(iv) DISREGARD.—Income or services received by an eligible beneficiary under this paragraph shall be disregarded for purposes of determining eligibility for benefits under any means-tested program for which the eligibility requirements are established under Federal law.

''(F) PROGRAM SUPPORT ACTIVITIES.—

''(i) IN GENERAL.—In order to improve the effectiveness of services provided by Indian tribes, tribal organizations, and Alaska Native organizations under grants made under this paragraph, the Secretary shall support, through grants, contracts, or interagency agreements, activities that—

''(I) enhance the capacity of Indian tribes, tribal organizations, and Alaska Native organizations under this section to deliver the services authorized under subparagraph (E); and

''(II) test or demonstrate new or improved methods of providing such services.

''(ii) PREFERENCE.—In awarding grants or contracts under subparagraph (D)(ii) to carry out this subparagraph, the Secretary shall implement a preference policy consistent with the terms of section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)).

''(G) ADDITIONAL REQUIREMENTS.—

''(i) DIRECT SERVICE ACTIVITIES.—

''(I) AUTHORITY TO CONSOLIDATE FUNDS.—An Indian tribe, tribal organization, or Alaska Native organization receiving a grant under subparagraph (D)(i) may consolidate funds received under the grant with assistance received from other programs in accordance

with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.) or the provisions of the Tribal Self-Governance Act of 1994 (25 U.S.C. 458aa et seq.).

''(II) OPTION TO EXCLUDE PARTICIPANTS FROM DETERMINATION OF WORK PARTICIPATION RATES.—A State, Indian tribe, or tribal organization may exclude individuals participating in a direct services program funded under a grant made under subparagraph (D)(i) for a month from the calculation of the work participation rate for the State or tribe for such month.

''(ii) APPLICABLE RULES.—Any amount paid to an Indian tribe, tribal organization, or Alaska Native organization under this part that is used to carry out the activities described in subparagraph (E) or (F) shall not be subject to the requirements of this part, but shall be subject to the requirements specified in the regulations required under subparagraph (H)(iii), and the expenditure of any amount so used shall not be considered to be an expenditure under this part.

''(iii) AVAILABILITY OF FUNDS.—Funds provided to a recipient of a grant or contract under subparagraph (D)(ii) shall remain available for obligation for 2 succeeding fiscal years after the fiscal year in which the grant is made or the contract is entered into.

''(H) PROGRAM ADMINISTRATION.—

''(i) DESIGNATION OF OFFICE WITH PRIMARY RESPONSIBILITY.—The Secretary shall designate a single organizational unit within the Department that shall have as its primary responsibility the administration of the activities authorized under this paragraph and of any related Indian programs administered by the Department.

''(ii) CONSULTATION.—

''(I) IN GENERAL.—The Secretary shall consult with Indian tribes and tribal organizations eligible to administer activities authorized under this paragraph that are located throughout the United States on all aspects of the operation and administration of such activities, including the promulgation of regulations, the design of a formula for the allocation of funds among Indian tribes and tribal organizations, and the implementation of program support activities described in subparagraph (F).

''(II) ADVISORY COMMITTEE.—The Secretary may utilize a broadly based advisory committee whose members are nominated by Indian tribes and tribal organizations eligible to administer activities authorized under this paragraph as part of the consultation required under subclause (I), except that the consultation process shall not be limited to discussions with such committee.

''(iii) REGULATIONS.—The Secretary may issue regulations for the conduct of activities under this paragraph. All requirements imposed by such regulations, including reporting requirements, shall take into full consideration tribal circumstances and conditions.''.

(ii) TRANSITION FROM OTHER TANF INDIAN EMPLOYMENT PROGRAMS.—

(I) IN GENERAL.—Subject to subclause (II), the Secretary of Health and Human Services shall provide for an orderly close-out of activities under the work program authorized in section 412(a)(2) of the Social Security Act (42 U.S.C. 612(a)(2)) (commonly referred to as the ''Native Employment Works program'' or the ''NEW'' program) as such section is in effect on September 30, 2003.

(ii) REQUIREMENT.—In closing out the activities referred to in clause (i), the Secretary of Health and Human Services shall provide that grantees under a program referred to in that subparagraph shall be permitted to provide services through June 30, 2005, and shall be permitted to spend funds on administrative activities related to the close-out of grants under programs for up to 6 months after that date.

(B) APPLICATION OF INDIAN EMPLOYMENT, TRAINING, AND RELATED SERVICES DEMONSTRATION ACT OF 1992.—Section 412(a) (42 U.S.C. 612(a)), as amended by subparagraph (A)(i), is amended by adding at the end the following:

''(5) APPLICATION OF INDIAN EMPLOYMENT, TRAINING, AND RELATED SERVICES DEMONSTRATION ACT OF 1992.—Notwithstanding any other provision of law, if an Indian tribe elects to incorporate the services it provides under this part into a plan under section 6 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3405), the programs authorized to be conducted with grants made under this part shall be—

''(A) considered to be programs subject to section 5 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3404); and

''(B) subject to the single plan and single budget requirements of section 6 of that Act (25 U.S.C. 3405) and the single report format required under section 11 of that Act (25 U.S.C. 3410).''.

(5) TRIBAL FAMILY ASSISTANCE PLANS.—

(A) EQUITABLE ACCESS.—Section 412(b)(1) (42 U.S.C. 612(b)(1)), as amended by section 101(c), is amended—

(i) in subparagraph (F), by striking ''and'' at the end;

(ii) in subparagraph (G), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(H) describes how the Indian tribe will ensure equitable access to benefits and services provided under the plan for each member of the population to be served by the plan.''.

(B) CONSULTATION BETWEEN STATES AND INDIAN TRIBES OR OTHER INDIANS RESIDING ON A RESERVATION.—

(i) STATE PLAN REQUIREMENT.—Section 402(a)(5) (42 U.S.C. 602(a)(5)) is amended to read as follows:

''(5) CERTIFICATION THAT THE STATE WILL PROVIDE INDIANS WITH EQUITABLE ACCESS TO ASSISTANCE.—

''(A) IN GENERAL.—A certification by the chief executive officer of the State that, during the fiscal year, the State will—

''(i) subject to subparagraph (B), consult with Indian tribes located within the State regarding the State plan in an effort to ensure equitable access to benefits or services provided under the plan for any member of such a tribe who is not eligible for assistance under a tribal family assistance plan approved under section 412; and

''(ii) provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government.

''(B) EXCEPTION.—Clause (i) of subparagraph (A) shall not apply to the State of Alaska.''.

(ii) TRIBAL FAMILY ASSISTANCE PLAN REQUIREMENT.—Section 412(b)(1) (42 U.S.C. 612(b)(1)), as amended by subparagraph (A), is amended—

(I) in subparagraph (G), by striking ''and'' at the end;

(II) in subparagraph (H), by striking the period and inserting ''; and''; and

(III) by adding at the end the following:

''(I) provides that the Indian tribe will consult with each State in which a service area of the plan is located on the operation of the plan and the provision of assistance or services to families under the plan.''.

(C) AUTHORITY FOR CERTAIN TRIBES TO OPERATE A 6-YEAR PLAN.—Section 412(b) (42 U.S.C. 612(b)) is amended by adding at the end the following:

''(4) AUTHORITY FOR CERTAIN TRIBES TO OPERATE A 6-YEAR PLAN.—Notwithstanding paragraph (1), in the case of an Indian tribe that has operated an approved tribal family assistance plan for at least 9 years, the Secretary shall approve, at the request of such Indian tribe, a 6-year tribal family assistance plan submitted by such Indian tribe that otherwise satisfies the requirements of paragraph (1).''.

(6) AREAS WITH HIGH JOBLESSNESS.—Section 408(a)(7)(D) (42 U.S.C. 608(a)(7)(D)) is amended—

(A) in the subparagraph heading, by striking ''BY ADULT'' and all that follows through ''UNEMPLOYMENT'' and inserting ''IN AREAS OF INDIAN COUNTRY OR AN ALASKAN NATIVE VILLAGE WITH HIGH JOBLESSNESS''; and

(B) in clause (i)—

(i) by striking ''In'' and inserting ''Subject to clauses (ii) and (iii), in''; and

(ii) by striking ''50 percent'' and all that follows through the period and inserting ''20 percent of the adults who were living in Indian country were jobless.'';

(C) by redesignating clause (ii) as clause (iv); and

(D) by inserting after clause (i), the following:

''(ii) ALASKAN NATIVE VILLAGE.—With respect to an Alaskan Native village, this subparagraph shall be applied—

''(I) in clause (i), by substituting '50 percent of the adults living in in the village were not employed' for '20 percent of the adults who were living in Indian country were jobless'; and

''(II) without regard to clause (iii).

''(iii) REQUIREMENT.—A month may only be disregarded under clause (i) with respect to an adult recipient described in that clause if the adult is in compliance with program requirements.''.

(7) ADVISORY COMMITTEE ON THE STATUS OF INDIANS WHO DO NOT RESIDE IN INDIAN COUNTRY.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall convene an advisory committee on the status of Indians who do not reside in Indian country (as defined in section 1151 of title 18, United States Code).

(B) DUTIES.—The committee established under clause (i) shall make recommendations regarding how to ensure that Indians who do not reside in Indian country (as so defined) receive appropriate assistance under the temporary assistance to needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other publicly funded assistance programs.

(C) MEMBERSHIP.—

(i) IN GENERAL.—The committee established under clause (i) shall include representatives of—

(I) Federal, State, and tribal governments; and

(II) Indians who do not reside in Indian country (as so defined).

(ii) MAJORITY.—A majority of the members of such committee shall be representatives of Indians who do not reside in Indian country (as so defined).

(8) GAO STUDY AND REPORT.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study of the demographics of Indians who do not—

(i) reside in Indian country (as defined in section 1151 of title 18, United States Code);

(ii) reside in Alaska; or

(iii) receive assistance under a tribal family assistance plan under section 412 of the Social Security Act (42 U.S.C. 612).

(B) REQUIREMENT.—The study conducted under subparagraph (A) shall include economic and health information regarding the Indians described in that paragraph, as well

as information regarding the access of all Indians to benefits or services available under non-tribal publicly funded programs serving low-income families.

(C) REPORT.—Not later than June 30, 2005, the Comptroller General shall submit to Congress a report on the study conducted under subparagraph (A).

(b) AUTHORITY OF INDIAN TRIBES TO RECEIVE FEDERAL FUNDS FOR FOSTER CARE AND ADOPTION ASSISTANCE.—

(1) CHILDREN PLACED IN TRIBAL CUSTODY ELIGIBLE FOR FOSTER CARE FUNDING.—Section 472(a)(2) (42 U.S.C. 672(a)(2)) is amended—

(A) by striking ''or (B)'' and inserting ''(B)''; and

(B) by inserting before the semicolon the following: '', or (C) an Indian tribe or tribal organization (as defined in section 479B(e)) or an intertribal consortium if the Indian tribe, tribal organization, or consortium is not operating a program pursuant to section 479B and (i) has a cooperative agreement with a State pursuant to section 479B(c) or (ii) submits to the Secretary a description of the arrangements (jointly developed or developed in consultation with the State) made by the Indian tribe, tribal organization, or consortium for the payment of funds and the provision of the child welfare services and protections required by this title''.

(2) PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—Part E of title IV (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

''SEC. 479B. PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.

''(a) APPLICATION.—Except as provided in subsection (b), this part shall apply to an Indian tribe or tribal organization that elects to operate a program under this part in the same manner as this part applies to a State.

''(b) MODIFICATION OF PLAN REQUIREMENTS.—

''(1) SERVICE AREA; STANDARDS.—

''(A) IN GENERAL.—Subject to subparagraph (B), in the case of an Indian tribe or tribal organization submitting a plan for approval under section 471, the plan shall—

''(i) in lieu of the requirement of section 471(a)(3), identify the service area or areas and population to be served by the Indian tribe or tribal organization; and

''(ii) in lieu of the requirement of section 471(a)(10), provide for the approval of foster homes pursuant to tribal standards and in a manner that ensures the safety of, and accountability for, children placed in foster care.

''(B) SPECIAL RULE.—With respect to an Indian tribe located in the State of Alaska—

''(i) clause (ii) of subparagraph (A) shall not apply; and

''(ii) the requirement of section 471(a)(10) shall apply to a plan submitted by such tribe.

''(2) DETERMINATION OF FEDERAL SHARE.—

''(A) PER CAPITA INCOME.—

''(i) IN GENERAL.—For purposes of determining the Federal medical assistance percentage applicable to an Indian tribe or tribal organization under paragraphs (1) and (2) of section 474(a), the calculation of an Indian tribe's or tribal organization's per capita income shall be based upon the service population of the Indian tribe or tribal organization as defined in its plan in accordance with paragraph (1)(A).

''(ii) CONSIDERATION OF OTHER INFORMATION.—An Indian tribe or tribal organization may submit to the Secretary such information as the Indian tribe or tribal organization considers relevant to the calculation of the per capita income of the Indian tribe or tribal organization, and the Secretary shall consider such information before making the calculation.

''(B) ADMINISTRATIVE EXPENDITURES.—The Secretary shall, by regulation, determine the proportions to be paid to Indian tribes and tribal organizations pursuant to section 474(a)(3), except that in no case shall an Indian tribe or tribal organization receive a lesser proportion than the corresponding amount specified for a State in that section.

''(C) SOURCES OF NON-FEDERAL SHARE.—An Indian tribe or tribal organization may use Federal or State funds to match payments for which the Indian tribe or tribal organization is eligible under section 474.

''(3) MODIFICATION OF OTHER REQUIREMENTS.—Upon the request of an Indian tribe, tribal organization, or a consortia of tribes or tribal organizations, the Secretary may modify any requirement under this part if, after consulting with the Indian tribe, tribal organization, or consortia of tribes or tribal organizations, the Secretary determines that modification of the requirement would advance the best interests and the safety of children served by the Indian tribe, tribal organization, or consortia of tribes or tribal organizations.

''(4) CONSORTIUM.—The participating Indian tribes or tribal organizations of an intertribal consortium may develop and submit a single plan under section 471 that meets the requirements of this section.

''(c) COOPERATIVE AGREEMENTS.—An Indian tribe, tribal organization, or intertribal consortium and a State may enter into a cooperative agreement for the administration or payment of funds pursuant to this part. In any case where an Indian tribe, tribal organization, or intertribal consortium and a State enter into a cooperative agreement that incorporates any of the provisions of this section, those provisions shall be valid and enforceable. Any such cooperative agreement that is in effect as of the date of enactment of this section, shall remain in full force and effect subject to the right of either party to the agreement to revoke or modify the agreement pursuant to the terms of the agreement.

''(d) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall, in full consultation with Indian tribes and tribal organizations, promulgate regulations to carry out this section.

''(e) DEFINITIONS OF INDIAN TRIBE; TRIBAL ORGANIZATIONS.—In this section, the terms 'Indian tribe' and 'tribal organization' have the meanings given those terms in subsections (e) and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), respectively, except that, with respect to the State of Alaska, the term 'Indian tribe' has the meaning given that term in section 419(4)(B).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on October 1, 2005, without regard to whether regulations to implement such amendments have been promulgated as of such date.

(c) BREAK THE CYCLE DEMONSTRATION GRANTS.—

(1) AUTHORITY TO AWARD GRANTS.—

(A) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Secretary of Education, shall award grants to up to 10 Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) to carry out the activities described in paragraph (2).

(B) APPLICATION.—An Indian tribe desiring a grant under this subsection shall submit—

(i) an application to the Secretary of Health and Human Services, at such time, in such manner, and containing such information as the Secretary may require; and

(ii) a plan outlining how the tribe intends to use funds made available under the grant to carry out activities described in paragraph (2) to help children of Indian families receiving assistance under the temporary assistance to needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) (in this subsection referred to as ''TANF'') obtain a secondary school diploma or its recognized equivalent.

(C) CRITERIA FOR AWARDING GRANTS.—

(i) CONSULTATION WITH INDIAN TRIBES.—The Secretary of Health and Human Services shall consult with Indian tribes regarding the establishment of criteria for awarding grants under this subsection.

(ii) PRIORITY.—The criteria established under clause (i) shall require the Secretary of Health and Human Services to give priority to awarding grants to those Indian tribes applying that have the highest percentages of individuals that have not obtained a secondary school diploma or its recognized equivalent.

(D) STATE PARTNERSHIPS.—An Indian tribe awarded a grant under this subsection may enter into a partnership with a State, a local educational agency, or a private elementary or secondary school to carry out the activities described in paragraph (2).

(E) DEFINITION OF CHILD.—In this subsection, the term ''child'' means an individual who has not attained age 21.

(2) ACTIVITIES DESCRIBED.—The activities described in this paragraph include—

(A) mentoring activities;

(B) tutoring activities;

(C) adjusting requirements applicable to the child or family under TANF;

(D) teen pregnancy prevention activities; and

(E) any other activities approved by the Secretary of Health and Human Services that are related to achieving the purpose described in paragraph (1)(B)(ii).

