



UNITED STATES SENATOR JOHN D. ROCKEFELLER IV

**A Record of Achievement for
Children, Families, and Students**

LEGACY MEMO

To: Senator Rockefeller
From: Matt Sowards and Sarah Shive
Date: September 18, 2014
RE: Your Legacy on Children, Families, and Education

Senator, this memo details your many contributions to federal policy as it relates to children, families, and education. It was drafted with reliance on files and interviews of your current and former staff, records of legislation you introduced and statements you gave, committee reports, statements of other Senators and their staff, books, and other materials detailing the many legislative debates you participated in and led.

Individuals interviewed include: Barbara Pryor (Legislative Assistant 1991-2013), Laurie Rubiner (Senator Chafee's Legislative Assistant 1990-99, current Chief of Staff for Senator Blumenthal), Dennis Sutton (CEO of the Children's Home Society of West Virginia), Penny Womeldorf (Project Director of the WV Healthy Start/HAPI Project), and Wes Holden.

Throughout your career you have been a champion for children and families. This memo will begin by highlighting the work you have done for children and families – from Chairing the National Commission on Children, to fighting for tax credits like the Earned Income Tax Credit and the Child Tax Credit, through your work to help foster children find safe homes. It will then detail your work during each major push for welfare reform before wrapping up with an examination of your legacy in education policy.

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Timeline

1988-1991	You chaired the National Commission on Children, which issued a bold set of recommendations to improve the well-being of children in our country. The centerpiece of these recommendations was the creation of a Child Tax Credit, but also included were a significant expansion of the Earned Income Tax Credit, improvements to our federal approach to child welfare, and making Head Start available to every eligible child.
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<p>1992</p>	<p>You introduced the Family Investment Act and the Family Income Security Act, both of which were based on the Children’s Commission recommendations and had broad implications for the well-being of children and families in our country. You also introduced legislation to toughen child support enforcement laws by making sure delinquent child support obligations would be reported on credit reports like other delinquent debts.</p>
<p>1993</p>	<p>You and Senator Bond successfully worked to create the Family Preservation and Support Services Program, the first major federal investment in child welfare in 15 years. This legislation included a \$1 billion investment in family supports, provided the first specific opportunity for funding of respite care services for foster families, created the Court Improvement Program, and enacted your child support enforcement provision related to credit reports.</p>
<p>1993</p>	<p>You reintroduced your Family Income Security Act legislation.</p>
<p>1993</p>	<p>You, along with other Finance Committee Democrats, successfully fought for a major expansion of the Earned Income Tax Credit.</p>
<p>1994-1995</p>	<p>You and other Senate Democrats worked to create a Child Tax Credit as envisioned by the Commission on Children, laying the groundwork for future success in creating the credit.</p>

<p>1995-1996</p>	<p>You played an important role in the welfare reform debate. Together with Senator Chafee, you helped derail Republican efforts to block-grant federal child welfare programs, and worked to give states as much flexibility as possible to allow families with special hardships to stay on assistance longer. You also advocated for emphasis on child support enforcement, an important initiative that helps keep families out of poverty and assists them in being financially independent.</p>
<p>1997</p>	<p>Your efforts to create a Child Tax Credit finally paid off, with the creation of a \$500 non-refundable credit for each child, available to most families.</p>
<p>1997</p>	<p>You introduced the Adoption Equality Act for the first time, in an effort to de-link children’s eligibility for federal adoption assistance payments from the income of the family they were removed from.</p>
<p>1997</p>	<p>You successfully worked across the aisle to reauthorize the Family Preservation and Support Services Program, which was renamed the Safe and Stable Families Program. This legislation clarified for the first time that the health and safety of children should be the highest priority in child welfare decisions, shortened the length of time that children must wait before a permanent placement is considered for them, and allowed funding to be used for post-adoption services.</p>

