

Mr. Speaker, in closing, I want to say a special thanks to Chairman DAVE CAMP, Ranking Member LEVIN, all the Ways and Means staff that worked on this legislation. This is legislation that has been around for several years. And especially I would like to thank Damon Nelson from my staff, who has been on this doggedly since he found out the injustice that was being done to tribes across America. So I would like to thank him for his special support for doing the important work that our staff does to get something like this across the finish line.

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

Mr. COLE. Mr. Speaker, I rise to support H.R. 3043, the Tribal General Welfare Exclusion Act. H.R. 3043 would align federal Indian affairs policy with federal tax policy. H.R. 3043 would require field agents to receive training and education on federal Indian law and the government's treaty and trust obligations to Native Americans to ensure that their actions in the field follow the law and IRS policy. It would do so by clarifying that tribal government programs and services that aid the general welfare of the tribe are not subject to federal income taxation. It also establishes a Tribal Advisory Committee within the Treasury Department. Additionally, the Joint Committee on Taxation has determined the bill would do this at little to no cost to the federal government.

The Constitution clearly states that the federal government shall provide for the general welfare of the people. The IRS excludes a broad array of government services including, but not limited to, education, public safety, court system, social services, public works, health services, housing authority, parks and recreation, cultural resources, and museums. Through treaties and executive order, Indian tribes ceded hundreds of millions of acres of their homelands to the United States. In return, the U.S. made promises to provide for the health, education and general welfare of Native communities. Sadly, we have fallen short in meeting these solemn obligations. In recent years, Indian tribal governments have stepped in to cover these shortfalls in federal obligations by offering tribal government programs and services to meet the needs of their communities. To be clear, these are governments providing government services for their citizens.

Instead of fostering these acts of tribal government self-determination, over the past decade, some IRS field agents have targeted tribes for audits and investigations seeking to tax tribal citizens for benefits derived from these programs and services. Field agent decision-making has been at best inconsistent and arbitrary. Activities allowed in one audit have been challenged in another. Field agents have conversely given wide deference to federal and state government programs that provide for the general welfare of their citizens. In doing so, they have exempted general welfare programs from taxation, an exception known as a "general welfare exclusion."

H.R. 3043 will codify and better align federal tax policy with Indian affairs policy and ensure that IRS policies that recognize appropriate tribal government actions are actually being implemented in the field.

Mr. Speaker, with that, I urge passage of H.R. 3043, the Tribal General Welfare Exclusion Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. NUNES) that the House suspend the rules and pass the bill, H.R. 3043.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PRESERVING WELFARE FOR NEEDS NOT WEED ACT

Mr. REICHERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4137) to prohibit assistance provided under the program of block grants to States for temporary assistance for needy families from being accessed through the use of an electronic benefit transfer card at any store that offers marijuana for sale.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preserving Welfare for Needs Not Weed Act".

SEC. 2. PROHIBITION ON USE OF ELECTRONIC BENEFIT TRANSFER CARD TO ACCESS TANF ASSISTANCE AT ANY STORE THAT OFFERS MARIJUANA FOR SALE.

(a) PROHIBITION.—Section 408(a)(12)(A) of the Social Security Act (42 U.S.C. 608(a)(12)(A)) is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; or"; and

(3) by adding at the end the following:

"(iv) any establishment that offers marijuana (as defined in section 102(16) of the Controlled Substances Act) for sale."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 2 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. REICHERT) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. REICHERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

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

Mr. Speaker, I rise today to urge support of H.R. 4137, the Preserving Welfare for Needs Not Weed Act.

Federal welfare benefits are an important means for many individuals and families to get critical assistance for basic necessities until they get back on their feet.

Shockingly, as a result of recent State laws legalizing recreational marijuana in Colorado and also in my home State of Washington, we are seeing new abuses of these benefits. In these States, a person can walk into one of the newly opened pot shops and use their welfare benefit card to pay for pot.