(3) EVALUATION AND REPORT.—

(A) IN GENERAL.—Of the amount appropriated under paragraph (4) for fiscal year 2006, $1,000,000 shall be reserved by the Secretary of Health and Human Services for the purpose of conducting, through grant, contract, or interagency agreement, an evaluation of the activities carried out under grants awarded under this subsection.

(B) REPORT.—The Secretary of Health and Human Services shall submit a report to Congress on the evaluation conducted under subparagraph (A).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this subsection, $20,000,000 for each of fiscal years 2006 through 2009.

SA 2973. Mr. SANTORUM submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 217, between lines 9 and 10, insert the following:

(g) WORK ACTIVITIES.—

(1) IN GENERAL.—Section 407(d) (42 U.S.C. 607(d)) is amended—

(A) in paragraph (11), by striking ''and'' at the end:

(B) in paragraph (12), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(13) marriage education, marriage skills training, conflict resolution counseling in the context of marriage, and participation in programs that promote marriage.''.

(2) CONFORMING AMENDMENT.—Section 407(c)(1)(B) (42 U.S.C. 607(c)(1)(B)), as amended by subsection (f), is amended by striking ''or (11)'' and inserting ''(11), or (13)''.

SA 2974. Mrs. LINCOLN submitted an amendment intended to be proposed by her to 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; which was ordered to lie on the table; as follows:

On page 217, between lines 9 and 10, insert the following:

(g) SENSE OF THE SENATE.—

(1) FINDINGS.—The Senate makes the following findings:

(A) Under current law in the temporary assistance for needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) (in this subsection referred to as ''TANF''), a single parent with a child under age 6 must participate in work-related activities for at least 20 hours a week to count toward program participation rates. Other single parents must participate for at least 30 hours a week in order to count toward participation rates.

(B) Under current program rules, States have been very successful in increasing employment among families receiving welfare. Between 1994 and 2002, the nation's caseload fell from 5,000,000 to 2,000,000 families and most families that left welfare and are employed work full-time jobs.

(C) The Department of Health and Human Services reports that according to Census Bureau data, the employment rate among single mothers with children rose from 57 percent in 1994 to 70 percent in 2000. For single mothers with children under age 6, employment increased from 46 percent in 1994 to 64.5 percent in 2000. Employment rates among single mothers now exceed the rates of married mothers. While some of these employment gains have been lost during the recent period of labor market weakness, a significantly higher proportion of single mothers are employed today than in the mid-1990s.

(D) The design of the TANF block grant is intended to provide States with broad flexibility to decide how to further the employment and other goals of the program. States are free to set required hours of participation above the level that counts toward Federal participation rates, and some States have chosen to do so.

(E) The PRIDE Act increases the hours a recipient must participate in work activities to fully count toward the State's work participation rates from 20 hours a week to 24 hours a week for single parents of children under 6, and from 30 hours a week to 34 hours a week for other single parent families.

(F) There is no evidence that increasing the required hours of participation above those in the PRIDE Act would lead to States running better programs, or would lead to more families becoming employed. However, increasing the required hours of participation would add to program and child care costs. Most families receiving assistance (54 percent) have a child under the age of 6. Increasing child care costs for these families would force States to redirect resources that could be used to help other families get and keep jobs.

(G) The decision about whether to further increase the number of hours of participation for families above the levels set in the PRIDE Act is best left to State legislatures and Governors.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that any conference report or legislation enacted into law that reauthorizes TANF—

(A) should not increase hours of required program participation for families beyond the hours specified in the PRIDE Act; and

(B) should provide States with the flexibility they need in determining appropriate hours of program participation for families with young children to ensure that program requirements are consistent with family responsibilities and available resources.

SA 2975. Mrs. LINCOLN submitted an amendment intended to be proposed by her to 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; which was ordered to lie on the table; as follows:

Beginning on page 184, strike line 6 and all that follows through page 185, line 4, and insert the following:

(c) LIMITATION ON REDUCTION OF PARTICIPATION RATE THROUGH APPLICATION OF CREDITS.—

(1) IN GENERAL.—Section 407(a) (42 U.S.C. 607(b)), as amended by subsection (b), is amended by adding at the end the following:

''(2) LIMITATION ON REDUCTION OF PARTICIPATION RATE THROUGH APPLICATION OF CREDITS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the net effect of any percentage reduction in the minimum participation rate otherwise required under this section with respect to families receiving assistance under the State program funded under this part as a result of the application of any employment credit, caseload reduction credit, or other credit against such rate for a fiscal year, shall not exceed—

''(i) 40 percentage points, in the case of fiscal year 2004;

''(ii) 35 percentage points, in the case of fiscal year 2005;

''(iii) 30 percentage points, in the case of fiscal year 2006;

''(iv) 25 percentage points, in the case of fiscal year 2007; or

''(v) 20 percentage points, in the case of fiscal year 2008 or any fiscal year thereafter.

''(B) NONAPPLICATION TO GOOD JOBS BONUS UNDER THE EMPLOYMENT CREDIT.—With respect to the number of percentage points of the employment credit for a State for a fiscal year that is attributable to clause (iv) of subsection (b)(2)(B) (relating to special rule for former recipients with higher earnings)—

''(i) the limitation under subparagraph (A) on the percentage reduction in the minimum participation rate with respect to families receiving assistance under the State program funded under this part for a fiscal year shall be applied without regard to such number of percentage points; and

''(ii) the minimum participation rate otherwise required under this section for the State for such fiscal year shall be reduced by such number of percentage points.''.

(2) TECHNICAL AMENDMENT.—Clause (iv) of section 407(b)(2)(B) (42 U.S.C. 607(b)(2)(B)), as amended by subsection (d), is amended by striking ''33'' and inserting ''42''.

SA 2976. Mrs. BOXER submitted an amendment intended to be proposed by her to 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. YOUTH PREGNANCY PREVENTION.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399O. YOUTH PREGNANCY PREVENTION.

''(a) AT-RISK TEEN PREGNANCY PREVENTION GRANTS.—

''(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out teenage pregnancy prevention activities that are targeted at areas with large ethnic minorities and other youth at-risk of becoming pregnant.

''(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), an entity shall—

''(A) be a State or local government or a private nonprofit entity; and

''(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(3) ELIGIBLE ACTIVITIES.—Activities carried out under a grant under this subsection may include—

''(A) youth development for adolescents;

''(B) work-related interventions and other educational activities;

''(C) parental involvement;

''(D) teenage outreach; and

''(E) clinical services.

''(b) MULTIMEDIA PUBLIC AWARENESS AND OUTREACH GRANTS.—

''(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to establish multimedia public awareness campaigns to combat teenage pregnancy.

''(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), an entity shall—

''(A) be a State government or a private nonprofit entity; and

''(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(3) ACTIVITIES.—The purpose of the campaigns established under a grant under paragraph (1) shall be to prevent teenage pregnancy through the use of advertising using television, radio, print media, billboards, posters, the Internet, and other methods determined appropriate by the Secretary.

''(4) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants that express an intention to carry out activities that target ethnic minorities and other at-risk youth.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

''(1) to carry out subsection (a), $30,000,000 for each of fiscal years 2005 through 2009; and

''(2) to carry out subsection (b), $20,000,000 for each of fiscal years 2005 through 2009.''.

SA 2977. Ms. STABENOW submitted an amendment intended to be proposed by her to 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; which was ordered to lie on the table; as follows:

On page 355, lines 1 and 2, strike '', and to any proposals to amend such projects, that are approved or extended'' and insert ''that are approved''.

SA 2978. Ms. LANDRIEU submitted an amendment intended to be proposed by her to 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING THE POVERTY LINE.

(a) FINDINGS.—The Senate finds that—

(1) the official United States poverty line is used in determining eligibility for many Federal and State public assistance programs and in determining the allocation of Federal funds to States and localities;

(2) the official poverty line is based on the cost of a minimum diet of an average family in 1955 multiplied by three to allow for expenditures on other goods and services and is adjusted each year for estimated price changes;

(3) the current measure of the poverty line has remained virtually unchanged over the past 40 years, yet during that time, there have been marked changes in the nation's economy and society and in public policies that have affected families' economic wellbeing;

(4) in 1990 Congress commissioned a study by the National Academy of Sciences/National Research Council to provide a basis for a possible revision of the poverty measure;

(5) in 1995 the National Research Council released a report that called for the Office of Management and Budget to revise the measure of poverty used by the Federal Government, citing that the current measure no longer provides an accurate picture of the differences in the extent of economic poverty among population groups or geographic areas of the country;

(6) the National Research Council proposed that the new poverty measure be based on costs comprised within a basic family budget including food, clothing, shelter, utilities, and a small additional amount to allow for other needs;

(7) while the current poverty measure counts only pre-tax income, the National Research Council proposed that the new poverty measure count disposable after-tax income, including in-kind benefits and deducting expenses such as child care and out-of-pocket medical costs;

(8) while the current poverty measure is the same for all areas of the country, the National Research Council proposed that the new poverty measure be adjusted for geographic differences in the cost of living;

(9) Federal agencies, including the Census Bureau, have carried out substantial research to evaluate and determine the feasibility of implementing the recommendations in the National Research Council's report; and

(10) the Census Bureau publishes alternative measures of poverty that incorporate many of the recommendations of the National Research Council.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the improvement of the current measure of income poverty is an important goal;

(2) the Office of Management and Budget, in consultation with the National Research Council and other related agencies, should work to implement an improved poverty measure as expeditiously as possible;

(3) any action taken by the Office of Management and Budget to implement an improved poverty measure should be cognizant of the recommendations and review provided by the National Research Council; and

(4) before taking action to implement a new poverty measure, the Office of Management and Budget should consider the impact of alternative poverty measures on federally funded programs.

SA 2979. Mr. HARKIN submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 154, between lines 10 and 11, insert the following:

''(viii)(I) Programs that offer individuals and families with multiple barriers to economic self-sufficiency and stability services that include community-based comprehensive, family development services provided by local organizations that have demonstrated experience and success in administering similar initiatives that encourage the formation and maintenance of healthy and economically self-sufficient families.

''(II) Programs under clause (I) shall provide a mix of comprehensive services and supports that further develop the capability of low-income parents to financially and emotionally support their children by caring for their children independently or in the context of mutually respectful, non-violent, and voluntary co-parenting relationships, securing and maintaining employment and child care, fulfilling other basic needs such as housing, hunger, mental health and health care, adopting appropriate approaches to income enhancement, and meeting child support obligations, linkages to community resources and other skills that will lead to greater family stability (including programs that replicate or adapt the Iowa Family Development and Self-Sufficiency Program).

''(III) The Secretary shall give preference in making awards under this paragraph to programs described in this clause.''

SA 2980. Mr. ALEXANDER (for himself, Mr. VOINOVICH, Mr. NELSON of Nebraska, and Mr. CARPER) submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 253, between lines 6 and 7, insert the following:

(d) DEMONSTRATION PROJECTS TO ACHIEVE BETTER RESULTS THROUGH GREATER FLEXIBILITY.—Section 413 (42 U.S.C. 613), as amended by subsection (a), is amended by adding at the end the following:

''(m) DEMONSTRATION PROJECTS TO ACHIEVE BETTER RESULTS THROUGH GREATER FLEXIBILITY.—

''(1) PURPOSE.—The purpose of this subsection is to allow up to 10 States to conduct a demonstration project to test the premise that a State program funded under this part can achieve better results, helping people achieve true self-sufficiency, if the State is given greater flexibility to best meet individual needs, and to test ways to improve coordination of the State program funded under this part with activities funded under the Workforce Investment Act of 1998.

''(2) REQUIREMENTS FOR PARTICIPATION.—

''(A) IN GENERAL.—In order to be selected to conduct a demonstration project under this subsection, a State shall submit an application to the Secretary that—

''(i) describes how the State will ensure that all adult recipients of assistance under the State program funded under this part have a self-sufficiency, employment plan that satisfies the requirements of section 408(b);

''(ii) contains an assurance that, if selected to conduct the demonstration project, the State shall agree to enter into a performance agreement with the Secretary that—

''(I) includes targets for increasing the State's performance above a baseline level, as determined under subparagraph (C), on 1 or more State-defined outcomes measures for each of the areas described in subparagraph (B); and

''(II) requires, in the case of a State that fails to meet the agreed upon performance targets, the State, at the discretion of the Secretary, to carry out one or more of the following—

''(aa) enter into a corrective compliance plan with the Secretary;

''(bb) renegotiate the performance targets with the Secretary; or

''(cc) terminate the demonstration project;

''(iii) contains an assurance that the State will arrange for an evaluation of the demonstration project to determine if the State is able to achieve improved employment outcomes for the families of the adult recipients participating in the demonstration project; and

''(iv) contains such other information or assurances as the Secretary may require.

''(B) AREAS DESCRIBED.—For purposes of subparagraph (A)(ii), the areas described in this subparagraph are the following:

''(i) Employment.

''(ii) Success in activities designed to improve employment and related outcomes.

''(iii) Job retention.

''(iv) Entry earnings and earnings gains.

''(v) Child well-being.

''(C) DETERMINATION OF BASELINE PERFORMANCE LEVELS.—The State shall negotiate with the Secretary a mechanism for measuring baseline performance levels for purposes of subparagraph (A)(ii)(I). Such baseline levels may be calculated during the initial year of the project or may be calculated based on data from years immediately prior to the commencement of the project.

''(3) MODIFICATIONS OF REQUIREMENTS OF THIS PART.—In the case of a State selected to conduct a demonstration project under this subsection, the State must be able to demonstrate to the Secretary that a reasonable share of adult recipients are participating in welfare to work activities and that moving from welfare to work is central to the project, consistent with the purpose of the project, which is to achieve the targets defined as outcome measures described in clauses (i) through (v) of paragraph (2)(B). If the Secretary is provided with the assurances described in the preceding sentence, the Secretary shall waive such requirements of subsections (a) through (d) of section 407 as determined to be necessary for the State to conduct such project.

''(4) STATEWIDE OR SUB-STATE DEMONSTRATION PROJECTS.—The Secretary may approve a demonstration project under this subsection to be conducted on a statewide or sub-State basis. In the case of a State that is approved to conduct a sub-State demonstration project, the Secretary shall determine the minimum participation rate for the State under section 407 without regard to the sub-State area in which the demonstration project is conducted.

''(5) APPROVAL OF APPLICATIONS.—

''(A) VARIETY OF SITES.—In selecting States to conduct demonstration projects under this subsection, the Secretary shall, to the extent practicable, select States that will result in demonstration projects being conducted in a geographic variety of States and sub-State areas.

''(B) COORDINATION WITH WORKFORCE INVESTMENT ACT.—The Secretary shall ensure that at least 2 of the demonstration projects

approved under this subsection include assurances that the State will improve coordination of the State program funded under this part with activities funded under the Workforce Investment Act of 1998.

''(C) STRENGTH OF EVALUATION.—In selecting States to conduct demonstration projects under this subsection, the Secretary shall consider the strength and rigor of the research designs that States propose to use in conducting evaluations of such demonstration projects.

''(D) LENGTH OF PROJECTS.—A demonstration project approved under this subsection—

''(i) shall be conducted for an initial period of not more than 5 years; and

''(ii) may be renewed for an additional period of not more than 5 years.

''(6) REPORTS.—

''(A) INITIAL REPORT.—Not later than the end of the fourth year in which demonstration projects are conducted under this subsection, the Secretary shall submit a report to Congress on the progress of the demonstration projects in achieving the results described in paragraph (1). Such report shall contain data sufficient to enable demonstration project results to be taken into consideration by Congress in the reauthorization of the program under this part.

''(B) FINAL REPORT.—Not later than 1 year after the date on which the initial period of the demonstration projects expires (as provided for in paragraph (5)(B)(i)), the Secretary shall submit a final report to Congress concerning the results of such demonstration projects.

''(C) OTHER REPORTING REQUIREMENTS.—The Secretary and the State shall work out mechanisms to satisfy other reporting requirements that may be necessary.''.

SA 2981. Mr. ALEXANDER (for himself, Ms. SNOWE, Ms. COLLINS, Mr. BREAUX, Mr. BAYH, Mr. CARPER, Ms. LANDRIEU, Mrs. CLINTON, Mr. DODD, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 253, between lines 6 and 7, insert the following:

(d) TEEN PREGNANCY PREVENTION RESOURCE CENTER.—Section 413 (42 U.S.C. 613), as amended by subsection (a), is amended by adding at the end the following:

''(m) TEEN PREGNANCY PREVENTION RESOURCE CENTER.—

''(1) AUTHORITY.—

''(A) IN GENERAL.—The Secretary shall make a grant to a nationally recognized, nonpartisan, nonprofit organization that meets the requirements described in subparagraph (B) to establish and operate a national teen pregnancy prevention resource center (in this subsection referred to as the 'Resource Center') to carry out the purpose and activities described in paragraph (2).

''(B) REQUIREMENTS.—The requirements described in this subparagraph are the following:

''(i) The organization has at least 7 years of experience in working with diverse sectors of society to reduce teen pregnancy.