<p>1998</p>	<p>You and Senator Snowe successfully led an effort to enact into law significant improvements to federal child support enforcement efforts. This was an important step toward enacting the recommendations of the National Commission on Children, which suggested significantly strengthening child support enforcement laws.</p>
<p>1999</p>	<p>After Senator Chafee passed away, in his honor, you successfully led efforts to enact the Foster Care Independence Act, which created the John H. Chafee Foster Care Independence Program to assist children who age out of foster care with health care, education, and important life skills.</p>
<p>2000</p>	<p>You and Senator DeWine successfully passed the Strengthening Abuse and Neglect Courts Act of 2000, which dedicated \$25 million in funding to help provide tools to improve the way courts handle child welfare cases.</p>
<p>2000</p>	<p>You and Senator DeWine also led the Training and Knowledge Ensure Children a Risk-Free Environment (TAKE CARE) Act of 2000, which would have helped create best practices for attorneys representing child welfare agencies in the court system, and would have provided improved training opportunities for court personnel.</p>

2001	You helped lead the charge to reauthorize the Safe and Stable Families Program through the Promoting Safe and Stable Families Amendments Act of 2001. The law also created a program to help mentor children of prisoners.
2001-2003	You helped secure major expansions of the Earned Income Tax Credit and Child Tax Credit in the 2001 and 2003 Bush Tax Cuts.
2002-2003	You played an important role in the welfare reform debate, and introduced your own welfare reform legislation, although ultimately, none of these efforts resulted in the enactment of a reauthorization package.
2003	You and Senator DeWine introduced legislation to provide loan forgiveness for family law attorneys and child welfare workers. This effort ultimately led to the creation of a program to provide loan forgiveness for all graduates who devote 10 years of their career to public service as part of the Higher Education Act Amendments in 2008.
2003	You were instrumental in passing the Adoption Promotion Act of 2003, which reauthorized federal adoption assistance and rewarded states for moving children into permanent homes from the foster care system, as well as for moving special needs children and older children from foster care into permanent placements.

<p>2004</p>	<p>You introduced the State Child Well-Being Research Act, to enhance child well-being by collecting state-by-state data to provide information to advocates and policy-makers about the well-being of children.</p>
<p>2005</p>	<p>You helped pass the Fair Access Foster Care Act of 2005, an important technical correction that helped make sure that all entities providing therapeutic foster care services, which gives troubled children access to intensive mental health services while allowing them to live in a family setting rather than a group home, could be reimbursed with federal dollars.</p>
<p>2005</p>	<p>You and Senator DeWine introduced the Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005 (WE CARE Kids Act) to help remove barriers to placing children for adoption with loving families across state lines, to strengthen the role of courts in the child welfare system, and to improve collaboration between the courts and the child welfare system. You were able to secure enactment of several of these provisions in TANF reauthorization legislation that year.</p>
<p>2006</p>	<p>You and Senator DeWine successfully passed the Safe and Timely Interstate Placement of Foster Children Act of 2006, which made several improvements to child safety and reduced barriers to placing children with loving families across state lines.</p>
<p>2007</p>	<p>You and several other Senators introduced legislation to restore extra matching funding for state child support enforcement programs.</p>

<p>2008</p>	<p>You succeeded in securing inclusion of your Adoption Equality Act in the Fostering Connections to Success and Increasing Adoptions Act of 2008 so that all families raising special needs foster children can receive the federal support they need.</p>
<p>2008</p>	<p>You introduced the Keeping Families Safe Act to provide federal resources for residential drug treatment programs for parents and their children, to allow them to stay together and give the parents a better likelihood of overcoming addiction.</p>
<p>2008</p>	<p>You and Senator Lindsey Graham worked to extend and expand TANF supplemental grants, which are designed to help states with high poverty rates, but historically low TANF expenditures. Unfortunately, this effort did not succeed.</p>
<p>2009</p>	<p>In the American Recovery and Reinvestment Act, you helped secure a significant expansion of the Earned Income Tax Credit and the Child Tax Credit, as well as a temporary restoration of extra child support enforcement funding for states.</p>
<p>2010</p>	<p>In the Affordable Care Act, you helped secure the first federal funding for home visiting programs, which help parents become more confident and effective and allow concerns to be spotted early and prevented. You also successfully helped advocate for a significant increase in the Adoption Tax Credit, which helps families offset the costs of adoption.</p>

2010	The EITC and Child Tax Credit expansions included in the Recovery Act and Bush Tax Cuts were extended.
2013	The “Fiscal Cliff” deal made part of the Child Tax Credit expansion permanent, and extended the EITC and other Child Tax Credit expansions through 2017.
2013	You were able to secure a number of your priorities in the Finance Committee’s legislation to reauthorize federal adoption incentives, including the first dedicated federal funding stream for post-adoption and post-guardianship services, elimination of the option to set permanent foster care as a goal for younger children who are in the child welfare system, a child support enforcement commission, and a provision making it easier to place siblings together.

