

EXTENDING TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3146, which is at the desk. The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3146) to extend the Temporary Assistance for Needy Families block grant program and certain tax and trade programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I thank the majority leader for his work on the extension for the Temporary Assistance for Needy Families program. Unfortunately, this program has had to be extended several times while the Senate finance Committee worked to complete a very ambitious agenda.

Happily, though, the Senate finance Committee was able to report a welfare reauthorization bill on September 10, 2003. I plan to file the committee bill shortly. It is critical that the Senate act swiftly to complete action on this legislation. This program has languished, unauthorized, for a year. States need to make plans to adjust to the new provisions. Recipients need some assurances that the program will continue.

It was my preference that Senate action on the welfare bill take place this fall, but I understand that the time frame for adjournment is fluid and this impacts what the Leader is able to bring to the floor. Additionally, I would have preferred a shorter extension, in order to keep the process moving forward. I do not want to send the signal that since we are passing a 6-month extension, this means that there will be no action on this legislation until March next year. If that should occur, we would find ourselves in the position of having to seek yet another extension. This is a situation which can only be avoided, in my view, by prompt action on this legislation.

I understand why the majority leader wants a 6-month extension because I recognize that it is nearly impossible to envision a scenario in which the Senate passes a bill, the House and Senate have a conference, a conference report is drafted and filed and the measure goes back to both houses for a

final vote, prior to a possible adjournment date in late November. But if it becomes at all possible for the Senate to act on the legislation in what remains of this session, leaving conference committee consideration for early next year, we should certainly do that.

It is my intention, if a window of opportunity does open up before we adjourn for the year, to work with the Leadership to bring this legislation up for consideration. In the event that such a window of opportunity does not open up in what remains of this session, I am confident that this bill will be among the first pieces of legislation brought up for consideration as soon as we reconvene next year.

MONTANA'S WELFARE WAIVER

Mr. BAUCUS. Mr. President, as we have worked over the last 2 years to reauthorize the 1996 landmark welfare reform law, I have often talked with pride about the welfare reform program in my own State of Montana. Montana was a welfare reform pioneer, embarking on reform under a waiver before 1996. We have continued to operate a program under that waiver and it has served us well.

The number of Montana families receiving monthly welfare checks is down sharply since the early 1990s. Under the waiver program, Montana achieved a participation rate of 84 percent in fiscal year 2002, despite a struggling economy. Montana is a regular recipient of "high performance" bonus awards, especially for the key criteria of moving welfare recipients quickly into jobs. An independent study by Abt Associates concluded that under Montana's program "a Work First model has been implemented effectively in varied rural settings, including Indian reservations and remote areas" and that it reflects an "efficient and successful" strategy. In other words, we're on the right track.

However, the waiver expires on December 31. We would like it extended. Given our track record, we think it is only common sense to continue a successful model. Others, unfortunately, have opposed such an extension. It is an issue we expect to be debated during consideration of the full 5 year reauthorization bill.

As we extend the Temporary Assistance for Needy Families, or TANF, program for 6 months, I want to confirm with the distinguished chairman of the

Finance Committee, that he is willing to work with me to ensure that the welfare reauthorization bill allows Montana to maintain the successful direction of the program it has operated under its waiver. Given his efforts to work in a bipartisan manner, I am optimistic we will be able to reach an understanding on these policies.

Mr. GRASSLEY. Mr. President, I understand the concerns of the Senator from Montana, and look forward to continuing to work with him to reauthorize the TANF program in the coming months. I appreciate his concern for the need for Montana to pursue welfare policies it believe make sense in that State. I agree that we will discuss these and other issues as we reauthorize the TANF program and am also optimistic we will be able to reach an understanding on these policies.

Mr. President, current law penalizes rural and small urban facilities by paying them 1.6 percent less on every inpatient discharge than their counterparts in urban areas of a million or more people. This is one reason for MedPAC's finding that Medicare inpatient profit margins are substantially worse for rural and small urban facilities than for those located in large urban areas.

The provision raises the inpatient base rate for hospitals in rural and small urban areas to the same rate as that in large urban areas from October 1, 2003 through March 31, 2004. Every State except Rhode Island has rural or small urban hospitals, so 49 States will benefit from this provision.