''(ii) The organization has a demonstrated ability to work with and provide assistance to a broad range of individuals and entities, including teens, parents, the entertainment and news media, State, tribal, and local organizations, networks of teen pregnancy prevention practitioners, businesses, faith and community leaders, and researchers.

''(iii) The organization is research-based and has capabilities in scientific analysis and evaluation.

''(iv) The organization has comprehensive knowledge and data about teen pregnancy prevention strategies.

''(v) The organization has experience operating a resource center that carries out activities similar to the activities described in paragraph (2)(B).

''(2) PURPOSES AND ACTIVITIES.—

''(A) PURPOSES.—The purposes of the Resource Center are to improve the well-being of children and families and encourage young people to delay pregnancy until marriage. Specifically, the Resource Center shall—

''(i) provide information and technical assistance to States, Indian tribes, local communities, and other public or private organizations seeking to reduce rates of teen pregnancy;

''(ii) support parents in their essential role in preventing teen pregnancy by equipping them with information and resources to promote and strengthen communication with their children about sex, values, and healthy relationships, including marriage; and

''(iii) assist the entertainment media industry by providing information and by helping that industry develop content and messages for teens and adults that can help prevent teen pregnancy.

''(B) ACTIVITIES.—The Resource Center shall carry out the purposes described in subparagraph (A) through the following activities:

''(i) Synthesizing and disseminating research and information regarding effective and promising practices, and providing information on how to design and implement effective programs to prevent teen pregnancy.

''(ii) Providing information and reaching out to diverse populations, with particular attention to areas and populations with the highest rates of teen pregnancy.

''(iii) Helping States, local communities, and other organizations increase their knowledge of existing resources that can be used to advance teen pregnancy prevention efforts, and build their capacity to access such resources and develop partnerships with other programs and funding streams.

''(iv) Raising awareness of the important of increasing the proportion of children born to, and raised in, healthy, adult marriages.

''(v) Linking organizations working to reduce teen pregnancy with experts and peer groups, including the creation of technical assistance networks.

''(vi) Providing consultation and resources about how to reduce teen pregnancy to various sectors of society such as parents, other adults (such as teachers, coaches, and mentors), community and faith-based groups, the entertainment and news media, businesses, and teens themselves, through a broad array of strategies and messages, including a focus on abstinence, responsible behavior, family communication, relationships, and values.

''(vii) Assisting organizations seeking to reduce teen pregnancy in their efforts to work with all forms of media and to reach a variety of audiences (including teens, parents, and ethnically diverse groups) to communicate effective messages about preventing teen pregnancy.

''(viii) Providing resources for parents and other adults that help to foster strong relationships with children, which has been proven effective in reducing sexual activity and teen pregnancy, including online access to research, parent guides, tips, and alerts about upcoming opportunities to use the entertainment media as a discussion starter.

''(ix) Working directly with individuals and organizations in the entertainment industry to provide consultation and serve as a source of factual information on issues related to teen pregnancy prevention.

''(3) COLLABORATION WITH OTHER ORGANIZATIONS.—The organization operating the Resource Center shall collaborate with other organizations that have expertise and interest in teen pregnancy prevention, and that can help reach out to diverse audiences.

''(4) FUNDING.—

''(A) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated to carry out this subsection, $5,000,000 for fiscal year 2005. Funds appropriated under this subparagraph shall remain available for expenditure through fiscal year 2007.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection, $3,000,000 for fiscal year 2007 and each fiscal year thereafter.''.

SA 2982. Mr. TALENT submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INCLUSION OF PRIMARY AND SECONDARY PREVENTATIVE MEDICAL STRATEGIES FOR CHILDREN AND ADULTS WITH SICKLE CELL DISEASE AS MEDICAL ASSISTANCE UNDER THE MEDICAID PROGRAM.

(a) IN GENERAL.—Section 1905 (42 U.S.C. 1396d) is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (26);

(B) by redesignating paragraph (27) as paragraph (28); and

(C) by inserting after paragraph (26), the following:

''(27) subject to subsection (x), primary and secondary preventative medical strategies, including prophylaxes, and treatment and services for individuals who have Sickle Cell Disease; and''; and

(2) by adding at the end the following:

''(x) For purposes of subsection (a)(27), the strategies, treatment, and services described in that subsection include the following:

''(1) Chronic blood transfusion (with deferoxamine chelation) to prevent stroke in individuals with Sickle Cell Disease who have been identified as being at high risk for stroke.

''(2) Genetic counseling and testing for individuals with Sickle Cell Disease or the sickle cell trait.

''(3) Other treatment and services to prevent individuals who have Sickle Cell Disease and who have had a stroke from having another stroke.''.

(b) FEDERAL REIMBURSEMENT FOR EDUCATION AND OTHER SERVICES RELATED TO THE PREVENTION AND TREATMENT OF SICKLE CELL DISEASE.—Section 1903(a)(3) (42 U.S.C. 1396b(a)(3)) is amended—

(1) in subparagraph (D), by striking ''plus'' at the end and inserting ''and''; and

(2) by adding at the end the following:

''(E) 50 percent of the sums expended with respect to costs incurred during such quarter as are attributable to providing—

''(i) services to identify and educate individuals who have Sickle Cell Disease or who are carriers of the sickle cell gene, including education regarding how to identify such individuals; or

''(ii) education regarding the risks of stroke and other complications, as well as

the prevention of stroke and other complications, in individuals who have Sickle Cell Disease; plus''.

(c) DEMONSTRATION PROGRAM FOR THE DEVELOPMENT AND ESTABLISHMENT OF SYSTEMIC MECHANISMS FOR THE PREVENTION AND TREATMENT OF SICKLE CELL DISEASE.—

(1) AUTHORITY TO CONDUCT DEMONSTRATION PROGRAM.—

(A) IN GENERAL.—The Administrator, through the Bureau of Primary Health Care and the Maternal and Child Health Bureau, shall conduct a demonstration program by making grants to up to 40 eligible entities for each fiscal year in which the program is conducted under this section for the purpose of developing and establishing systemic mechanisms to improve the prevention and treatment of Sickle Cell Disease, including through—

(i) the coordination of service delivery for individuals with Sickle Cell Disease;

(ii) genetic counseling and testing;

(iii) bundling of technical services related to the prevention and treatment of Sickle Cell Disease;

(iv) training of health professionals; and

(v) identifying and establishing other efforts related to the expansion and coordination of education, treatment, and continuity of care programs for individuals with Sickle Cell Disease.

(B) GRANT AWARD REQUIREMENTS.—

(i) GEOGRAPHIC DIVERSITY.—The Administrator shall, to the extent practicable, award grants under this section to eligible entities located in different regions of the United States.

(ii) PRIORITY.—In awarding grants under this subsection, the Administrator shall give priority to awarding grants to eligible entities that are—

(I) Federally-qualified health centers that have a partnership or other arrangement with a comprehensive Sickle Cell Disease treatment center that does not receive funds from the National Institutes of Health; or

(II) Federally-qualified health centers that intend to develop a partnership or other arrangement with a comprehensive Sickle Cell Disease treatment center that does not receive funds from the National Institutes of Health.

(2) ADDITIONAL REQUIREMENTS.—An eligible entity awarded a grant under this subsection shall use funds made available under the grant to carry out, in addition to the activities described in paragraph (1)(A), the following activities:

(A) To facilitate and coordinate the delivery of education, treatment, and continuity of care for individuals with Sickle Cell Disease under—

(i) the entity's collaborative agreement with a community-based Sickle Cell Disease organization or a nonprofit entity that works with individuals who have Sickle Cell Disease;

(ii) the Sickle Cell Disease newborn screening program for the State in which the entity is located; and

(iii) the maternal and child health program under title V of the Social Security Act (42 U.S.C. 701 et seq.) for the State in which the entity is located.

(B) To train nursing and other health staff who specialize in pediatrics, obstetrics, internal medicine, or family practice to provide health care and genetic counseling for individuals with the sickle cell trait.

(C) To enter into a partnership with adult or pediatric hematologists in the region and other regional experts in Sickle Cell Disease at tertiary and academic health centers and State and county health offices.

(D) To identify and secure resources for ensuring reimbursement under the medicaid program, State children's health insurance program, and other health programs for the prevention and treatment of Sickle Cell Disease, including the genetic testing of parents or other appropriate relatives of children with Sickle Cell Disease and of adults with Sickle Cell Disease.

(3) NATIONAL COORDINATING CENTER.—

(A) ESTABLISHMENT.—The Administrator shall enter into a contract with an entity to serve as the National Coordinating Center for the demonstration program conducted under this subsection.

(B) ACTIVITIES DESCRIBED.—The National Coordinating Center shall—

(i) collect, coordinate, monitor, and distribute data, best practices, and findings regarding the activities funded under grants made to eligible entities under the demonstration program;

(ii) develop a model protocol for eligible entities with respect to the prevention and treatment of Sickle Cell Disease;

(iii) develop educational materials regarding the prevention and treatment of Sickle Cell Disease; and

(iv) prepare and submit to Congress a final report that includes recommendations regarding the effectiveness of the demonstration program conducted under this subsection and such direct outcome measures as—

(I) the number and type of health care resources utilized (such as emergency room visits, hospital visits, length of stay, and physician visits for individuals with Sickle Cell Disease); and

(II) the number of individuals that were tested and subsequently received genetic counseling for the sickle cell trait.

(4) APPLICATION.—An eligible entity desiring a grant under this subsection shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

(5) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Health Resources and Services Administration.

(B) ELIGIBLE ENTITY.—The term ''eligible entity'' means a Federally-qualified health center, a nonprofit hospital or clinic, or a university health center that provides primary health care, that—

(i) has a collaborative agreement with a community-based Sickle Cell Disease organization or a nonprofit entity with experience in working with individuals who have Sickle Cell Disease; and

(ii) demonstrates to the Administrator that either the Federally-qualified health center, the nonprofit hospital or clinic, the university health center, the organization or entity described in clause (i), or the experts described in paragraph (2)(C), has at least 5 years of experience in working with individuals who have Sickle Cell Disease.

(C) FEDERALLY-QUALIFIED HEALTH CENTER.—The term ''Federally-qualified health center'' has the meaning given that term in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B)).

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $10,000,000 for each of fiscal years 2005 through 2009.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect on the date of enactment of this Act and apply to medical assistance and services provided under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) on or after that date.

SA 2983. Mr. BIDEN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___02. ENHANCED ASSISTANCE FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) IN GENERAL.—At the request of a State, Indian tribal government, or unit of local government, the Attorney General shall provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State or Indian tribe; and

(3) is committed against a person under 18 years of age.

(b) PRIORITY.—If the Attorney General determines that there are insufficient resources to fulfill requests made pursuant to subsection (a), the Attorney General shall give priority to requests for assistance to—

(1) crimes committed by, or believed to be committed by, offenders who have committed crimes in more than 1 State; and

(2) rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of the fiscal years 2004 through 2008.

SA 2984. Ms. LANDRIEU submitted an amendment intended to be proposed by her to 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; which was ordered to lie on the table; as follows:

At the appropriate section, insert the following:

SEC. . FINDINGS.

Congress makes the following findings:

(1) Research shows that caring adults can make a difference in children's lives. Forty five percent of mentored teens are less likely to use drugs. Fifty nine percent of mentored teens have better academic performance. Seventy three percent of mentored teens achieve higher goals generally.

(2) Children that have mentors have better relationships with adults, fewer disciplinary referrals, and more confidence to achieve their goals.

(3) In 2001, over 163,000 children in the foster care system were under the age of 5 years.

(4) In 2001, over 124,000 children were under the age of 10 when they were removed from their parents or caretakers.

(5) The International Day of the Child, sponsored by Children United Nations, has served as a great tool to recruit mentors and partner them with needy foster care children.

(6) On November 10, 2002, as many as 3,000 children will be matched with mentors as a result of the International Day of the Child.

(7) States should be encouraged to incorporate mentor programs into the delivery of their foster care services. The State of California serves as a great example, matching

close to half a million mentors with needy children.

(8) Mentor programs that serve foster children are unique and require additional considerations including specialized training and support necessary to provide for consistent, long term relationships for children in care.

(9) Mentor programs are cost-effective approaches to decreasing the occurrence of so many social ills such as teen pregnancy, substance abuse, incarceration and violence.

SEC. . PROGRAMS FOR MENTORING CHILDREN IN FOSTER CARE.

Subpart 2 of part B of title IV of the Social Security Act (42 U.S.C. 629 et seq.) is amended by adding at the end the following:

''SEC. 440. PROGRAMS FOR MENTORING CHILDREN IN FOSTER CARE.

''(a) PURPOSE.—It is the purpose of this section to authorize the Secretary to make grants to eligible applicants to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

''(b) DEFINITIONS.—In this section:

''(1) CHILDREN IN FOSTER CARE.—The term 'children in foster care' means children who have been removed from the custody of their biological or adoptive parents by a State child welfare agency.

''(2) MENTORING.—The term 'mentoring' means a structured, managed program in which children are appropriately matched with screened and trained adult volunteers for one-on-one relationships, that involves meetings and activities on a regular basis, and that is intended to meet, in part, the child's need for involvement with a caring and supportive adult who provides a positive role model.

''(3) POLITICAL SUBDIVISION.—The term 'political subdivision' means a local jurisdiction below the level of the State government, including a county, parish, borough, or city.

''(c) GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out a program to award grants to States to support the establishment or expansion and operation of programs using networks of public and private community entities to provide mentoring for children in foster care.

''(2) GRANTS TO POLITICAL SUBDIVISIONS.—The Secretary may award a grant under this subsection directly to a political subdivision if the subdivision serves a substantial number of foster care youth (as determined by the Secretary).

''(3) APPLICATION REQUIREMENTS.—To be eligible for a grant under paragraph (1), the chief executive officer of the State or political subdivision shall submit to the Secretary an application containing the following:

''(A) PROGRAM DESIGN.—A description of the proposed program to be carried out using amounts provided under this grant, including—

''(i) a list of local public and private organizations and entities that will participate in the mentoring network;

''(ii) the name, description, and qualifications of the entity that will coordinate and oversee the activities of the mentoring network;

''(iii) the number of mentor-child matches proposed to be established and maintained annually under the program;

''(iv) such information as the Secretary may require concerning the methods to be used to recruit, screen support, and oversee individuals participating as mentors, (which methods shall include criminal background checks on the individuals), and to evaluate outcomes for participating children, including information necessary to demonstrate compliance with requirements established by the Secretary for the program; and

''(v) such other information as the Secretary may require.

''(B) TRAINING.—An assurance that all mentors covered under the program will receive intensive and ongoing training in the following areas:

''(i) Child Development, including the importance of bonding.

''(ii) Family dynamics, including the effects of domestic violence.

''(iii) Foster care system, principles, and practices.

''(iv) Recognizing and reporting child abuse and neglect.

''(v) Confidentiality requirements for working with children in care.

''(vi) Working in coordination with the public school system.

''(vii) Other matters related to working with children in care.

''(C) SCREENING.—An assurance that all mentors covered under the program are appropriately screened and have demonstrated a willingness to comply with all aspects of the mentor program, including—

''(i) a description of the methods to be used to conduct criminal background checks on all prospective mentors; and

''(ii) a description of the methods to be used to ensure that the mentors are willing and able to serve as a mentor on a long term, consistent basis.

''(D) EDUCATIONAL REQUIREMENTS.—An assurance that all mentors recruited to serve as academic mentors will—

''(i) have a high school diploma or its equivalent; and

''(ii) have completed at least 1 year of study in a program leading to a graduate or post graduate degree.

''(E) COMMUNITY CONSULTATION; COORDINATION WITH OTHER PROGRAMS.—A demonstration that, in developing and implementing the program, the State or political subdivision will, to the extent feasible and appropriate—

''(i) consult with public and private community entities, including religious organizations, and including, as appropriate, Indian tribal organizations and urban Indian organizations, and with family members of potential clients;

''(ii) coordinate the programs and activities under the program with other Federal, State, and local programs serving children and youth; and

''(iii) consult and coordinate with appropriate Federal, State, and local corrections, workforce development, and substance abuse and mental health agencies.

''(F) EQUAL ACCESS FOR LOCAL SERVICE PROVIDERS.—An assurance that public and private entities and community organizations, including religious organizations and Indian organizations, will be eligible to participate on an equal basis.

''(G) RECORDS, REPORTS, AND AUDITS.—An agreement that the State or political subdivision will 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.

''(H) EVALUATION.—An agreement that the State or political subdivision will cooperate fully with the Secretary's ongoing and final evaluation of the program under the plan, by means including providing the Secretary access to the program and program-related records and documents, staff, and grantees receiving funding under the plan.

''(4) FEDERAL SHARE.—

''(A) IN GENERAL.—A grant for a program under this subsection shall be available to pay a percentage share of the costs of the program up to 75 percent for each year for which the grant is awarded.

''(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of projects under this subsection 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.