1. NATIONAL COMMISSION ON CHILDREN

In 1988 President Reagan appointed you Chairman of the National Commission on Children, which had a major, lasting impact on our nation’s federal policies related to children and families. Setting the context for the Commission, in 1989, there were 2.4 million American children reported as abused or neglected – double the number from the previous decade. Clearly, this painted a deeply troubling picture – and these circumstances cast a shadow over the chances many children would have to grow up and become happy and productive adults.

The Commission was a bipartisan, blue-ribbon panel that was created by legislation signed into law by President Reagan in 1987. Notably, the Commission's mandate was unusually broad: it was to examine policies related to health, education, social support, income security, and taxes, and determine the most effective changes that could be made to benefit children. It was made up of Members of Congress, as well as representatives of prominent organizations representing both parents and children. The goal of the Commission was "to serve as a forum on behalf of the children of the nation" and to recommend policies to Congress and the President to improve the welfare of children.

The Commissioners met 14 times and held 11 public meetings across the country. The Commission was briefed on a number of occasions by members of the public and advocacy community, and held a regional forum.

The Commission published an interim report in April 1990. Unfortunately, this report painted a bleak portrait of the reality being faced by children in America.

In 1991, you secured additional funding for the Commission to continue its work. Ultimately, the Commission produced and unanimously approved (32-0) a Final Report on June 21, 1991, which included numerous recommendations on policies that should be implemented to improve the welfare of children. This comprehensive proposal, which, if fully implemented would have cost \$56 billion in the first year, concluded two and a half years of intensive work evaluating the state of children in our country and debating what action should be taken to secure their future.

Notably, as you emphasized at the time, the goal was not merely to improve the quality of life for poor children and poor families – the goal was to work on behalf of all families across the nation. In a statement after the Commission's final report was released you said "This is not a report about poor families and poor children. This is a report about all children and all families. This is about middle-class working America just as much as it is about any other part."

Despite the wide differences in ideological views of many on the panel – which included liberal members such as yourself and Congressman George Miller, as well as conservative appointees from the Bush Administration like Wade Horn – the Commission achieved what many at the time believed was a remarkable level of consensus.

The centerpiece of the National Commission on Children's recommendations was a refundable \$1,000 per child tax credit that would be available to all families regardless of income level. At the time you said, "My VISTA days in West Virginia, and every day of my life since then have told me that you can intervene in health care, you can intervene in education, you can have loving grandparents, but if you are on something called welfare, the problem of self-esteem, self-perception and stigmatization is so crushing that none of the rest of it will make a difference."

The estimated cost of this proposal was approximately \$40 billion for one year, which made it an especially bold proposal in light of the deficit faced at the time. On July 1, 1991, Representative Joan

Kelly Horn (D-Mo) commented that the proposal's price tag would "scare everybody off" the plan. In response, you said, "People, for different reasons, are reaching the same conclusion. If we can get more money in the hands of families with children and give them options, we'll have healthier, better educated children...In the end, we're going to pay one way or the other...There are no cheap, quick or easy fixes."

More broadly, the report focused on eight areas in which decisive action should be taken to secure the future of children in the United States. Those areas were:

- Ensuring income security (through creating a Child Tax Credit, expanding and improving the Earned Income Tax Credit, improving child support enforcement and providing a government benefit to children who were not receiving the child support payments they needed and deserved, providing transitional supports to help low-income parents to move from welfare to work, providing new community employment opportunities for parents who wanted to work but could not find a job, and reorienting welfare toward short-term income support for families experiencing hardships.)
- Improving health (through guaranteeing adequate and essential health care for both parents and their children, ensuring safe communities, providing universal health coverage for pregnant women and children, expanding effective health care programs for underserved populations, and involving health care professionals more broadly in all aspects of health care improvements.)