The fiscal year 2003 omnibus Appropriations bill included a 6-month version of this policy. The policy ends on September 30, 2003. A permanent version of this policy was included in the Senate- and House-passed prescription drug bills this summer. MedPAC has endorsed a permanent version of this policy in its 2003 recommendations.

The cost of the provision is \$300 million, for the 6-month period beginning October 1, 2003 and ending March 31, 2004, according to preliminary scores from CBO.

I ask unanimous consent to print in the RECORD the preliminary CBO estimates.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRELIMINARY CBO ESTIMATE OF THE FEDERAL BUDGET EFFECTS OF H.R. 3146—BASED ON DRAFT LEGISLATIVE LANGUAGE, THOMAS.068, DATED SEPTEMBER 29, 2003 (11:22 AM)—ESTIMATED USING CBO MARCH 2003 BASELINE

[By fiscal year, in millions of dollars]

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004-2008	2004-2013
CHANGES IN DIRECT SPENDING												
Title I: Family assistance Provisions												
Fund Supplemental Grants for 2 quarters:												
Budget Authority	191	0	0	0	0	0	0	0	0	0	191	191
Outlays	96	38	19	19	19	0	0	0	0	0	191	191
Increase Transfer Authority to 10 percent for 2 quarters:												
Budget Authority	0	0	0	0	0	0	0	0	0	0	0	0
Outlays	77	-14	-28	-15	-15	-5	0	0	0	0	5	0
Extend TMA through March 2004:												
Budget Authority	86	135	19	4	0	-1	0	0	0	-1	244	242
Outlays	83	130	20	5	0	0	0	1	0	0	238	239

PRELIMINARY CBO ESTIMATE OF THE FEDERAL BUDGET EFFECTS OF H.R. 3146—BASED ON DRAFT LEGISLATIVE LANGUAGE, THOMAS.068, DATED SEPTEMBER 29, 2003 (11:22 AM)—ESTIMATED USING CBO MARCH 2003 BASELINE—Continued

[By fiscal year, in millions of dollars]

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–2008	2004–2013
Extend Abstinence Education Grants for 2 quarters:												
Budget Authority	25	0	0	0	0	0	0	0	0	0	25	25
Outlays	7	9	3	2	1	0	0	0	0	0	22	22
Extend TANF Research Funding for 2 quarters:												
Budget Authority	8	0	0	0	0	0	0	0	0	0	8	8
Outlays	1	3	4	0	0	0	0	0	0	0	8	8
Extend Child Welfare Research Funding for 2 quarters:												
Budget Authority	3	0	0	0	0	0	0	0	0	0	3	3
Outlays	(1)	1	2	0	0	0	0	0	0	0	3	3
Subtotal Title I:												
Budget Authority	313	135	19	4	0	-1	0	0	0	-1	471	469
Outlays	264	167	20	11	5	-5	0	1	0	0	467	463
Title III: Trade Provisions												
Extend Custom User Fees through March 2004:												
Budget Authority	-698	0	0	0	0	0	0	0	0	0	-698	-698
Outlays	-698	0	0	0	0	0	0	0	0	0	-698	-698
Title IV: Medicare Cost-Sharing Provisions												
Extend Medicare Cost-Sharing through March 2004:												
Budget Authority	42	0	0	0	0	0	0	0	0	0	42	42
Outlays	42	0	0	0	0	0	0	0	0	0	42	42
Extend Inpatient Hospital SPA Equalization through March 2004:												
Budget Authority	292	0	0	0	0	0	0	0	0	0	292	292
Outlays	292	0	0	0	0	0	0	0	0	0	292	292
Subtotal Title IV:												
Budget Authority	334	0	0	0	0	0	0	0	0	0	334	334
Outlays	334	0	0	0	0	0	0	0	0	0	334	334
Total Direct Spending:												
Budget Authority	-51	135	19	4	0	-1	0	0	0	-1	107	105
Outlays	-100	167	20	11	5	-5	0	1	0	0	103	99
CHANGES IN REVENUE												
Title II: Tax Provisions												
Budget Authority	33	8	0	0	0	0	0	0	0	0	41	41
Outlays	-133	159	20	11	5	-5	0	1	0	0	62	58
Net Effect on Deficit/Surplus												