''(5) CONSIDERATIONS IN AWARDING GRANTS.—In awarding grants under this subsection, the Secretary shall take into consideration—

''(A) the overall qualifications and capacity of the State or political subdivision program and its partners to effectively carry out a mentoring program under this subsection;

''(B) the level and quality of training provided to mentors under the program;

''(C) evidence of coordination of the program with the State's or political subdivision's social services and education programs;

''(D) the ability of the State or political subdivision to provide supervision and support for mentors under the program and the youth served by such mentors;

''(E) evidence of consultation with institutes of higher learning;

''(F) the number of children in care served by the State or political subdivision; and

''(G) any other factors that the Secretary determines to be significant with respect to the need for or the potential success of carrying out a mentoring program under this subsection.

''(6) USE OF FUNDS.—Of the amount awarded to a State or political subdivision under a grant under this subsection the State or subdivision shall—

''(A) use not less than 50 percent of the total grant amount for the training and ongoing educational support of mentors; and

''(B) use not more than 10 percent of the total grant amount for administrative purposes.

''(7) MAXIMUM GRANT AMOUNT.—

''(A) IN GENERAL.—In awarding grants under this section, the Secretary shall consider the number of children served by the jurisdiction and the grant amount relative to the need for services.

''(B) LIMIT.—The amount of a grant awarded to a State or political subdivision under this subsection shall not exceed $600,000.

''(8) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall prepare and submit to Congress a report that includes the following with respect to the year involved:

''(A) A description of the number of programs receiving grant awards under this subsection.

''(B) A description of the number of mentors who serve in the programs described in subparagraph (A).

''(C) A description of the number of mentored foster children—

''(i) who graduate from high school;

''(ii) who enroll in college; and

''(iii) who are adopted by their mentors.

''(D) Any other information that the Secretary determines to be relevant to the evaluation of the program under this subsection.

''(9) EVALUATION.—Not later than 3 years after the date of enactment of this section, the Secretary shall conduct an evaluation of the effectiveness of programs funded under this section, including a comparison between the rate of drug and alcohol abuse, teenage pregnancy, delinquency, homelessness, and other outcome measures for mentored foster care youth and non-mentored foster care youth.

''(10) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

carry out this subsection, $15,000,000 for each of fiscal years 2004 and 2005, and such sums as may be necessary for each succeeding fiscal year.

''(d) NATIONAL COORDINATION OF STATEWIDE MENTORING PARTNERSHIPS.—

''(1) IN GENERAL.—The Secretary may award a competitive grant to an eligible entity to establish a National Hotline Service or Website to provide information to individuals who are interested in becoming mentors to youth in foster care.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $4,000,000 for each of fiscal years 2004 and 2005, and such sums as may be necessary for each succeeding fiscal year.

''(e) LOAN FORGIVENESS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE MENTOR.—The term 'eligible mentor' means an individual who has served as a mentor in a statewide mentor program established under subsection (c) for at least 200 hours in a single calendar year.

''(B) FEDERAL STUDENT LOAN.—The term 'Federal student loan' means any loan made, insured, or guaranteed under part B, D, or E of tide IV of the Higher Education Act of 1965.

''(C) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(2) RELIEF FROM INDEBTEDNESS.—

''(A) IN GENERAL.—The Secretary shall carry out a program to provide for the discharge or cancellation of the Federal student loan indebtedness of an eligible mentor.

''(B) METHOD OF DISCHARGE OR CANCELLATION.—A loan that will be discharged or canceled under the program under subparagraph (A) shall be discharged or canceled as provided for using the method under section 437(a), 455(a)(1), or 464(c)(1)(F) of the Higher Education Act of 1965, as applicable.

''(C) AMOUNT OF RELIEF.—The amount of relief to be provided with respect to a loan under this subsection shall—

''(i) be equal to $2,000 for each 200 hours of service of an eligible mentor; and

''(ii) not exceed a total of $20,000 for an eligible individual.

''(3) FACILITATION OF CLAIMS—The Secretary shall—

''(A) establish procedures for the filing of applications for the discharge or cancellation of loans under this subsection by regulations that shall be prescribed and published within 90 days after the date of enactment of this section and without regard to the requirements of section 553 of title 5, United States Code; and

''(B) take such actions as may be necessary to publicize the availability of the program established under this subsection for eligible mentors.

''(4) FUNDING.—Amounts available for the purposes of making payments to lenders in accordance with section 437(a) of the Higher Education Act of 1965 for the discharge of indebtedness of deceased or disabled individuals shall be available for making payments to lenders of loans to eligible mentors as provided for in this subsection.''.

SA 2985. Mr. DAYTON submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

Beginning on page 184, strike line 10 and all that follows through page 185, line 4, and insert the following:

''(2) LIMITATION ON REDUCTION OF PARTICIPATION RATE THROUGH APPLICATION OF CREDITS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the net effect of any percentage reduction in the minimum participation rate otherwise required under this section with respect to families receiving assistance under the State program funded under this part as a result of the application of any caseload reduction credit or other credit against such rate for a fiscal year, shall not exceed—

''(i) 40 percentage points, in the case of fiscal year 2004;

''(ii) 35 percentage points, in the case of fiscal year 2005;

''(iii) 30 percentage points, in the case of fiscal year 2006;

''(iv) 25 percentage points, in the case of fiscal year 2007; or

''(v) 20 percentage points, in the case of fiscal year 2008 or any fiscal year thereafter.

''(B) NONAPPLICATION TO THE EMPLOYMENT CREDIT.—The limitation under subparagraph (A) on the percentage reduction in the minimum participation rate with respect to families receiving assistance under the State program funded under this part for a fiscal year shall be applied without regard to the employment credit for a State as determined under subsection (b)(2).''.

SA 2986. Mr. BINGAMAN submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENSION OF MEDICARE COST-SHARING FOR THE MEDICARE PART B PREMIUM FOR QUALIFYING INDIVIDUALS.

(a) IN GENERAL.—Section 1902(a)(10)(E)(iv) (42 U.S.C. 1396a(a)(10)(E)(iv)), as amended by section 103(f)(1) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173, 117 Stat. 2160), is amended by striking ''2004'' and inserting ''2005''.

(b) TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(c)(1)(E) (42 U.S.C. 1396u–3(c)(1)(E)), as amended by section 401(b) of Public Law 108–89, is amended by striking ''and 2003'' and inserting '', 2003, and 2005''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar quarters beginning on or after October 1, 2004.

SA 2987. Mr. BINGAMAN submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

Beginning on page 353, strike line 6 and all that follows through page 355, line 3.

SA 2988. Mr. BINGAMAN submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

Beginning on page 339, strike line 9 and all that follows through page 341, line 8, and insert the following:

SEC. 321. STATE NONCOMPLIANCE WITH CHILD SUPPORT ENFORCEMENT PROGRAM REQUIREMENTS.

(a) IN GENERAL.—Section 409(a)(8) (42 U.S.C. 609(a)(8)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—If the Secretary finds, with respect to a State's program under part D—

''(i) on the basis of data submitted by a State pursuant to section 454(15)(B), or on the basis of the results of a review conducted under section 452(a)(4), that the State program failed to achieve the paternity establishment percentages (as defined in section 452(g)(2)), or to meet other performance measures that may be established by the Secretary;

''(ii) on the basis of the results of an audit or audits conducted under section 452(a)(4)(C)(i) that the State data submitted pursuant to section 454(15)(B) is incomplete or unreliable; or

''(iii) on the basis of the results of an audit or audits conducted under section 452(a)(4)(C) that a State failed to substantially comply with 1 or more of the requirements of part D (other than paragraph (24), or subparagraph (A) or (B)(i) of paragraph (27), of section 454), the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by the amount specified in subparagraph (B).''; and

(2) by adding at the end the following:

''(D) NO PENALTY IF STATE CORRECTS NONCOMPLIANCE PURSUANT TO CORRECTIVE COMPLIANCE PLAN.—The Secretary shall not reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year as a result of a finding made under subparagraph (A) if the Secretary determines that the State has corrected or discontinued the violation pursuant to the corrective compliance plan required under subsection (c).''.

(b) CONFORMING AMENDMENTS.—Subsections (b)(2) and (c)(4) of section 409 (42 U.S.C. 609) are each amended by striking ''(8),''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall be effective with respect to findings of State noncompliance for fiscal year 2003 and succeeding fiscal years.

(d) SPECIAL RULE FOR FISCAL YEARS 2001 AND 2002.—Notwithstanding any other provision of law, the Secretary shall not take against amounts otherwise payable to a State, a reduction with respect to a finding described in section 409(a)(8)(A) of the Social Security Act (42 U.S.C. 609(a)(8)(A)) for fiscal year 2001 or 2002.

SA 2989. Mr. BINGAMAN (for himself, Mr. ALLEN, Mr. WYDEN, Mr. BURNS, Mr. AKAKA, and Mr. INOUYE) submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 295, between lines 10 and 11, insert the following:

SEC. ___. STATE OPTION TO EXTEND CURRENT WAIVERS AND CREATION OF TANF WAIVER AUTHORITY.

Section 415 (42 U.S.C. 615) is amended by adding at the end the following:

''(e) STATE OPTION TO CONTINUE WAIVERS.—

''(1) IN GENERAL.—Notwithstanding paragraphs (1) (A) and (2)(A) of subsection (a), or any other provision of law, but subject to subsection (g), with respect to any State that is operating under a waiver described in paragraph (2) which would otherwise expire on a date that occurs during the period that begins on January 1, 2002, and ends on September 30, 2008, the State may elect to continue to operate under that waiver, on the same terms and conditions as applied to the waiver the day before the date the waiver would otherwise expire, through the earlier of such date as the State may select or September 30, 2008.

''(2) WAIVER DESCRIBED.—For purposes of paragraph (1), a waiver described in this paragraph is—

''(A) a waiver described in subsection (a); or

''(B) a waiver that was granted to a State under section 1115 or otherwise and that relates only to the provision of assistance under a State program under this part.

''(f) WAIVER AUTHORITY FOR ALL STATES.—

''(1) IN GENERAL.—Except as provided in paragraph (3) and subsection (g), the Secretary may waive any statutory or regulatory requirement of this part at the request of a State or Indian tribe operating a State or tribal program funded under this part.

''(2) REQUEST FOR WAIVER.—

''(A) IN GENERAL.—A State or Indian tribe that wishes to seek a waiver with respect to a State or tribal program funded under this part shall submit a waiver request to the Secretary that—

''(i) describes the Federal statutory or regulatory requirements proposed to be waived;

''(ii) describes how the waiving of such requirements will improve or enhance achievement of 1 or more of the purposes of this part;

''(iii) describes the State's proposal for an independent evaluation of the program under the waiver; and

''(iv) in the case of a State, includes a copy and description of relevant State statutes and, if applicable, State regulations that would allow the State to implement the waiver if it were approved by the Secretary.

''(B) NOTICE AND COMMENT.—The Secretary shall provide through the Federal Register for a 30-day period for notice and comment on the waiver request, and otherwise consult with members of the public, to solicit comment on the waiver request prior to acting on the request.

''(3) RESTRICTIONS.—

''(A) IN GENERAL.—The Secretary shall not waive the following statutory sections or any regulatory requirements related to such sections:

''(i) Section 401(a).

''(ii) Paragraphs (1) through (4) of section 403(a).

''(iii) Section 409(a)(7).

''(iv) Section 408(d).

''(v) Section 407(e)(2).

''(vi) Section 407(f).

''(4) DURATION AND EXTENSION OF WAIVER.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a waiver approved by the Secretary under this subsection may be for a period not to exceed 5 years.

''(B) EXTENSION.—The Secretary may extend the period described in subparagraph (A) if the Secretary determines that the waiver has been effective in enabling the State or Indian tribe to carry out the activities for which the waiver was requested and the waiver has improved or enhanced performance related to 1 or more of the purposes of this part.

''(5) APPROVAL PROCEDURE.—

''(A) IN GENERAL.—Not later than 60 days after the date of receiving a request for a waiver under this subsection, the Secretary shall provide a response that—

''(i) approves the waiver request;

''(ii) provides a description of modifications that would be necessary in order to secure approval for the waiver;

''(iii) denies the request and describes the grounds for the denial; or

''(iv) requests clarification of the waiver request.

''(B) APPROVAL DECISIONS.—The Secretary shall not approve any waiver request that does not include all the information required in subparagraph (2)(A) and shall take into account how the waiver is likely to further the purposes of section 401(a) and comments received regarding the waiver request.

''(C) WAIVER APPROVALS AND DENIALS.—All waiver approvals and denials shall be made publicly available by the Secretary.

''(6) REPORTS ON PROJECTS.—The Secretary shall provide annually to Congress a report concerning waivers approved under this subsection, including—

''(A) the projects approved and denied for each applicant;

''(B) the number of waivers granted under this subsection

''(C) the specific statutory provisions waived; and

''(D) descriptive information about the nature and status of approved waivers, including findings from interim and final evaluation reports.

''(g) COST-NEUTRALITY REQUIREMENT.—

''(1) GENERAL RULE.—Notwithstanding any other provision of law (except as provided in paragraph (2)), the total of the amounts that may be paid by the Federal Government for a fiscal year with respect to the programs in a State for which a waiver has been granted under subsection (e) or (f) 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 waiver had not been granted, as determined by the Director of the Office of Management and Budget.

''(2) SPECIAL RULE.—If an applicant submits to the Director of the Office of Management and Budget a request to apply the rules of this paragraph to the programs in the State with respect to which a waiver under subsection (e) or (f) has been provided, during such period of not more than 5 consecutive fiscal years in which the waiver 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 waiver had not been granted.''.

SA 2990. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 255, strike lines 9 through 17, and insert the following:

(c) RESEARCH ON INDICATORS OF CHILD WELL-BEING.—Section 413 (42 U.S.C. 613), as amended by section 114(a), is amended by adding at the end the following:

''(m) INDICATORS OF CHILD WELL-BEING.—

''(1) IN GENERAL.—The Secretary, through grants, contracts, or interagency agreements shall develop comprehensive indicators to assess child well-being in each State.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The indicators developed under paragraph (1) shall include measures related to the following:

''(i) Education.

''(ii) Social and emotional development.

''(iii) Health and safety.

''(iv) Family well-being, such as family structure, income, employment, child care arrangements, and family relationships.

''(B) OTHER REQUIREMENTS.—The data collected with respect to the indicators developed under paragraph (1) shall be—

''(i) statistically representative at the State level;

''(ii) consistent across States;

''(iii) collected on an annual basis for at least the 5 years preceding the year of collection;

''(iv) expressed in terms of rates or percentages;

''(v) statistically representative at the national level;

''(vi) measured with reliability;

''(vii) current; and

''(viii) over-sampled, with respect to low-income children and families.

''(C) CONSULTATION.—In developing the indicators required under paragraph (1) and the means to collect the data required with respect to the indicators, the Secretary shall consult and collaborate with the Federal Interagency Forum on Child and Family Statistics.

''(3) ADVISORY PANEL.—

''(A) ESTABLISHMENT.—The Secretary shall establish an advisory panel to make recommendations regarding the appropriate measures and statistical tools necessary for making the assessment required under paragraph (1) based on the indicators developed under that paragraph and the data collected with respect to the indicators.

''(B) MEMBERSHIP.—

''(i) IN GENERAL.—The advisory panel established under subparagraph (A) shall consist of the following:

''(I) One member appointed by the Secretary of Health and Human Services.

''(II) One member appointed by the Chairman of the Committee on Ways and Means of the House of Representatives.

''(III) One member appointed by the Ranking Member of the Committee on Ways and Means of the House of Representatives.

''(IV) One member appointed by the Chairman of the Committee on Finance of the Senate.

''(V) One member appointed by the Ranking Member of the Committee on Finance of the Senate.

''(VI) One member appointed by the Chairman of the National Governors Association, or the Chairman's designee.

''(VII) One member appointed by the President of the National Conference of State Legislatures or the President's designee.

''(VIII) One member appointed by the Director of the National Academy of Sciences, or the Director's designee.

''(ii) DEADLINE.—The members of the advisory panel shall be appointed not later than 2 months after the date of enactment of the Personal Responsibility and Individual Development for Everyone Act.

''(C) MEETINGS.—The advisory panel established under subparagraph (A) shall meet—

''(i) at least 3 times during the first year after the date of enactment of the Personal Responsibility and Individual Development for Everyone Act; and

''(ii) annually thereafter for the 3 succeeding years.

''(4) APPROPRIATIONS.—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, $10,000,000 for the purpose of carrying out this subsection.''.

SA 2991. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 253, between lines 6 and 7, and insert the following:

(d) RESEARCH ON INDICATORS OF CHILD WELL-BEING.—Section 413 (42 U.S.C. 613), as amended by subsection (a), is amended by adding at the end the following:

''(m) INDICATORS OF CHILD WELL-BEING.—

''(1) IN GENERAL.—The Secretary, through grants, contracts, or interagency agreements shall develop comprehensive indicators to assess child well-being in each State.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The indicators developed under paragraph (1) shall include measures related to the following:

''(i) Education.

''(ii) Social and emotional development.

''(iii) Health and safety.

''(iv) Family well-being, such as family structure, income, employment, child care arrangements, and family relationships.