These are Federal tax dollars meant for basic necessities and, instead, they are being used to purchase something that is illegal under Federal law. It is exactly this misuse of tax dollars that this bill is designed to stop.

This bill, which I introduced earlier this year as chairman of the Ways and Means Subcommittee on Human Resources—the subcommittee with jurisdiction over the program that we are talking about tonight and that is being abused—will block access to welfare cash in stores selling marijuana.

Mr. Speaker, I know firsthand the struggles that families can go through during my hard times from my own childhood growing up, and from what I witnessed as a law enforcement professional for 33 years. From the time I was a cop on the street in King County Washington through my days as the sheriff there, I witnessed how too often a lack of a job, living in a crime-ridden neighborhood, and using drugs tore families apart.

□ 2115

In some ways, things have even gotten worse today. For instance, we had millions of long-term unemployed struggling to get back to work during the so-called Obama recovery.

To make ends meet, many turned to benefits like TANF, which is the Temporary Assistance for Needy Families. The TANF program provides millions of low-income Americans temporary assistance to help adults transition to work and support their children while they are doing that. TANF is a flexible grant to States, but it also includes rules to ensure that our tax dollars are being spent appropriately.

Sadly, a disturbing number of people were spending welfare benefits in liquor stores, casinos, and even strip clubs. In 2012, Congress passed a law that required States to block welfare benefits from being accessed in those places, and President Obama, rightly, signed it into law.

Since then, both Washington State and Colorado have legalized marijuana, opening up a new loophole—the "pot shop loophole," as I call it—which the bill before us would close, along with the other shops that I mentioned before that are already closed to the use of your welfare benefit card, like liquor stores, casinos, and strip clubs. This bill just adds "pot shops" to that list.

This isn't an idle concern. A report examining welfare transactions in Colorado revealed over \$5,000 in welfare benefits were accessed in stores selling marijuana in the first month such stores were open. With other States considering legislation to legalize

marijuana, it is important that we close this “pot shop loophole” now before it expands.

This bill simply says that when it comes to spending welfare benefits—money taxpayers provide to low-income parents to help support their children—we are drawing a line. Taxpayer-funded welfare benefits must be spent on children’s and families’ needs and not on weed.

I encourage all Members to support this simple commonsense fix so that welfare funds are used as they were intended, to support the needs of low-income families and children and not to support drug use.

This legislation builds on good policy this Chamber has already crafted and passed in the last Congress. It has no cost, according to the Congressional Budget Office, and, most importantly, Mr. Speaker, it is the right thing to do.

I reserve the balance of my time.

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

As mentioned, this bill is designed to prevent individuals from using their TANF Electronic Benefit Transfer cards in establishments that sell marijuana. This restriction would add to a current law on prohibition of EBT transactions in casinos, liquor stores, and adult entertainment clubs.

While it is important that benefits under TANF be used only to support the basic needs of struggling families, I think it is regrettable that this legislation is coming to the House floor without any markup, hearings, or discussion within our committee.

Such discussions usually raise questions that are worth examining before legislation is considered on the floor.

I reserve the balance of my time.

Mr. REICHERT. Mr. Speaker, I would inquire of Mr. LEVIN as to whether or not he has any speakers on his side.

Mr. LEVIN. Mr. Speaker, I have one.

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

Mr. LEVIN. It is now my pleasure to yield 5 minutes to the gentleman from Texas (Mr. DOGGETT), the ranking member of the Subcommittee on Human Resources.

Mr. DOGGETT. I thank the gentleman.

Mr. Speaker, the Needs not Weeds Act is a pretty catchy title. I think it could fit on a bumper sticker. In fact, perhaps it already has.

Unfortunately, Mr. Speaker, this proposal has only a little to do with weeds and nothing whatsoever to do with the needs of our neighbors who are trying to move out of poverty and into the middle class of America, the people that are down there on the bottom economic rung that are trying to climb up another rung or two. This Congress is indifferent to their needs. You might say their hopes have just gone up in smoke.