Notes: TANF=Temporary Assistance for Needy Families. TMA=Transitional Medical Assistance. SPA=Standardized Payment Amount.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the amendment that is at the desk be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1793) was agreed to, as follows:

(Purpose: 6-month extension of provision equalizing urban and rural standardized payment amounts under Medicare Inpatient Hospital Prospective Payment System)

At the end of title IV, insert:

SEC. ____ . EXTENSION OF PROVISION EQUALIZING URBAN AND RURAL STANDARDIZED MEDICARE INPATIENT HOSPITAL PAYMENTS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 402(b) of the Miscellaneous Appropriations Act, 2003 (Public Law 108-7; 117 Stat. 548) are each amended by striking “September 30, 2003” and inserting “March 31, 2004”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) shall take effect as if included in the enactment of the Miscellaneous Appropriations Act, 2003.

(2) AUTHORITY TO DELAY IMPLEMENTATION.—

(A) IN GENERAL.—If the Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) determines that it is not administratively feasible to implement the amendments made by subsection (a), notwithstanding such amendments and in order to comply with Congressional intent, the Secretary may delay the implementation of such amendments until such time as the Secretary determines to be appropriate, but in no case later than November 1, 2003.

(B) TEMPORARY ADJUSTMENT FOR REMAINDER OF FISCAL YEAR 2004 TO EFFECT FULL RATE CHANGE.—If the Secretary delays implement-

tation of the amendments made by subsection (a) under subparagraph (A), the Secretary shall make such adjustment to the amount of payments affected by such delay, for the portion of fiscal year 2004 after the date of the delayed implementation, in such manner as the Secretary estimates will ensure that the total payments for inpatient hospital services so affected with respect to such fiscal year is the same as would have been made if this paragraph had not been enacted.

(C) NO EFFECT ON PAYMENTS FOR SUBSEQUENT PAYMENT PERIODS.—The application of subparagraphs (A) and (B) shall not affect payment rates and shall not be taken into account in calculating payment amounts for services furnished for periods after September 30, 2004.

(D) ADMINISTRATION OF PROVISIONS.—

(i) NO RULEMAKING OR NOTICE REQUIRED.—The Secretary may carry out the authority under this paragraph by program memorandum or otherwise and is not required to prescribe regulations or to provide notice in the Federal Register in order to carry out such authority.

(ii) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869 or 1878 of the Social Security Act (42 U.S.C. 1395ff and 1395oo), or otherwise of any delay or determination made by the Secretary under this paragraph or the application of the payment rates determined under this paragraph.

The bill (H.R. 3146), as amended, was read the third time and passed.

CONSUMER PRODUCT SAFETY COMMISSION REAUTHORIZATION ACT OF 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 252, S. 1261.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1261) to reauthorize the Consumer Product Safety Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1261

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 “Consumer Product Safety Commission Reauthorization Act of 2003”.]

[SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

[Section 32(a) of the Consumer Product Safety Act (15 U.S.C. 2081(a)) is amended by striking paragraphs (1) and (2) and inserting the following:

- ["(1) \$60,000,000 for fiscal year 2004;
- ["(2) \$66,800,000 for fiscal year 2005;
- ["(3) \$70,100,000 for fiscal year 2006; and
- ["(4) \$73,600,000 for fiscal year 2007.”.]

[SEC. 3. FTE STAFFING LEVELS.

[Section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)) is amended by adding at the end the following:

- ["(5) The Commission is authorized to hire and maintain a full time equivalent staff of 471 persons in each of fiscal years 2004 through 2007.”.]

[SEC. 4. EXECUTIVE DIRECTOR AND OFFICERS.

[So much of section 4(g) of the Consumer Product Safety Act (15 U.S.C. 2053(g)) as precedes paragraph (2) is amended to read as follows:

- ["(g) EXECUTIVE DIRECTOR; OFFICERS AND EMPLOYEES.—(1)(A) The Chairman, subject to the approval of the Commission, shall appoint as officers of the Commission an Executive Director, a General Counsel, an Associate Executive Director for Engineering Sciences, an Associate Executive Director