''(B) OTHER REQUIREMENTS.—The data collected with respect to the indicators developed under paragraph (1) shall be—

''(i) statistically representative at the State level;

''(ii) consistent across States;

''(iii) collected on an annual basis for at least the 5 years preceding the year of collection;

''(iv) expressed in terms of rates or percentages;

''(v) statistically representative at the national level;

''(vi) measured with reliability;

''(vii) current; and

''(viii) over-sampled, with respect to low-income children and families.

''(C) CONSULTATION.—In developing the indicators required under paragraph (1) and the means to collect the data required with respect to the indicators, the Secretary shall consult and collaborate with the Federal Interagency Forum on Child and Family Statistics.

''(3) ADVISORY PANEL.—

''(A) ESTABLISHMENT.—The Secretary shall establish an advisory panel to make recommendations regarding the appropriate measures and statistical tools necessary for making the assessment required under paragraph (1) based on the indicators developed under that paragraph and the data collected with respect to the indicators.

''(B) MEMBERSHIP.—

''(i) IN GENERAL.—The advisory panel established under subparagraph (A) shall consist of the following:

''(I) One member appointed by the Secretary of Health and Human Services.

''(II) One member appointed by the Chairman of the Committee on Ways and Means of the House of Representatives.

''(III) One member appointed by the Ranking Member of the Committee on Ways and Means of the House of Representatives.

''(IV) One member appointed by the Chairman of the Committee on Finance of the Senate.

''(V) One member appointed by the Ranking Member of the Committee on Finance of the Senate.

''(VI) One member appointed by the Chairman of the National Governors Association, or the Chairman's designee.

''(VII) One member appointed by the President of the National Conference of State Legislatures or the President's designee.

''(VIII) One member appointed by the Director of the National Academy of Sciences, or the Director's designee.

''(ii) DEADLINE.—The members of the advisory panel shall be appointed not later than 2 months after the date of enactment of the Personal Responsibility and Individual Development for Everyone Act.

''(C) MEETINGS.—The advisory panel established under subparagraph (A) shall meet—

''(i) at least 3 times during the first year after the date of enactment of the Personal Responsibility and Individual Development for Everyone Act; and

''(ii) annually thereafter for the 3 succeeding years.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2005 through 2009, $10,000,000 for the purpose of carrying out this subsection.''.

SA 2992. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 230, between lines 22 and 23, insert the following:

(b) LIMITATION ON PENALTY FOR FAILURE TO SATISFY MINIMUM PARTICIPATION RATES FOR IMPROVING STATES.—Section 409(a)(3) (42 U.S.C. 609(a)(3)), as amended by section 110(a)(2)(B), is amended—

(1) in subparagraph (A), by striking ''If the Secretary'' and inserting ''Subject to subparagraphs (C) and (D), if the Secretary''; and

(2) by adding at the end the following:

''(D) LIMITATION ON APPLICATION OF PENALTY FOR FAILURE TO SATISFY MINIMUM PARTICIPATION RATE.—Notwithstanding the preceding subparagraphs of this paragraph, in the case of a State that has a participation rate under section 407(b) for the fiscal year that is at least 5 percentage points more than the participation rate determined under that section for the State for the preceding fiscal year, the Secretary shall not reduce the grant payable to a State under section 403(a)(1) for the immediately succeeding fiscal year based on the failure of the State to comply with section 407(a). In the case of a State that operated a State program under this part under waiver authority under section 415, 1115, or otherwise, that expired during the preceding fiscal year, the Secretary shall take the expiration of such waiver into account for purposes of applying this subparagraph to that State for the immediately succeeding fiscal year.''.

SA 2993. Mr. ROCKEFELLER (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 217, between lines 9 and 10, insert the following:

(g) STATE OPTION FOR EXCLUSION OF CERTAIN RECIPIENTS FROM THE DETERMINATION OF MONTHLY PARTICIPATION RATES.—Section 407(b)(1)(B) (42 U.S.C. 607(b)(1)(B)) is amended—

(1) in clause (i), by inserting '', but not including any family for which the State has exercised the option described in clause (ii)(I)'' before the semicolon; and

(2) in clause (ii)—

(A) in subclause (I), by inserting '', but (at State option for all such families or on a case-by-case basis) not including families for which the adult or minor child head of household who received assistance during the month was subsequently determined eligible for supplemental security income benefits under title XVI during the fiscal year'' before the semicolon; and

(B) in subclause (II), by inserting ''and (if the State elected the option described in subclause (I)) not including families for which the adult or minor child head of household who received assistance during the month was subsequently determined eligible for supplemental security income benefits under title XVI during the fiscal year'' before the period.

SA 2994. Mr. HATCH submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—PARENTAL RESPONSIBILITY OBLIGATIONS MET THROUGH IMMIGRATION SYSTEM ENFORCEMENT

SEC. ___01. SHORT TITLE OF TITLE.

This title may be cited as the ''Parental Responsibility Obligations Met through Immigration System Enforcement Act'' or ''PROMISE Act''.

SEC. ___02. ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.

Section 212(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)) is amended by adding at the end the following:

''(F) NONPAYMENT OF CHILD SUPPORT.—

''(i) IN GENERAL.—Except as provided in clause (ii), an alien who is legally obligated under a judgment, decree, or order to pay child support and whose failure to pay such child support has resulted in arrearages that exceed the amount specified in section 454(31) of the Social Security Act (42 U.S.C. 654(31)) is inadmissible.

''(ii) EXCEPTION.—An alien described in clause (i) may be admissible when—

''(I) child support payments under the judgment, decree, or order are satisfied; or

''(II) the alien is in compliance with an approved payment agreement.

''(iii) FEDERAL PARENT LOCATOR SERVICE.—The Federal Parent Locator Service, established under section 453 of the Social Security Act (42 U.S.C. 653), shall be used to determine if an alien is inadmissible under clause (i).

''(iv) REQUEST BY FOREIGN COUNTRY.—For purposes of clause (i), any request for services by a foreign reciprocating country or a foreign country with which a State has an arrangement described in section 459A(d) of the Social Security Act (42 U.S.C. 659a(d)) shall be treated as a State request.''.

SEC. ___03. AUTHORITY TO PAROLE ALIENS EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.

Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended by adding at the end the following:

''(C)(i) The Secretary of Homeland Security may, in the Secretary's discretion, parole into the United States, or in the case of an alien who is applying for a visa at a consular post, grant advance parole, to any alien who is inadmissible under subsection (a)(10)(F)(i) if—

''(I) the Secretary of Homeland Security places such alien into removal proceedings;

''(II) the alien demonstrates to the satisfaction of the Secretary of Homeland Security that such parole is essential to the compliance and fulfillment of child support obligations;

''(III) the alien demonstrates that the alien has employment in the United States and is authorized by law for employment in the United States; and

''(IV) the alien is not inadmissible under any other provision of law.

''(ii) The Secretary of State may permit an alien described in clause (i) to present himself or herself at a port of entry for the limited purpose of seeking parole pursuant to clause (i).''.

SEC. ___04. EFFECT OF NONPAYMENT OF CHILD SUPPORT ON ESTABLISHMENT OF GOOD MORAL CHARACTER.

Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) in paragraph (8), by striking the period at the end and inserting ''; or''; and

(2) by inserting after paragraph (8) the following:

''(9) one who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 459(i) of the Social Security Act (42 U.S.C. 659(i))) and whose failure to pay such child support has resulted in arrearages that exceed the amount specified in section 454(31) of that Act (42 U.S.C. 654(31)), unless support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement.''.

SEC. ___05. AUTHORIZATION TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN VISA APPLICANTS AND ARRIVING ALIENS.

Section 235(d) of the Immigration and Nationality Act (8 U.S.C. 1225(d)) is amended by adding at the end the following:

''(5) AUTHORITY TO SERVE PROCESS IN CHILD SUPPORT CASES.—

''(A) IN GENERAL.—To the extent consistent with State law, immigration officers are authorized to serve on any alien who is an applicant for admission to the United States, legal process with respect to—

''(i) any action to enforce a legal obligation of an individual to pay child support (as defined in section 459(i) of the Social Security Act (42 U.S.C. 659(i)); or

''(ii) any action to establish paternity.

''(B) DEFINITION.—For purposes of subparagraph (A), the term 'legal process' means any writ, order, summons, or other similar process that is issued by—

''(i) a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States; or

''(ii) an authorized official pursuant to an order of such a court or agency or pursuant to State or local law.''.

SEC. ___06. AUTHORIZATION TO OBTAIN INFORMATION ON CHILD SUPPORT PAYMENTS BY ALIENS.

Section 453(h) (42 U.S.C. 653(h)) is amended by adding at the end the following:

''(4) PROVISION TO ATTORNEY GENERAL, SECRETARY OF HOMELAND SECURITY, AND SECRETARY OF STATE OF INFORMATION ON PERSONS DELINQUENT IN CHILD SUPPORT PAYMENTS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law and in accordance with the requirements of subsection (b), on request by the Attorney General, Secretary of Homeland Security, or Secretary of State, the Secretary of Health and Human Services shall provide and transmit to authorized persons through the Federal Parent Locator Service such information as the Secretary of Health and Human Services determines may aid the authorized person in establishing whether an alien is delinquent in the payment of child support.

''(B) AUTHORIZED PERSON DEFINED.—For purposes of subparagraph (A), the term 'authorized person' means any administrative agency, immigration officer, or consular officer (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) having the authority to investigate or enforce the naturalization laws of the United States with respect to the legal entry and status of aliens.''.

SEC. ___07. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date that is 90 days after the date of enactment of this Act and shall apply to aliens who apply for benefits under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on or after such effective date.

SA 2995. Mr. HATCH submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 154, between lines 15 and 16, insert the following:

''(ix) Training for individuals who will conduct any of the programs or activities described in clauses (i) through (viii).

On page 239, between lines 8 and 9, insert the following:

(c) CLARIFICATION OF APPLICATION OF INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.—Section 412 (42 U.S.C.612), as amended by section 108(b)(2), is amended by adding at the end the following:

''(i) APPLICATION OF INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.—Notwithstanding any other provision of law, if an Indian tribe elects to incorporate the services it provides using funds made available under this part into a plan under section 6 of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3405), the programs authorized to be conducted with such funds shall be—

''(1) considered to be programs subject to section 5 of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3404); and

''(2) subject to the single plan and single budget requirements of section 6 of that Act (25 U.S.C. 3505) and the single report format required under section 11 of that Act (25 U.S.C. 3410).''.

On page 305, line 22, insert ''or calculated by the State based on such order'' before the first period.

SA 2996. Mr. GRASSLEY submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—FAMILY OPPORTUNITY ACT

SEC. ___01. SHORT TITLE OF TITLE.

This title may be cited as the ''Family Opportunity Act of 2004'' or the ''Dylan Lee James Act''.

SEC. ___02. OPPORTUNITY FOR FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.

(a) STATE OPTION TO ALLOW FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.—

(1) IN GENERAL.—Section 1902 (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10)(A)(ii)—

(i) by striking ''or'' at the end of subclause (XVII);

(ii) by adding ''or'' at the end of subclause (XVIII); and

(iii) by adding at the end the following new subclause:

''(XIX) who are disabled children described in subsection (cc)(1);''; and

(B) by adding at the end the following new subsection:

''(cc)(1) Individuals described in this paragraph are individuals—

''(A) who have not attained 18 years of age;

''(B) who would be considered disabled under section 1614(a)(3)(C) but for having earnings or deemed income or resources (as determined under title XVI for children) that exceed the requirements for receipt of supplemental security income benefits; and

''(C) whose family income does not exceed such income level as the State establishes and does not exceed—

''(i) 250 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; or

''(ii) such higher percent of such poverty line as a State may establish, except that—

''(I) any medical assistance provided to an individual whose family income exceeds 250 percent of such poverty line may only be provided with State funds; and

''(II) no Federal financial participation shall be provided under section 1903(a) for any medical assistance provided to such an individual.''.

(2) INTERACTION WITH EMPLOYER-SPONSORED FAMILY COVERAGE.—Section 1902(cc) (42 U.S.C. 1396a(cc)), as added by paragraph (1)(B), is amended by adding at the end the following new paragraph:

''(2)(A) If an employer of a parent of an individual described in paragraph (1) offers family coverage under a group health plan (as defined in section 2791(a) of the Public Health Service Act), the State shall—

''(i) require such parent to apply for, enroll in, and pay premiums for, such coverage as a condition of such parent's child being or remaining eligible for medical assistance under subsection (a)(10)(A)(ii)(XIX) if the parent is determined eligible for such coverage and the employer contributes at least 50 percent of the total cost of annual premiums for such coverage; and

''(ii) if such coverage is obtained—

''(I) subject to paragraph (2) of section 1916(h), reduce the premium imposed by the State under that section in an amount that reasonably reflects the premium contribution made by the parent for private coverage on behalf of a child with a disability; and

''(II) treat such coverage as a third party liability under subsection (a)(25).

''(B) In the case of a parent to which subparagraph (A) applies, a State, subject to paragraph (1)(C)(ii), may provide for payment of any portion of the annual premium for such family coverage that the parent is

required to pay. Any payments made by the State under this subparagraph shall be considered, for purposes of section 1903(a), to be payments for medical assistance.''.

(b) STATE OPTION TO IMPOSE INCOME-RELATED PREMIUMS.—Section 1916 (42 U.S.C. 1396o) is amended—

(1) in subsection (a), by striking ''subsection (g)'' and inserting ''subsections (g) and (h)''; and

(2) by adding at the end the following new subsection:

''(h)(1) With respect to disabled children provided medical assistance under section 1902(a)(10)(A)(ii)(XIX), subject to paragraph (2), a State may (in a uniform manner for such children) require the families of such children to pay monthly premiums set on a sliding scale based on family income.

''(2) A premium requirement imposed under paragraph (1) may only apply to the extent that—

''(A) the aggregate amount of such premium and any premium that the parent is required to pay for family coverage under section 1902(cc)(2)(A)(i) does not exceed 5 percent of the family's income; and

''(B) the requirement is imposed consistent with section 1902(cc)(2)(A)(ii)(I).

''(3) A State shall not require prepayment of a premium imposed pursuant to paragraph (1) and shall not terminate eligibility of a child under section 1902(a)(10)(A)(ii)(XIX) for medical assistance under this title on the basis of failure to pay any such premium until such failure continues for a period of not less than 60 days from the date on which the premium became past due. The State may waive payment of any such premium in any case where the State determines that requiring such payment would create an undue hardship.''.

(c) CONFORMING AMENDMENT.—Section 1903(f)(4) (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A), by inserting ''1902(a)(10)(A)(ii)(XIX),'' after ''1902(a)(10)(A)(ii)(XVIII),''.

(d) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, nothing in the amendments made by this section shall be construed as permitting the application of the enhanced FMAP (as defined in section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)) to expenditures that are attributable to disabled children provided medical assistance under section 1902(a)(10)(A)(ii)(XIX) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIX)) (as added by subsection (a) of this section).

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after October 1, 2006.

SEC. ___03. TREATMENT OF INPATIENT PSYCHIATRIC HOSPITAL SERVICES FOR INDIVIDUALS UNDER AGE 21 IN HOME OR COMMUNITY-BASED SERVICES WAIVERS.

(a) IN GENERAL.—Section 1915(c) (42 U.S.C. 1396n(c)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by inserting '', or would require inpatient psychiatric hospital services for individuals under age 21,'' after ''intermediate care facility for the mentally retarded''; and

(B) in the second sentence, by inserting '', or would require inpatient psychiatric hospital services for individuals under age 21'' before the period;

(2) in paragraph (2)(B), by striking ''or services in an intermediate care facility for the mentally retarded'' each place it appears and inserting ''services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21'';

(3) in paragraph (2)(C)—

(A) by inserting '', or who are determined to be likely to require inpatient psychiatric hospital services for individuals under age 21,'' after '', or intermediate care facility for the mentally retarded''; and

(B) by striking ''or services in an intermediate care facility for the mentally retarded'' and inserting ''services in an intermediate care facility for the mentally retarded, or inpatient psychiatric hospital services for individuals under age 21''; and

(4) in paragraph (7)(A)—

(A) by inserting ''or would require inpatient psychiatric hospital services for individuals under age 21,'' after ''intermediate care facility for the mentally retarded,''; and

(B) by inserting ''or who would require inpatient psychiatric hospital services for individuals under age 21'' before the period.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to medical assistance provided on or after October 1, 2006.

SEC. ___04. DEVELOPMENT AND SUPPORT OF FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501 (42 U.S.C. 701) is amended by adding at the end the following new subsection:

''(c)(1)(A) For the purpose of enabling the Secretary (through grants, contracts, or otherwise) to provide for special projects of regional and national significance for the development and support of family-to-family health information centers described in paragraph (2)—

''(i) there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated—

''(I) $3,000,000 for fiscal year 2006;

''(II) $4,000,000 for fiscal year 2007; and

''(III) $5,000,000 for fiscal year 2008; and

''(ii) there is authorized to be appropriated to the Secretary, $5,000,000 for each of fiscal years 2009 and 2010.