On the very day that we are considering this proposal, we are being called upon by the same folks to approve a companion Republican resolution that

once again cuts resources for Temporary Assistance for Needy Families, indeed, not one, but two cuts, a cut of \$14 million each year from the TANF contingency fund on which about a third of the States have relied on for assistance in this recession to help people find jobs and provide other services and an additional \$15 billion cut annually from TANF research funding.

Those are the dollars that permit us to determine whether our tax dollars are being spent effectively in developing new approaches for job training and other services.

You have got to wonder what these Republicans are smoking. How can they tout their supposed commitment to preventing waste and, at the same time, insist on eliminating the very dollars that are designed to prevent waste and help us determine whether our tax dollars are being spent efficiently and effectively?

From my experience in this Congress, I understand that facts will be ignored by Republicans when they conflict with Republican ideology, but, in this case, abandoning any research concerning how our tax dollars are being spent makes no sense; indeed, it makes no dollars and cents.

Mr. Speaker, these nearly \$30 million in cuts continue the Republican effort to reduce the real purchasing power and dollars available for Temporary Assistance for Needy Families. They follow a prior cut of over \$300 million in employment assistance and cash benefits through the TANF program.

This is all amidst the growing inequality in this Nation. We have the lowest level of poor families receiving direct cash assistance from Temporary Assistance for Needy Families in almost 50 years. In my own State of Texas, only about one in every 24 children receive TANF assistance directly, and, when they get it, they don’t get very much.

This is the 50th anniversary of Lyndon Johnson’s war on poverty. Isn’t it time that we renew that effort in a meaningful, reformed way, instead of waging war on those who are in poverty?

Time and time again, my Republican colleagues have refused to enact a long-term reauthorization of the Temporary Assistance for Needy Families program; instead, they favor these short-term extensions like this 3-month extension that we are considering in the continuing resolution.

Each of those short-term extensions offers them an opportunity to stereotype the poor, the old welfare Cadillac image. Just blame the poor for being poor.

I support every reasonable effort to reduce fraud and abuse. I don’t oppose this bill. What I oppose is dealing with the peripheral instead of tackling the substantive problem of helping folks climb out of poverty into the middle class.

As was mentioned, on one of these short-term TANF extensions, we pre-

viously focused on prohibiting poor people from the evil of withdrawing their funds from a strip club or casino. I supported that.

This one will prevent them from using their TANF cards at a place that sells marijuana. Well, perhaps in December, when we are back on the next extension, we can prohibit them from using their funds and withdrawing them at a massage parlor or a Cadillac dealer or maybe with the space aliens out in Area 51 in New Mexico.

I meet with these families. I have met with them in San Antonio, Lockhart, San Marcos, and Austin. For the most part, they are hardworking families. In many cases, they have hit a bad bump in the road. Today’s bill does nothing to address the tattered safety net that we have in this country which is increasingly more hole than net.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. DOGGETT. Each year, we do less and less for those who struggle while the gap continues to widen between those who have little or nothing and those who are incredibly wealthy.

I believe that poverty should be viewed as a major national problem that needs resolution by us working together, not a weapon to just score more political points at election time.

I think the real poverty that is at stake this week is the poverty of cooperation, the poverty of seeking a bipartisan answer to the struggles of so many American families.

As long as this Congress ignores the hard work of developing solutions to help those in our communities that are most disadvantaged, we will have less as a Nation to celebrate.

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

As the gentleman from Texas has just given his speech, I want to say to him that I applaud what he has said. It is late. It is 9:30 at night. It is hard to know who is listening, but the words expressed by Mr. DOGGETT need to be heard.

In addition to the reduction in TANF funding, including for research, I think we should also be reminded at this late hour that, because of the unwillingness of Republicans in this U.S. House to follow the bipartisan lead in the Senate, I think more than 3 million people who lost their jobs through no fault of their own, who are looking for work, have essentially been out in the cold.

□ 2130

I guess some of them have applied for TANF. But when you look at the data that Mr. DOGGETT has put forth, I think we need to take a look, whatever is the hour of the day or night, at what has been happening in terms of the addressing of poverty in this country. So I am glad we have had this discussion.