- Increasing educational achievement (providing access to high-quality childhood experiences like Head Start in the first five years of a child’s life so they enter school ready to learn, ensuring a quality education for every child, looking at school choice options as a possibility when necessary, creating multidisciplinary initiatives to help children with serious and multiple needs reach their academic potential, and making certain that important sources that influence children’s development emphasize the rewards and benefits of academic achievement.)
- Supporting the transition to adulthood (ensuring all young people have access to supports to promote healthy adolescent development and avoid high-risk behavior, linking the worlds of school and work more closely, and increasing community service opportunities for young people.)
- Strengthening and supporting families (sustaining family planning services, establishing family-oriented policies at workplaces including family and medical leave, providing for affordable quality child care, and developing and expanding community-based family support programs.)
- Protecting vulnerable children and their families (promoting healthy child development and family function, providing preventive and intervention services to families and children in need, and protecting abused and neglected children – federal level changes envisioned included changes to

funding incentives, better coordination between programs, better data collection, and more support for child welfare staff and foster parents.)

- Making policies and programs work (providing for better coordination between programs, implementing uniform eligibility for programs, investing more in prevention as well as demonstration and pilot projects, and creation of new accountability measures.)
- Creating a moral climate for children (preventing children from accessing inappropriate materials including television programming, creation of better community service opportunities for children and adults.)

The proposals highlighted most in the press were the Child Tax Credit; tougher child support enforcement laws, including a pilot program to provide a government benefit to families who were not receiving the child support payments they were entitled to; making Head Start available to every income-eligible child; improving family-friendly policies offered by employers, including flexible work schedule options and family and medical leave; and directing more federal resources toward keeping children out of the child welfare system by helping troubled families overcome problems like drug addiction.

You were especially focused on the income security provisions. When asked by CBS This Morning whether we were going to lose an entire generation of young Americans simply because the

solutions would be expensive and would take a long time to implement, you said,

“Most people already feel that we've lost a generation of American children – random shootings, kids without any moral anchor whatsoever, without any hope of getting a job – which comes through in our survey. I think part of the answer comes in an income security package.”

One proposal that elicited controversy among the panel was a new public insurance plan to provide universal health insurance coverage to all children and pregnant women. Employers would have been required to contribute to this program through a payroll tax. Nine of the Commissioners dissented from this proposal and ultimately inserted their own chapter outlining their opposing views into the report. Despite the lack of consensus on the public insurance plan, you remained convinced that the consensus achieved in the rest of the report was indicative of the widespread desire to provide help to the nation's children, saying of the Commission that "Thoughtful and honest people will always differ on complex issues, but we are unanimous in our concern for America's children and families and we share the same goals."

The Commission also conducted a telephone survey of about 1,700 parents and 900 children, and in-person interviews with 1,400 parents. The results were released in November 1991. Shortly after the survey's dismal results were released, you said: "Despite enormous pressures, strong, stable families remain the heart and soul of our nation, but parents and children in middle

class and poor families alike are paying a high price. They sent a very strong message through our surveys: Too little time, too little money, too many absent parents, and overwhelming fears about children's health and safety are tearing at the seams of family life."

In addition, the Commission distributed a video curriculum to schools of social work nationwide and created implementation guides based on the recommendations of the Commission. The Commission's final event was a major national summit in Washington, D.C., in 1993, which gathered leaders and child advocates from around the country to discuss how to move beyond rhetoric and into action. There, you passed the torch from the Commission to the people and organizations committed to children and families. Several Cabinet officials participated in the summit, along with a wide array of leaders from communities, States, and national groups.

Ultimately, your work as Chairman of the National Commission on Children informed many of the policies you have championed throughout your years in the Senate.

Shortly after the Commission released its report, *The New York Times* Editorial Desk gave tepid support to the Commission's plan. In a story published on June 26, 1991, the Editorial Desk called the Commission's proposal "A bold – flawed – remedy for children." They proposed using a different path forward using a plan developed by Eugene Steuerle and Jason Juffras of The Urban Institute. Their plan would pay for the "\$1,000-per-child tax credit by trimming welfare payments and benefits for non-disabled

children of Social Security retirees -- aid that would duplicate the new credit.”

The Editorial Board argued that your plan was filled with platitudes that did not include a real path forward. They concluded their story by arguing, “The Rockefeller Commission report swims in platitudes (‘We recommend that parents be more vigilant and aggressive guardians of their children's moral development . . .’). Its strategy, of trying to appeal to a large swath of the public, won't work once Congress is forced to face up to the cost. The answer is to preserve the tax credit, but to pay for it along the lines of the Steuerle-Juffras plan.”