''(B) Funds appropriated or authorized to be appropriated under subparagraph (A) shall—

''(i) be in addition to amounts appropriated under subsection (a) and retained under section 502(a)(1) for the purpose of carrying out activities described in subsection (a)(2); and

''(ii) remain available until expended.

''(2) The family-to-family health information centers described in this paragraph are centers that—

''(A) assist families of children with disabilities or special health care needs to make informed choices about health care in order to promote good treatment decisions, cost-effectiveness, and improved health outcomes for such children;

''(B) provide information regarding the health care needs of, and resources available for, children with disabilities or special health care needs;

''(C) identify successful health delivery models for such children;

''(D) develop with representatives of health care providers, managed care organizations, health care purchasers, and appropriate State agencies a model for collaboration between families of such children and health professionals;

''(E) provide training and guidance regarding caring for such children;

''(F) conduct outreach activities to the families of such children, health professionals, schools, and other appropriate entities and individuals; and

''(G) are staffed by families of children with disabilities or special health care needs who have expertise in Federal and State public and private health care systems and health professionals.

''(3) The Secretary shall develop family-to-family health information centers described in paragraph (2) in accordance with the following:

''(A) With respect to fiscal year 2006, such centers shall be developed in not less than 25 States.

''(B) With respect to fiscal year 2007, such centers shall be developed in not less than 40 States.

''(C) With respect to fiscal year 2008, such centers shall be developed in all States.

''(4) The provisions of this title that are applicable to the funds made available to the Secretary under section 502(a)(1) apply in the same manner to funds made available to the Secretary under paragraph (1)(A).

''(5) For purposes of this subsection, the term 'State' means each of the 50 States and the District of Columbia.''.

SEC. ___05. RESTORATION OF MEDICAID ELIGIBILITY FOR CERTAIN SSI BENEFICIARIES.

(a) IN GENERAL.—Section 1902(a)(10)(A)(i)(II) (42 U.S.C. 1396a(a)(10)(A)(i)(II)) is amended—

(1) by inserting ''(aa)'' after ''(II)'';

(2) by striking '') and'' and inserting ''and'';

(3) by striking ''section or who are'' and inserting ''section), (bb) who are''; and

(4) by inserting before the comma at the end the following: '', or (cc) who are under 21 years of age and with respect to whom supplemental security income benefits would be paid under title XVI if subparagraphs (A) and (B) of section 1611(c)(7) were applied without regard to the phrase 'the first day of the month following'''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to medical assistance for items and services furnished on or after January 1, 2006.

SA 2997. Mr. SANTORUM submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

On page 295, between lines 10 and 11, insert the following:

SEC. 121. APPLICATION OF PROVISIONS RELATING TO CHARITABLE, RELIGIOUS, OR PRIVATE ORGANIZATIONS TO CONTRACTS TO PROVIDE SERVICES UNDER THE SOCIAL SERVICES BLOCK GRANT.

(a) IN GENERAL.—Section 104(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 604a(a)(2)) is amended by adding at the end the following:

''(C) The program to provide block grants to States for social services established under title XX of the Social Security Act (42 U.S.C. 1397 et seq.).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of enactment of this Act.

SA 2998. Mr. ENSIGN submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 121. FRAUD PREVENTION.

(a) ENFORCEMENT OF PROHIBITION ON ASSISTANCE FOR FUGITIVE FELONS AND PROBATION AND PAROLE VIOLATORS.—Section

408(a)(9) (42 U.S.C. 608(a)(9)) is amended by adding at the end the following:

''(C) ENFORCEMENT.—

''(i) REQUIREMENT TO COMPARE APPLICANTS AGAINST FBI DATABASE.—Beginning with fiscal year 2005, each State to which a grant is made under section 403 shall compare information on each adult applicant for assistance under the State program funded under this part, benefits under the food stamp program, supplemental security income benefits under title XVI, or cash benefits under the unemployment compensation law of a State approved by the Secretary of Labor under section 3304 of the Internal Revenue Code of 1986, against the database of wanted felons maintained by the Federal Bureau of Investigation in order to determine if the applicant is a wanted felon.

''(ii) REQUIREMENT TO NOTIFY LAW ENFORCEMENT AUTHORITIES.—If an adult applicant matches an individual listed in the database referred to in clause (i), the State shall immediately notify the appropriate law enforcement authorities of the match.''.

(b) REQUIREMENT TO USE ACCURATE EMPLOYMENT INFORMATION.—Section 408 (42 U.S.C. 608), as amended by this Act, is further amended by adding at the end the following:

''(h) STATE REQUIREMENT TO UTILIZE ACCURATE EMPLOYMENT INFORMATION.—

''(1) COMPARISON OF RECIPIENTS WITH INFORMATION IN THE NATIONAL DIRECTORY OF NEW HIRES.—Not later than July 2004, and each month thereafter, each State to which a grant is made under section 403 promptly shall compare each adult recipient of assistance under a State program funded under this part with information in the National Directory of New Hires established under section 453(i) to determine if the adult recipient has earnings that have not been reported to the State agency responsible for administering the program funded under this part.

''(2) REDUCTION OF CASH ASSISTANCE AND PENALTIES.—If the comparison under paragraph (1) demonstrates that an adult recipient has unreported earnings, the State shall reduce cash assistance to the adult recipient and apply penalties, as appropriate.''.

SA 2999. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 4, to authorize 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; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

(____) REQUIREMENT.—Notwithstanding any other provision of law, with respect to any Federal means-tested public benefit (as defined for purposes of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) that, before the date of enactment of this Act, could not be provided to an alien and, as a result of a provision of, or an amendment made by, this Act, may be provided to an alien on or after such date, such benefit shall not be provided unless the sponsor of the alien executes an affidavit attesting that the sponsor lacks the means to provide the benefit or its equivalent to the alien.

SA 3000. Mr. KYL submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

(____) REQUIREMENT.—Notwithstanding any other provision of law, with respect to any Federal means-tested public benefit (as defined for purposes of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) that, before the date of enactment of this Act, could not be provided to an alien and, as a result of a provision of, or an amendment made by, this Act, may be provided to an alien on or after such date, such benefit shall not be provided unless proof of legal immigrant status is submitted with the application for such benefit.

SA 3001. Mr. KYL submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

(____) REQUIREMENT.—Notwithstanding any other provision of law, with respect to any Federal means-tested public benefit (as defined for purposes of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) that, before the date of enactment of this Act, could not be provided to an alien and, as a result of a provision of, or an amendment made by, this Act, may be provided to an alien on or after such date, such benefit shall not be provided unless—

(1) proof of legal immigrant status is submitted with the application for such benefit; and

(2) the sponsor of the alien executes an affidavit attesting that the sponsor lacks the means to provide the benefit or its equivalent to the alien.

SA 3002. Mr. KYL submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

(____) REQUIREMENT.—Notwithstanding any other provision of law, with respect to any medical assistance under the medicaid program that, before the date of enactment of this Act, could not be provided to an alien and, as a result of a provision of, or an amendment made by, this Act, may be provided to an alien on or after such date, such assistance shall not be provided unless proof of legal immigrant status is submitted with the application for such assistance.

SA 3003. Mr. KYL submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

(____) REQUIREMENT.—Notwithstanding any other provision of law, with respect to any medical assistance under the medicaid program that, before the date of enactment of this Act, could not be provided to an alien and, as a result of a provision of, or an amendment made by, this Act, may be provided to an alien on or after such date, such assistance shall not be provided unless the sponsor of the alien executes an affidavit attesting that the sponsor lacks the means to provide the assistance or its equivalent to the alien.

SA 3004. Mr. SESSIONS submitted an amendment intended to be proposed by him to 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REIMBURSEMENT FOR MEANS-TESTED PUBLIC BENEFITS PROVIDED TO SPONSORED ALIENS.

(a) IN GENERAL.—Section 1137(d) (42 U.S.C. 1320b–7(d)) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) If such an individual is not a citizen or national of the United States, there must be presented—

''(A) either—

''(i) alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contains the individual's alien admission number or alien file number (or numbers if the individual has more than one number); or

''(ii) such other documents as the State determines constitutes reasonable evidence indicating a satisfactory immigration status; and

''(B) such information and documentation as is necessary in order for the State to determine if the alien has a sponsor in order to comply with the requirements of section 213A of the Immigration and Nationality Act.''; and

(2) by striking paragraph (3) and inserting the following:

''(3) If documentation required under paragraph (2) is presented, the State shall—

''(A) utilize the individual's alien file or alien admission number to verify with the Immigration and Naturalization Service the individual's immigration status through an automated or other system (designated by the Service for use with States) that—

''(i) utilizes the individual's name, file number, admission number, or other means permitting efficient verification; and

''(ii) protects the individual's privacy to the maximum degree possible;

''(B) verify through such system whether the alien has a sponsor and if so, the existence of an affidavit of support executed by such sponsor; and

''(C) if such an affidavit of support exists, request reimbursement by the sponsor in an amount equal to the unreimbursed costs of any benefits that have been or will be provided to the alien in accordance with section 213A of the Immigration and Nationality Act.''.

(b) CONFORMING AMENDMENT.—Section 1137(d)(4) (42 U.S.C. 1320b–7(d)(4)) is amended by striking ''paragraph (2)(A)'' and inserting ''subparagraphs (A)(i) and (B) of paragraph (2)''.

SA 3005. Mr. SESSIONS submitted an amendment intended to be proposed by

him to 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; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

(____) REQUIREMENT.—Notwithstanding any other provision of law, with respect to any Federal means-tested public benefit (as defined for purposes of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) that, before the date of enactment of this Act, could not be provided to an alien and, as a result of a provision of, or an amendment made by, this Act, may be provided to an alien on or after such date, such benefit shall not be provided unless—

(1) proof of legal immigrant status is submitted with the application for such benefit; and

(2) the sponsor of the alien executes an affidavit attesting that the sponsor lacks the means to provide the benefit or its equivalent to the alien.

SA 3006. Mr. FRIST (for Mr. MCCAIN (for himself, Mr. STEVENS, Mr. DORGAN, and Mr. REID)) proposed an amendment to the bill S. 275, to amend the Professional Boxing Safety Act of 1996, and to establish the United States Boxing Administration; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Professional Boxing Amendments Act of 2004''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. AMENDMENT OF PROFESSIONAL BOXING SAFETY ACT OF 1996.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.).

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 2 (15 U.S.C. 6301) is amended to read as follows:

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) COMMISSION.—The term 'Commission' means the United States Boxing Commission.

''(2) BOUT AGREEMENT.—The term 'bout agreement' means a contract between a promoter and a boxer that requires the boxer to participate in a professional boxing match for a particular date.

''(3) BOXER.—The term 'boxer' means an individual who fights in a professional boxing match.

''(4) BOXING COMMISSION.—The term 'boxing commission' means an entity authorized under State or tribal law to regulate professional boxing matches.

''(5) BOXER REGISTRY.—The term 'boxer registry' means any entity certified by the Commission for the purposes of maintaining records and identification of boxers.

''(6) BOXING SERVICE PROVIDER.—The term 'boxing service provider' means a promoter, manager, sanctioning body, licensee, or matchmaker.

'' (7) CONTRACT PROVISION.—The term 'contract provision' means any legal obligation between a boxer and a boxing service provider.

''(8) INDIAN LANDS; INDIAN TRIBE.—The terms 'Indian lands' and 'Indian tribe' have the meanings given those terms by paragraphs (4) and (5), respectively, of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

''(9) LICENSEE.—The term 'licensee' means an individual who serves as a trainer, corner man, second, or cut man for a boxer.

''(10) MANAGER.—The term 'manager' means a person other than a. promoter who, under contract, agreement, or other arrangement with a boxer, undertakes to control or administer, directly or indirectly, a boxing-related matter on behalf of that boxer, including a person who is a booking agent for a boxer.

''(11) MATCHMAKER.—The term 'matchmaker' means a person that proposes, selects, and arranges for boxers to participate in a professional boxing match.

''(12) PHYSICIAN.—The term 'physician' means a, doctor of medicine legally authorized to practice medicine by the State in which the physician per forms such function or action and who has training and experience in dealing with sports injuries, particularly head trauma.

''(13) PROFESSIONAL BOXING MATCH.—The term 'professional boxing match' means a. boxing contest held in the United States between individuals for financial compensation. The term 'professional boxing match' does not include a boxing contest that is regulated by a duly recognized amateur sports organization, as approved by the Commission.

''(14) PROMOTER.—The term 'promoter'—

''(A) means the person primarily responsible for organizing, promoting, and producing a professional boxing match; but

''(B) does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

''(i) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match; and

''(ii) there is no other person primarily responsible for organizing, promoting, and producing the match.

''(15) PROMOTIONAL AGREEMENT.—The term 'promotional agreement' means a contract, for the acquisition of rights relating to a boxer's participation in a professional boxing match or series of boxing matches (including the right to sell, distribute, exhibit, or license the match or matches), with—

''(A) the boxer who is to participate in the match or matches; or

''(B) the nominee of a boxer who is to participate in the match or matches, or the nominee is an entity that is owned, controlled or held in trust, for the boxer unless that nominee or entity is a licensed promoter who is conveying a, portion of the rights previously acquired.

''(16) STATE.—The term 'State' means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or possession of the United States, including the Virgin Islands.

''(17) SANCTIONING ORGANIZATION.—The term 'sanctioning organization' means an organization, other than a boxing commission, that sanctions professional boxing matches, ranks professional boxers, or charges a sanctioning fee for professional boxing matches in the United States—

''(A) between boxers who are residents of different States; or

''(B) that are advertised, otherwise promoted, or broadcast (including closed circuit television) in interstate commerce.

''(18) SUSPENSION.—The term 'suspension' includes within its meaning the temporary revocation of a boxing license.

''(19) TRIBAL ORGANIZATION.—The term 'tribal organization' has the same meaning as in section 4(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1)).''.

(b) CONFORMING AMENDMENT.—Section 21 (15 U.S.C. 6312) is amended to read as follows:

''SEC. 21. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN LANDS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, a. tribal organization may establish a, boxing commission to regulate professional boxing matches held on Indian land under the jurisdiction of that tribal organization.

''(b) STANDARDS AND LICENSING.—A tribal organization that establishes a boxing commission shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of professional boxing matches that are at least as restrictive as—

''(1) the otherwise applicable requirements of the State in which the Indian land on which the professional boxing match is held is located; or

''(2) the guidelines established by the United States Boxing Commission.

''(c) APPLICATION OF ACT TO BOXING MATCHES ON TRIBAL LANDS.—The provisions of this Act apply to professional boxing matches held on tribal lands to the same extent and in the same way as they apply to professional boxing matches held in any State.''.

SEC. 4. PURPOSES.

Section 3(2) (15 U.S.C. 6302(2)) is amended by striking ''State''.

SEC. 5. UNITED STATES BOXING COMMISSION APPROVAL, OR ABC OR COMMISSION SANCTION, REQUIRED FOR MATCHES.

(a) IN GENERAL.—Section 4 (15 U.S.C. 6303) is amended to read as follows:

''SEC. 4. APPROVAL OR SANCTION REQUIREMENT.

''(a) IN GENERAL.—No person may arrange, promote, organize, produce, or fight in a professional boxing match within the United States unless the match—

''(1) is approved by the Commission; and

''(2) is held in a State, or on tribal land of a tribal organization, that regulates professional boxing snatches in accordance with

standards and criteria established by the Commission.

''(b) APPROVAL PRESUMED.—

''(1) IN GENERAL.—For purposes of subsection (a), the Commission shall be presumed to have approved any match other than—

''(A) a match with respect to which the Commission has been informed of an alleged violation of this Act and with respect to which it has notified the supervising boxing commission that it does not approve;

''(B) a match advertised to the public as a championship match;

''(C) a, match scheduled for 10 rounds or more; or

''(D) a match in which 1 of the boxers has—

''(i) suffered 10 consecutive defeats in professional boxing matches; or

''(ii) has been knocked out 5 consecutive times in professional boxing matches.

''(2) DELEGATION OF APPROVAL AUTHORITY.—Notwithstanding paragraph (1), the Commission shall be presumed to have approved a match described in subparagraph (B), (C), or (D) of paragraph (1) if—

''(A) the Commission has delegated its approval authority with respect to that match to a boxing commission; and

''(B) the boxing commission has approved the match.

''(3) KNOCKED-OUT DEFINED.—Except as may be otherwise provided by the Commission by rule, in paragraph (1)(D)(ii), the term 'knocked out' means knocked down and unable to continue after a count of 10 by the referee or stopped from continuing because of a technical knockout.''.

(b) CONFORMING AMENDMENT.—Section 19 (15 U.S.C. 6310) is repealed.

SEC. 6. SAFETY STANDARDS.