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

Mr. REICHERT. Mr. Speaker, after listening to my colleague's comments, Mr. DOGGETT's a little earlier, there are a lot of things that Mr. DOGGETT said that I agree with, and I know he knows that.

We have known each other for a while. He is the ranking member on the Human Resources Subcommittee, and we have been working together on lots of legislation that help address foster care and families and welfare and food stamps and aid to needy families.

Those are things that he knows that I care about passionately. And I know that the Republican party, even though tonight you may not think so, cares about people passionately and wants to solve these issues to help our most needy find employment, find an opportunity and hope in this country to provide for their family. That is what both sides I think really want.

As my colleague knows, we spent hours earlier today debating the continuing resolution for 2015. That debate will continue tomorrow.

The reason we are not debating TANF reauthorization right now is because the CR includes a provision that will extend the TANF program at the Congressional Budget Office baseline level through December 11 of this year. So that bill, not the one before us, provides for the extension of the program that the gentleman had earlier talked about.

I would also like to point out a letter that is dated July 31, 2014, date stamped, to Senator SESSIONS from Secretary Burwell. And it says, in just the first paragraph, Mr. Speaker:

Thank you for your letter to former Secretary Kathleen Sebelius expressing concern that Temporary Assistance for Needy Families cash assistance is being used to create an increase in drug dependency. I am aware of the media reports related to individuals withdrawing cash at Automated Teller Machines (ATMs) located in establishments selling marijuana in Colorado, which has legalized the use of marijuana. I agree that any inappropriate expenditure of public funds is a cause for concern and should be addressed immediately.

This is a commonsense fix so welfare funds are used as intended to help needy families temporarily, to help them find jobs, get back on their feet, provide for their families.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. REICHERT) that the House suspend the rules and pass the bill, H.R. 4137.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

IMPROVING MEDICARE POST-ACUTE CARE TRANSFORMATION ACT OF 2014

Mr. BRADY of Texas. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 4994) to amend title XVIII of the Social Security Act to provide for standardized post-acute care assessment data for quality, payment, and discharge planning, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4994

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving Medicare Post-Acute Care Transformation Act of 2014" or the "IMPACT Act of 2014".

SEC. 2. STANDARDIZATION OF POST-ACUTE CARE DATA.

(a) IN GENERAL.—Title XVIII of the Social Security Act is amended by adding at the end the following new section:

"SEC. 1899B. STANDARDIZED POST-ACUTE CARE (PAC) ASSESSMENT DATA FOR QUALITY, PAYMENT, AND DISCHARGE PLANNING.

"(a) REQUIREMENT FOR STANDARDIZED ASSESSMENT DATA.—

"(1) IN GENERAL.—The Secretary shall—

"(A) require under the applicable reporting provisions post-acute care providers (as defined in paragraph (2)(A)) to report—

"(i) standardized patient assessment data in accordance with subsection (b);

"(ii) data on quality measures under subsection (c)(1); and

"(iii) data on resource use and other measures under subsection (d)(1);

"(B) require data described in subparagraph (A) to be standardized and interoperable so as to allow for the exchange of such data among such post-acute care providers and other providers and the use by such providers of such data that has been so exchanged, including by using common standards and definitions, in order to provide access to longitudinal information for such providers to facilitate coordinated care and improved Medicare beneficiary outcomes; and

"(C) in accordance with subsections (b)(1) and (c)(2), modify PAC assessment instruments (as defined in paragraph (2)(B)) applicable to post-acute care providers to—

"(i) provide for the submission of standardized patient assessment data under this title with respect to such providers; and

"(ii) enable comparison of such assessment data across all such providers to whom such data are applicable.

"(2) DEFINITIONS.—For purposes of this section:

"(A) POST-ACUTE CARE (PAC) PROVIDER.—The terms 'post-acute care provider' and 'PAC provider' mean—

"(i) a home health agency;

"(ii) a skilled nursing facility;

"(iii) an inpatient rehabilitation facility; and

"(iv) a long-term care hospital (other than a hospital classified under section 1886(d)(1)(B)(iv)(II)).

"(B) PAC ASSESSMENT INSTRUMENT.—The term 'PAC assessment instrument' means—

"(i) in the case of home health agencies, the instrument used for purposes of reporting and assessment with respect to the Outcome and Assessment Information Set (OASIS), as described in sections 484.55 and 484.250 of title 42, the Code of Federal Regulations, or any successor regulation, or any other instrument used with respect to home health agencies for such purposes;

"(ii) in the case of skilled nursing facilities, the resident's assessment under section 1819(b)(3);

"(iii) in the case of inpatient rehabilitation facilities, any Medicare beneficiary as-

essment instrument established by the Secretary for purposes of section 1886(j); and

"(iv) in the case of long-term care hospitals, the Medicare beneficiary assessment instrument used with respect to such hospitals for the collection of data elements necessary to calculate quality measures as described in the August 18, 2011, Federal Register (76 Fed. Reg. 51754–51755), including for purposes of section 1886(m)(5)(C), or any other instrument used with respect to such hospitals for assessment purposes.

"(C) APPLICABLE REPORTING PROVISION.—The term 'applicable reporting provision' means—

"(i) for home health agencies, section 1895(b)(3)(B)(v);

"(ii) for skilled nursing facilities, section 1888(e)(6);

"(iii) for inpatient rehabilitation facilities, section 1886(j)(7); and

"(iv) for long-term care hospitals, section 1886(m)(5).

"(D) PAC PAYMENT SYSTEM.—The term 'PAC payment system' means—

"(i) with respect to a home health agency, the prospective payment system under section 1895;

"(ii) with respect to a skilled nursing facility, the prospective payment system under section 1888(e);

"(iii) with respect to an inpatient rehabilitation facility, the prospective payment system under section 1886(j); and

"(iv) with respect to a long-term care hospital, the prospective payment system under section 1886(m).

"(E) SPECIFIED APPLICATION DATE.—The term 'specified application date' means the following:

"(i) QUALITY MEASURES.—In the case of quality measures under subsection (c)(1)—

"(I) with respect to the domain described in subsection (c)(1)(A) (relating to functional status, cognitive function, and changes in function and cognitive function)—

"(aa) for PAC providers described in clauses (ii) and (iii) of paragraph (2)(A), October 1, 2016;

"(bb) for PAC providers described in clause (iv) of such paragraph, October 1, 2018; and

"(cc) for PAC providers described in clause (i) of such paragraph, January 1, 2019;

"(II) with respect to the domain described in subsection (c)(1)(B) (relating to skin integrity and changes in skin integrity)—

"(aa) for PAC providers described in clauses (ii), (iii), and (iv) of paragraph (2)(A), October 1, 2016; and

"(bb) for PAC providers described in clause (i) of such paragraph, January 1, 2017;

"(III) with respect to the domain described in subsection (c)(1)(C) (relating to medication reconciliation)—

"(aa) for PAC providers described in clause (i) of such paragraph, January 1, 2017; and

"(bb) for PAC providers described in clauses (ii), (iii), and (iv) of such paragraph, October 1, 2018;

"(IV) with respect to the domain described in subsection (c)(1)(D) (relating to incidence of major falls)—

"(aa) for PAC providers described in clauses (ii), (iii), and (iv) of paragraph (2)(A), October 1, 2016; and

"(bb) for PAC providers described in clause (i) of such paragraph, January 1, 2019; and

"(V) with respect to the domain described in subsection (c)(1)(E) (relating to accurately communicating the existence of and providing for the transfer of health information and care preferences)—

"(aa) for PAC providers described in clauses (ii), (iii), and (iv) of paragraph (2)(A), October 1, 2018; and

"(bb) for PAC providers described in clause (i) of such paragraph, January 1, 2019.