Section 5 (15 U.S.C. 6304) is amended—

(1) by striking ''requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers:'' and inserting ''requirements:'';

(2) by adding at the end of paragraph (1) ''The examination shall include testing for infectious diseases in accordance with standards established by the Commission.'';

(3) by striking paragraph (2) and inserting the following:

''(2) An ambulance continuously present on site.'';

(4) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

''(3) Emergency medical personnel with appropriate resuscitation equipment continuously present oil site.''; and

(5) by striking ''match.'' in paragraph (5), as redesignated, and inserting ''match in an amount prescribed by the Commission.''.

SEC. 7. REGISTRATION.

Section 6 (15 U.S.C. 6305) is amended—

(1) by inserting ''or Indian tribe'' after ''State'' the second place it appears in subsection (a)(2);

(2) by striking the first sentence of subsection (c) and inserting ''A boxing commission shall, in accordance with requirements established by the Commission, make a health and safety disclosure to a boxer when issuing an identification card to that boxer.'';

(3) by striking ''should'' in the second sentence of subsection (c) and inserting ''shall, at a minimum,''; and

(4) by adding at the end the following:

''(d) COPY OF REGISTRATION AND IDENTIFICATION CARDS TO BE SENT TO COMMISSION.—A boxing commission shall furnish a copy of each registration received under subsection (a), and each identification card issued under subsection (b), to the Commission.''.

SEC. 8. REVIEW.

Section 7 (15 U.S.C. 6306) is amended—

(1) by striking ''that, except as provided in subsection (b), no'' in subsection (a)(2) and inserting ''that, no'';

(2) by striking paragraphs (3) and (4) of subsection (a) and inserting the following:

''(3) Procedures to review a summary suspension when a hearing before, the boxing commission is requested by a boxer, licensee, manager, match maker; promoter, or other boxing service provider which provides an opportunity for that person to present evidence.'';

(3) by striking subsection (b); and

(4) by striking ''(a) PROCEDURES.—

SEC. 9. REPORTING.

Section 8 (15 U.S.C. 6307) is amended—

(1) by striking ''48 business hours'' and inserting ''2 business days'';

(2) by striking ''bxoing'' and inserting ''boxing''; and

(3) by striking ''each boxer registry.'' and inserting ''the Commission.''.

SEC. 10. CONTRACT REQUIREMENTS.

Section 9 (15 U.S.C. 6307a) is amended to read as follows:

''SEC. 9. CONTRACT REQUIREMENTS.

''(a) IN GENERAL.—The Commission, in consultation with the Association of Boxing Commissions, shall develop guidelines for minimum contractual provisions that shall be included in each bout agreement, boxer-manager contract, and promotional agreement. Each boxing commission shall ensure that these minimal contractual provisions are present in any such agreement or contract submitted to it.

''(b) FILING AND APPROVAL REQUIREMENTS.—

''(1) COMMISSION.—A manager or promoter shall submit a copy of each boxer-manager contract and each promotional agreement between that manager or promoter and a boxer to the Commission, and, if requested, to the boxing commission with jurisdiction over the bout.

''(2) BOXING COMMISSION.—A boxing commission may not approve a professional boxing match unless a copy of the bout agreement related to that match has been filed with it and approved by it.

''(c) BOND OR OTHER SURETY.—A boxing commission may not approve a professional boxing match unless the promoter of that match has posted a surety bond, cashier's check, letter of credit, cash, or other security with the boxing commission in an amount acceptable to the boxing commission.''.

SEC. 11. COERCIVE CONTRACTS.

Section 10 (15 U.S.C. 6307b) is amended—

(1) by striking paragraph (3) of subsection (a);

(2) by inserting ''OR ELIMINATION'' after ''MANDATORY'' in the heading of subsection (b); and

(3) by inserting ''or elimination'' after ''mandatory'' in subsection (b).

SEC. 12. SANCTIONING ORGANIZATIONS.

(a) IN GENERAL.—Section 11 (15 U.S.C. 6307c) is amended to read as follows:

''SEC. 11. SANCTIONING ORGANIZATIONS.

''(a) OBJECTIVE CRITERIA.—Within 1 year after the date of enactment of the Professional Boxing Amendments Act of 2004, the Commission shall develop guidelines for objective and consistent written criteria, for the rating of professional boxers based on the athletic merits and professional record of the boxers. Within 90 days after the Commission's promulgation of the guidelines, each sanctioning organization shall adopt the guidelines and follow them.

''(b) NOTIFICATION OF CHANGE IN RATING.—A sanctioning organization shall, with respect to a change in the rating of a boxer previously rated by such organization in the top 10 boxers—

''(1) post a copy, within 7 days after the change, on its Internet website or home page, if any, including an explanation of the change, for a period of not less than 30 days;

''(2) provide a copy of the rating change and a thorough explanation in writing under penalty of perjury to the boxer and the Commission;

''(3) provide the boxer an opportunity to appeal the ratings change to the sanctioning organization; and

''(4) apply the objective criteria for ratings required under subsection (a) in considering any such appeal.

''(c) CHALLENGE OF RATING.—If, after disposing with an appeal under subsection (b)(3), a sanctioning organization receives a petition from a boxer challenging that organization's rating of the boxer, it shall (except to the extent otherwise required by the Commission), within 7 days after receiving the petition—

''(1) provide to the boxer a written explanation under penalty of perjury of the organization's rating criteria, its rating of the boxer, and the rationale or basis for its rating (including a response to any specific questions submitted by the boxer); and

''(2) submit a copy of its explanation to the Association of Boxing Commissions and the Commission for their review.''.

(b) CONFORMING AMENDMENTS.—Section 18(e) (15 U.S.C. 6309(e)) is amended—

(1) by striking ''FEDERAL TRADE COMMISSION,'' in the subsection heading and inserting ''UNITED STATES BOXING COMMISSION''; and

(2) by striking ''Federal Trade Commission,'' in paragraph (1) and inserting ''United States Boxing Commission,''.

SEC. 13. REQUIRED DISCLOSURES BY SANCTIONING ORGANIZATIONS.

Section 12 (15 U.S.C. 6307d) is amended—

(1) by striking the matter preceding paragraph (1) and inserting ''Within 7 days after a professional boxing match of 10 rounds or more, the sanctioning organization, if any, for that match shall provide to the Commission, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match, a written statement of—'';

(2) by striking ''will assess'' in paragraph (1) and inserting ''has assessed, or will assess,''; and

(3) by striking ''will receive'' in paragraph (2) and inserting ''has received, or will receive,''.

SEC. 14. REQUIRED DISCLOSURES BY PROMOTERS AND BROADCASTERS.

Section 13 (15 U.S.C. 6307e) is amended—

(1) by striking ''**PROMOTERS.**'' in the section caption and inserting ''**PROMOTERS AND BROADCASTERS.**'';

(2) by striking so much of subsection (a) as precedes paragraph (1) and inserting the following:

''(a) DISCLOSURES TO BOXING COMMISSIONS AND THE COMMISSION.—Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match shall provide to the Commission, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match—'';

(3) by striking ''writing,'' in subsection (a)(1) and inserting ''writing, other than a bout agreement previously provided to the commission,'';

(4) by striking ''all fees, charges, and expenses that will be'' in subsection (a)(3)(A) and inserting ''a written statement of all fees, charges, and expenses that have been, or will be,'';

(5) by inserting ''a written statement of'' before ''all'' in subsection (a)(3)(B);

(6) by inserting ''a statement of'' before ''any'' in subsection (a)(3)(C);

(7) by striking the matter in subsection (b) following ''BOXER.—'' and preceding paragraph (1) and inserting ''Within 7 days after a professional boxing match of 10 rounds or more, the promoter of the match shall provide to each boxer participating in the bout or match with whom the promoter has a bout or promotional agreement a statement of—'';

(8) by striking ''match;'' in subsection (b)(1) and inserting ''match, and that the promoter has paid, or agreed to pay, to any other person in connection with the match;''; and

(9) by adding at the end the following:

''(d) REQUIRED DISCLOSURES BY BROADCASTERS.—

''(1) IN GENERAL.—A broadcaster that owns the television broadcast rights for a professional boxing match of 10 rounds or more shall, within 7 days after that match, provide to the Commission—

''(A) a statement of any advance, guarantee, or license fee paid or owed by the broadcaster to a promoter in connection with that match;

''(B) a copy of any contract executed by or on behalf of the broadcaster with—

''(i) a boxer who participated in that match; or

''(ii) the boxer's manager, promoter, promotional company, or other representative or the owner or representative of the site of the match; and

''(C) a list identifying sources of income received from the broadcast of the match.

''(2) COPY TO BOXING COMMISSION.—Upon request from the boxing commission in the State or Indian land responsible for regulating a match to which paragraph (1) applies, a broadcaster shall provide the information described in paragraph (1) to that boxing commission.

''(3) CONFIDENTIALITY.—The information provided to the Commission or to a boxing commission pursuant to this subsection shall be confidential and not revealed by the Commission or a boxing commission, except that the Commission may publish an analysis of the data in aggregate form or in a manner which does not disclose confidential information about identifiable broadcasters.

''(4) TELEVISION BROADCAST RIGHTS.—In paragraph (1), the term 'television broadcast rights' means the right to broadcast the match, or any part thereof, via a broadcast station, cable service, or multichannel video programming distributor as such terms are defined in section 3(5), 602(6), and 602(13) of the Communications Act of 1934 (47 U.S.C. 153(5), 602(6), and 602(13), respectively).''.

SEC. 15. JUDGES AND REFEREES.

(a) IN GENERAL.—Section 16 (15 U.S.C. 6307h) is amended—

(1) by inserting ''(a) LICENSING AND ASSIGNMENT REQUIREMENT.—'' before ''No person'';

(2) by striking ''certified and approved'' and inserting ''selected'';

(3) by inserting ''or Indian lands'' after '' State''; and

(4) by adding at the end the following:

''(b) CHAMPIONSHIP AND 10-ROUND BOUTS.—In addition to the requirements of subsection (a), no person may arrange, promote, organize, produce, or fight in a professional boxing match advertised to the public as a championship match or in a professional boxing match scheduled for 10 rounds or more unless all referees and judges participating in the match have been licensed by the Commission.

''(c) ROLE OF SANCTIONING ORGANIZATION.—A sanctioning organization may provide a list of judges and referees deemed qualified by that organization to a boxing commission, but the boxing commission shall select, license, and appoint the judges and referees participating in the match.

''(d) ASSIGNMENT OF NONRESIDENT JUDGES AND REFEREES.—A boxing commission may assign judges and referees who reside outside that commission's State or Indian land.

''(e) REQUIRED DISCLOSURE.—A judge or referee shall provide to the boxing commission responsible for regulating a professional boxing match in a State or on Indian land a statement of all consideration, including reimbursement for expenses, that the judge or referee has received, or will receive, from any source for participation in the match. If the match is scheduled for 10 rounds or more, the judge or referee shall also provide such a statement to the Commission.''.

(b) CONFORMING AMENDMENT.—Section 14 (15 U.S.C. 6307f) is repealed.

SEC. 16. MEDICAL REGISTRY.

The Act is amended by inserting after section 13 (15 U.S.C. 6307e) the following:

''SEC. 14. MEDICAL REGISTRY.

''(a) IN GENERAL.—The Commission shall establish and maintain, or certify a third party entity to establish and maintain, a medical registry that contains comprehensive medical records and medical denials or suspensions for every licensed boxer.

''(b) CONTENT; SUBMISSION.—The Commission shall determine—

''(1) the nature of medical records and medical suspensions of a boxer that are to be forwvarded to the medical registry; and

''(2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.

''(c) CONFIDENTIALITY.—The Commission shall establish confidentiality standards for the disclosure of personally identifiable information to boxing commissions that will—

''(1) protect the health and safety of boxers by making relevant information available to the boxing commissions for use but not public disclosure; and

''(2) ensure that the privacy of the boxers is protected.''.

SEC. 17. CONFLICTS OF INTEREST.

Section 17 (15 U.S.C. 6308) is amended—

(1) by striking ''enforces State boxing laws,'' in subsection (a) and inserting ''implements State or tribal boxing laws, no officer or employee of the Commission,'';

(2) by striking ''belong to,'' and inserting ''hold office in,'' in subsection (a);

(3) by striking the last sentence of subsection (a);

(4) by striking subsection (b) and inserting the following:

''(b) BOXERS.—A boxer may not own or control, directly or indirectly, an entity that promotes the boxer's bouts if that entity is responsible for—

''(1) executing a bout agreement or promotional agreement with the boxer's opponent; or

''(2) providing any payment or other compensation to—

''(A) the boxer's opponent for participation in a bout with the boxer;

''(B) the boxing commission that will regulate the bout; or

''(C) ring officials who officiate at the bout.''.

SEC. 18. ENFORCEMENT.

Section 18 (15 U.S.C. 6309) is amended—

(1) by striking ''(a) INJUNCTIONS.—'' in subsection (a) and inserting ''(a) ACTIONS BY ATTORNEY GENERAL.—'';

(2) by inserting ''any officer or employee of the Commission,'' after ''laws,'' in subsection (b)(3);

(3) by inserting ''has engaged in or'' after ''organization'' in subsection (c);

(4) by striking ''subsection (b)'' in subsection (c)(3) and inserting ''subsection (b), a civil penalty, or''; and

(5) by striking ''boxer'' in subsection (d) and inserting ''person''.

SEC. 19. REPEAL OF DEADWOOD.

Section 20 (15 U.S.C. 6311) is repealed.

SEC. 20. RECOGNITION OF TRIBAL LAW.

Section 22 (15 U.S.C. (6313) is amended—

(1) by insert. ''**OR TRIBAL**'' in the section heading after ''**STATE**''; and

(2) by inserting ''or Indian tribe'' after ''State''.

SEC. 21. ESTABLISHMENT OF UNITED STATES BOXING COMMISSION.

(a) IN GENERAL.—The Act is amended by adding at the end the following:

''TITLE II—UNITED STATES BOXING COMMISSION

''SEC. 201. PURPOSE.

''The purpose of this title is to protect the health, safety, and welfare of boxers and to ensure fairness in the sport of professional boxing.

''SEC. 202. UNITED STATES BOXING COMMISSION.

''(a) IN GENERAL.—The United States Boxing Commission is established as a commission within the Department of Commerce.

''(b) MEMBERS.—

''(1) IN GENERAL.—The Commission shall consist of 3 members appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—

''(A) IN GENERAL.—Each member of the Commission shall be a citizen of the United States who—

''(i) has extensive experience in professional boxing activities or in a field directly related to professional sports;

''(ii) is of outstanding character and recognized integrity; and

''(iii) is selected on the basis of training, experience, and qualifications and without regard to political party affiliation.

''(B) SPECIFIC QUALIFICATIONS FOR CERTAIN MEMBERS.—At least 1 member of the Commission shall be a former member of a local boxing authority. If practicable, at least 1 member of the Commission shall be a physician or other health care professional duly licensed as such.

''(C) DISINTERESTED PERSONS.—No member of the Commission may, while serving as a member of the Commission—

''(i) be engaged as a professional boxer, boxing promoter, agent, fight manager, matchmaker, referee, judge, or in any other capacity in the conduct of the business of professional boxing;

''(ii) have any pecuniary interest in the earnings of any boxer or the proceeds or outcome of any boxing match; or

''(iii) serve as a member of a boxing commission.

''(3) BIPARTISAN MEMBERSHIP.—Not more than 2 members of the Commission may be members of the same political party.

''(4) GEOGRAPHIC BALANCE.—Not more than 2 members of the Commission may be residents of the same geographic region of the United States when appointed to the Commission. For purposes of the preceding sentence, the area of the United States east of the Mississippi River is a geographic region, and the area of the United States west of the Mississippi River is a geographic region.

''(5) TERMS.—

''(A) IN GENERAL.—The term of a member of the Commission shall be 3 years.

''(B) REAPPOINTMENT.—Members of the Commission may be reappointed to the Commission.

''(C) MIDTERM VACANCIES.—A member of the Commission appointed to fill a vacancy in the Commission occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that unexpired term.

''(D) CONTINUATION PENDING REPLACEMENT.—A member of the Commission may

serve after the expiration of that member's term until a successor has taken office.

''(6) REMOVAL.—A member of the Commission may be removed by the President only for cause.

''(c) EXECUTIVE DIRECTOR.—

''(1) IN GENERAL.—The Commission shall employ an Executive Director to perform the administrative functions of the Commission under this Act, and such other functions and duties of the Commission as the Commission shall specify.

''(2) DISCHARGE OF FUNCTIONS.—Subject to the authority, direction, and control of the Commission the Executive Director shall carry out the functions and duties of the Commission under this Act.

''(d) GENERAL COUNSEL.—The Commission shall employ a General Counsel to provide legal counsel and advice to the Executive Director and the Commission in the performance of its functions under this Act, and to carry out such other functions and duties as the Commission shall specify.

''(e) STAFF.—The Commission shall employ such additional staff as the Commission considers appropriate to assist the Executive Director and the General Counsel in carrying out the functions and duties of the Commission under this Act.

''(f) COMPENSATION.—

''(1) MEMBERS OF COMMISSION.—

''(A) IN GENERAL.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

''(B) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

''(2) EXECUTIVE DIRECTOR AND STAFF.—The Commission shall fix the compensation of the Executive Director, the General Counsel, and other personnel of the Commission. The rate of pay for the Executive Director, the General Counsel, and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

''SEC. 203. FUNCTIONS.

''(a) PRIMARY FUNCTIONS.—The primary functions of the Commission are—

''(1) to protect the health, safety, and general interests of boxers consistent with the provisions of this Act; and

''(2) to ensure uniformity, fairness, and integrity in professional boxing.

''(b) SPECIFIC FUNCTIONS.—The Commission shall—

''(1) administer title I of this Act;

''(2) promulgate uniform standards for professional boxing in consultation with the Association of Boxing Commissions;

'' (3) except as otherwise determined by the Commission, oversee all professional boxing matches in the United States;

''(4) work with the boxing commissions of the several States and tribal organizations—

''(A) to improve the safety, integrity, and professionalism of professional boxing in the United States;

''(B) to enhance physical, medical, financial, and other safeguards established for the protection of professional boxers; and

''(C) to improve the status and standards of professional boxing in the United States;

''(5) ensure, in cooperation with the Attorney General (who shall represent the Commission in any judicial proceeding under this Act), the chief law enforcement officer of the several States, and other appropriate officers and agencies of Federal, State, and local government, that Federal and State laws applicable to professional boxing matches in the United States are vigorously, effectively, and fairly enforced;

''(6) review boxing commission regulations for professional boxing and provide assistance to such authorities in meeting minimum standards prescribed by the Commission under this title;

''(7) serve as the coordinating body for all efforts in the United States to establish and maintain uniform minimum health and safety standards for professional boxing;

''(8) if the Commission determines it to be appropriate, publish a newspaper, magazine, or other publication and establish and maintain a website consistent with the purposes of the Commission;

''(9) procure the temporary and intermittent services of experts and consultants to the extent authorized by section 3109(b) of title 5, United States Code, at rates the Commission determines to be reasonable; and

''(10) promulgate rules, regulations, and guidance, and take any other action necessary and proper to accomplish the purposes of, and consistent with, the provisions of this title.

''(c) PROHIBITIONS.—The Commission may not—

''(1) promote boxing events or rank professional boxers; or

''(2) provide technical assistance to, or authorize the use of the name of the Commission by, boxing commissions that do not comply with requirements of the Commission.

''(d) USE OF NAME.—The Commission shall have the exclusive right to use the name 'United States Boxing Commission'. Any person who, without the permission of the Commission, uses that name or any other exclusive name, trademark, emblem, symbol, or insignia of the Commission for the purpose of inducing the sale or exchange of any goods or services, or to promote any exhibition, performance, or sporting event, shall be subject to suit in a civil action by the Commission for the remedies provided in the Act of July 5, 1946 (commonly known as the 'Trademark Act, of 1946'; 15 U.S.C. 1051 et seq.).

''SEC. 204. LICENSING AND REGISTRATION OF BOXING PERSONNEL.

''(a) LICENSING.—

''(1) REQUIREMENT FOR LICENSE.—No person may compete in a professional boxing match or serve as a boxing manager, boxing promoter, or sanctioning organization for a professional boxing match except as provided in a license granted to that person under this subsection.

''(2) APPLICATION AND TERM.—

(A) IN GENERAL.—The Commission shall—

''(i) establish application procedures, forms, and fees;

''(ii) establish and publish appropriate standards for licenses granted under this section; and

''(iii) issue a license to any person who, as determined by the Commission, meets the standards established by the Commission under this title.

''(B) DURATION.—A license issued under this section shall be for a renewable—

''(i) 4-year term for a boxer; and

''(ii) 2-year term for any other person.

''(C) PROCEDURE.—The Commission may issue a license under this paragraph through boxing commissions or in a manner determined by the Commission.

''(b) LICENSING FEES.—

''(1) AUTHORITY.—The, Commission may prescribe and charge reasonable fees for the licensing of persons under this title. The Commission may set, charge, and adjust varying fees on the basis of classifications of persons, functions, and events determined appropriate by the Commission.

''(2) LIMITATIONS.—In setting and charging fees under paragraph (1), the Commission shall ensure that, to the maximum extent practicable—

''(A) club boxing is not adversely effected;

''(B) sanctioning organizations and promoters pay comparatively the largest portion of the fees; and

''(C) boxers pay as small a portion of the fees as is possible.

''(3) COLLECTION.—Fees established under this subsection may be collected through boxing commissions or by any other means determined appropriate by the Commission.

''SEC. 205. NATIONAL REGISTRY OF BOXING PERSONNEL.

''(a) REQUIREMENT FOR REGISTRY.—The Commission shall establish and maintain (or authorize a third party to establish and maintain) a unified national computerized registry for the collection, storage, and retrieval of information related to the performance of its duties.

''(b) CONTENTS.—The information in the registry shall include the following:

''(1) BOXERS.—A list of professional boxers and data, in the medical registry established under section 114 of this Act, which the Commission shall secure from disclosure, in accordance with the confidentiality requirements of section 114(c).

''(2) OTHER PERSONNEL.—Information (pertinent to the sport of professional boxing) on boxing promoters, boxing matchmakers, boxing managers, trainers, cut men, referees, boxing judges, physicians, and any other personnel determined by the Commission as performing a professional activity for professional boxing matches.

''SEC. 206. CONSULTATION REQUIREMENTS.

''The Commission shall consult with the Association of Boxing Commissions—

''(1) before proscribing any regulation or establishing any standard under the provisions of this title; and

''(2) not less than once each year regarding matters relating to professional boxing.

''SEC. 207. MISCONDUCT.

''(a) SUSPENSION AND REVOCATION OF LICENSE OR REGISTRATION.—

''(1) AUTHORITY.—The Commission may, after notice and opportunity for a hearing, suspend or revoke any license issued under this title if the Commission finds that—

''(A) the license holder has violated any provision of this Act;

''(B) there are reasonable grounds for belief that a standard prescribed by the Commission under this title is not being met, or that bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, or intimidation have occurred in connection with a license; or

''(C) the suspension or revocation is necessary for the protection of health and safety or is otherwise in the public interest.

''(2) PERIOD OF SUSPENSION.—

''(A) IN GENERAL.—A suspension of a license under this section shall be effective for a period determined appropriate by the Commission except as provided in subparagraph (B).

''(B) SUSPENSION FOR MEDICAL REASONS.—In the case of a suspension or denial of the license of a boxer for medical reasons by the Commission, the Commission may terminate the suspension or denial at any time that a physician certifies that the boxer is fit to participate in a professional boxing match. The Commission shall prescribe the standards and procedures for accepting certifications under this subparagraph.

''(3) PERIOD OF REVOCATION.—In the case of a revocation of the license of a boxer, the

revocation shall be for a period of not less than 1 year.

''(b) INVESTIGATIONS AND INJUNCTIONS.—

''(1) AUTHORITY.—The Commission may—

''(A) conduct any investigation that it considers necessary to determine whether any person has violated, or is about to violate, any provision of this Act or any regulation prescribed under this Act;

''(B) require or permit any person to file with it a statement in writing, under oath or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated;

''(C) in its discretion, publish information concerning any violations; and

''(D) investigate any facts, conditions, practices, or matters to aid in the enforcement of the provisions of this Act, in the prescribing of regulations under this Act, or in securing information to serve as a basis for recommending legislation concerning the matters to which this Act relates.

''(2) POWERS.—

''(A) IN GENERAL.—For the purpose of any investigation under paragraph (1) or any other proceeding under this title—

''(1) any officer designated by the Commission may administer oaths and affirmations, subpena or otherwise compel the attendance of witnesses, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records the Commission considers relevant or material to the inquiry; and

''(ii) the provisions of sections 6002 and 6004 of title 18, United States Code, shall apply.

''(B) WITNESSES AND EVIDENCE.—The attendance of witnesses and the production of any documents under subparagraph (A) may be required from any place in the United States, including Indian land, at any designated place of hearing.

''(3) ENFORCEMENT OF SUBPOENAS.—

''(A) CIVIL ACTION.—In case of contumacy by, or refusal to obey a subpoena. issued to, any person, the Commission may file an action in any district court of the United States within the jurisdiction of which an investigation or proceeding is carried out, or where that person resides or carries on business, to enforce the attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, and other records. The court may issue an order requiring the person to appear before the Commission to produce records, if so ordered, or to give testimony concerning the matter under investigation or in question.

''(B) FAILURE TO OBEY.—Any failure to obey an order issued by a court under subparagraph (A) may be punished as contempt of that court.

''(C) PROCESS.—All process in any contempt case under subparagraph (A) may be served in the judicial district in which the person is an inhabitant or in which the person may be found.

''(4) EVIDENCE OF CRIMINAL MISCONDUCT.—

''(A) IN GENERAL.—No person may be excused from attending and testifying or from producing books, papers, contracts, agreements, and other records and documents before the Commission, in obedience to the subpoena of the Commission, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of that person may tend to incriminate the person or subject the person to a penalty or forfeiture.

''(B) LIMITED IMMUNITY.—No individual may be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning the matter about which that individual is compelled, after having claimed a privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

''(5) INJUNCTIVE RELIEF.—If the Commission determines that any person is engaged or about to engage in any act or practice that constitutes a violation of any provision of this Act, or of any regulation prescribed under this Act, the Commission may bring an action in the appropriate district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States, to enjoin the act or practice, and upon a proper showing, the court shall grant without bond a permanent or temporary injunction or restraining order.

''(6) MANDAMUS.—Upon application of the Commission, the district courts of the United States, the United States District Court for the District of Columbia, and the United States courts of any territory or other place subject to the jurisdiction of the United States, shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this Act or any order of the Commission.

''(c) INTERVENTION IN CIVIL ACTIONS.—

''(1) IN GENERAL.—The Commission, on behalf of the public interest, may intervene of right as provided under rule 24(a) of the Federal Rules of Civil Procedure in any civil action relating to professional boxing filed in a district court of the United States.

''(2) AMICUS FILING.—The Commission may file a brief in any action filed in a court of the United States on behalf of the public interest in any case relating to professional boxing.

''(d) HEARINGS BY COMMISSION.—Hearings conducted by the Commission under this Act shall be public and may be held before any officer of the Commission. The Commission shall keep appropriate records of the hearings.

''SEC. 208. NONINTERFERENCE WITH BOXING COMMISSIONS.

''(a) NONINTERFERENCE.—Nothing in this Act prohibits any boxing commission from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or professional boxing matches to the extent not inconsistent with the provisions of this Act.

''(b) MINIMUM STANDARDS.—Nothing in this Act prohibits any boxing commission from enforcing local standards or requirements that exceed the minimum standards or requirements promulgated by the Commission under this Act.

''SEC. 209. ASSISTANCE FROM OTHER AGENCIES.

''Any employee of any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality may be detailed to the Commission, upon the request of the Commission, on a reimbursable or nonreimbursable basis, with the consent of the appropriate authority having jurisdiction over the employee. While so detailed, an employee shall continue to receive the compensation provided pursuant to law for the employee's regular position of employment and shall retain, without interruption, the rights and privileges of that employment.

''SEC. 210. REPORTS.

''(a) ANNUAL REPORT.—The Commission shall submit a report on its activities to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce each year. The annual report shall include—

''(1) a detailed discussion of the activities of the Commission for the year covered by the report; and

''(2) an overview of the licensing and enforcement activities of the State and tribal organization boxing commissions.

''(b) PUBLIC REPORT.—The Commission shall annually issue and publicize a report of the Commission on the progress made at Federal and State levels and on Indian lands in the reform of professional boxing, which shall include comments on issues of continuing concern to the Commission.

''(c) FIRST ANNUAL REPORT ON THE COMMISSION.—The first annual report under this title shall be submitted not later than 2 years after the effective date of this title.

''SEC. 211. INITIAL IMPLEMENTATION.

''(a) TEMPORARY EXEMPTION.—The requirements for licensing under this title do not apply to a person for the performance of an activity as a boxer, boxing judge, or referee, or the performance of any other professional activity in relation to a professional boxing match, if the person is licensed by a boxing commission to perform that activity as of the effective date of this title.

''(b) EXPIRATION.—The exemption under subsection (a) with respect to a license issued by a boxing commission expires on the earlier of—

''(A) the date on which the license expires; or

''(B) the date that is 2 years after the date of the enactment of the Professional Boxing Amendments Act of 2004.

''SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated for the Commission for each fiscal year such sums as may be necessary for the Commission to perform its functions for that fiscal year.

''(b) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any fee collected under this title—

''(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

''(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

''(3) shall remain available until expended.''.

(b) CONFORMING AMENDMENTS.—

(1) PBSA.—The Professional Boxing Safety Act of 1996, as amended by this Act; is further amended—

(A) by amending section 1 to read as follows:

''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Professional Boxing Safety Act'.

''(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

(B) by inserting before section 3 the following: **''TITLE I—PROFESSIONAL BOXING SAFETY''**;

(C) by redesignating sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, and 22 as sections 101 through 118, respectively;

(D) by striking subsection (a) of section 113, as redesignated, and inserting the following:

''(a) IN GENERAL.—Except to the extent required in a legal, administrative, or judicial proceeding, a boxing commission, an Attorney General, or the Commission may not disclose to the public any matter furnished by a promoter under section 111.'';

(E) by striking ''section 13'' in subsection (b) of section 113, as redesignated, and inserting ''section 111'';

(F) by striking ''9(b), 10, 11, 12, 13, 14, or 16,'' in paragraph (1) of section 116(b), as redesignated, and inserting ''107, 108, 109, 110, 111, or 114,'';

(G) by striking ''9(b), 10, 11, 12, 13, 14, or 16'' in paragraph (2) of section 116(b), as redesignated, and inserting ''107, 108, 109, 110, 111, or 114'';

(H) by striking ''section 17(a)'' in subsection (b)(3) of section 116, as redesignated, and inserting ''section 115(a)'';

(I) by striking ''section 10'' in subsection (e)(3) of section 116, as redesignated, and inserting ''section 108''; and

(J) by striking ''of this Act'' each place it appears in sections 101 through 120, as redesignated, and inserting ''of this title''.

(2) COMPENSATION OF MEMBERS.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Members of the United States Boxing Commission.''.

SEC. 22. STUDY AND REPORT ON DEFINITION OF PROMOTER.

(a) STUDY.—The United States Boxing Commission shall conduct a study on how the term ''promoter'' should be defined for purposes of the Professional Boxing Safety Act.

(b) HEARINGS.—As part of that study, the Commission shall hold hearings and solicit testimony at those hearings from boxers, managers, promoters, premium, cable, and satellite program service providers, hotels, casinos, resorts, and other commercial establishments that host or sponsor professional boxing matches, and other interested parties with respect to the definition of that term as it is used in the Professional Boxing Safety Act.

(c) REPORT.—Not, later than 12 months after the date of the enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study conducted under subsection (a). The report shall—

(1) set forth a proposed definition of the term ''promoter'' for purposes of the Professional Boxing Safety Act; and

(2) describe the findings, conclusions, and rationale of the Commission for the proposed definition, together with any recommendations of the Commission, based on the study.

SEC. 23. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) 1-YEAR DELAY FOR CERTAIN TITLE II PROVISIONS.—Sections 205 through 212 of the Professional Boxing Safety Act of 1996, as added by section 21(a) of this Act, shall take effect 1 year after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 31, 2004, at 10 a.m., to conduct a hearing on ''Review of Current Investigations and Regulatory Actions Regarding the Mutual Fund Industry.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 31, 2004, at 2:30 p.m., to conduct a hearing on ''Review of Current Investigations and Regulatory Actions Regarding the Mutual Fund Industry.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the full committee on Environment and Public Works be authorized to meet on Wednesday, March 31, at 9:30 a.m., to conduct a nominations hearing to consider the nominations of: Stephen L. Johnson, to be Deputy Administrator, EPA; Ann R. Klee, to be General Counsel, EPA; Charles Johnson, to be Chief Financial Officer, EPA; Benjamin Grumbles, to be Assistant Administrator for the Office of Water, EPA; and Gary Lee Visscher, to be a Member of the Chemical Safety and Hazard Investigation Board.

The meeting will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 31, 2004, at 9:30 a.m., to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 31, 2004, at 2:30 p.m., to hold a hearing on the effects of the Madrid terrorist attacks on U.S.-European cooperation in the war on terrorism.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 31, 2004, at 2:30 p.m., to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Personnel Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on March 31, 2004, at 9:30 a.m., in open session to receive testimony on Active and Reserve military and civilian personnel programs, in review of the Defense authorization request for fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to meet on Wednesday, March 31, at 1:30 p.m., to conduct a hearing to consider the role of the U.S. Army Corps of Engineers in meeting the Nation's water resource needs in the 21st century.

The meeting will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Shawn Gallagher, a fellow in the office of the Democratic leader, be granted the privileges of the floor during consideration of H.R. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that John Collison be given floor privileges for the remainder of this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROFESSIONAL BOXING AMENDMENTS ACT OF 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 98, S. 275.

The PRESIDING OFFICER. The clerk will report the bill by title.