Other news outlets were less pessimistic about the report. During the June 28, 1991, broadcast of ABC's World News Tonight you were named “Person of the Week” for your work on the Commission. Reporting for ABC Carole Simpson said, “The 32 commissioners who served under Rockefeller came from all walks of life and represented a wide range of political opinion. When it came time to decide on the report's recommendations, there was tremendous disagreement among them. At one point, most of them agreed that they couldn't agree on anything. Rockefeller coaxed and cajoled each of them until they reached a consensus.”

When asked about how you found consensus you said, “Because our commissioners cared and because I, as Chairman, knew our commissioners cared...I knew that our commissioners wanted to be problem solvers, not problem makers, and I felt that there was

a real opportunity to create a nonpartisan consensus, a 32 to nothing vote and it ended up that way.”

World News Tonight would showcase The Commission’s work again later in the year on November 21, 1991. During the segment reporter Rebecca Chase reported that the Commission’s recommendation could boost these issues to the forefront of the country’s policy agenda, saying, “There may be reason for optimism. The commission's recommendations to help families and their children is providing a catalyst for reform and the survey released today is further evidence of why that reform should be at the heart of the nation's domestic agenda.”

2. INCOME SECURITY

One of the key findings of the National Commission on Children was that action desperately needed to be taken to improve economic security for families with children. Your work on income security focused primarily on two areas: refundable tax credits (the Earned Income Tax Credit and Child Tax Credit) and child support enforcement.

Today, through your work on the National Commission on Children and in the United States Senate, the Earned Income Tax Credit and Child Tax Credit together represent our nation’s most important anti-poverty programs. This is a truly staggering accomplishment. Not only are these tax credits tremendously effective, they are also well-targeted. The Earned Income Tax

Credit continues to reward work while helping the families who are struggling the most to provide for their children. The Child Tax Credit provides parents with a little bit of extra money every year – which can be the difference between being able to buy enough healthy, nutritious food for their children or not; being able to save for their children’s college education or not; or being able to afford rent in a neighborhood that has a better elementary school or not.

Your work on child support enforcement has also paid tremendous dividends to our nation’s children. For every dollar invested, the federal child support enforcement program collects almost \$5 in child support payments that our nation’s children and families need and deserve. Below, this memo describes your accomplishments in these areas.

2.1 Family Investment Act of 1992

In 1992, you introduced the Family Investment Act with Senator Bond, Senator Dodd, and others. This legislation brought together many of the proposals and ideas outlined by the National Commission on Children, and carried forward the spirit of the Commission – to work in a bipartisan manner to better the lives of children. The primary goal was to encourage Members of Congress to support passage of bipartisan legislation to help children and families.

This legislation was comprised of several sections, including the Family and Medical Leave Act (which at that time had passed Congress already and was awaiting the President’s signature); provisions to treat funding for Head Start, WIC, and childhood

immunizations as “emergency spending” so these programs could be fully funded without regard to the deficit; an expansion of the successful Parents as Teachers program to have a national presence; new funding for states for family preservation initiatives, coordination of services, and substance abuse treatment for pregnant women and caretaker parents; and improvements to the safety of children and communities by providing grants to increase safety in communities with a large number of low-income families.

Several identical or similar provisions were already moving forward, either independently (like the Family and Medical Leave Act) or in other packages (such as the family preservation provisions, which were attached to the Urban Aid bill, and the Parents as Teachers expansion included in the Neighborhood Schools Improvement Act). During a Floor speech on September 17, 1992, you said of the Family Investment Act: “Most of this legislation is not new. But it is important. It will work. And in a world of complex solutions and tenuous relationships, there is a refreshing simplicity in much of this legislation.”

When the bill was introduced, you held a press conference with Senator Bond, as well as Rep. Schroeder (D-CO) and Rep. Wolf (R-VA) to promote the bill. You began the press conference with an off-script commentary on the difference between the level of interest in hot-button political issues and the level of interest in the well-being and welfare of our country’s children:

"Thanks for coming. I'm glad that you're here. I'm going to make - this isn't in my text, so pretend I never said this, but it

interests me - I mean, I'm very, very honored, glad and pleased that so many folks are here, including TV, print and radio, but it's interesting that if the President had already vetoed family medical leave, I think this room would have been absolutely packed, absolutely packed because it would have been a political reaction, you see, from various people saying various things. In that that hasn't happened and we're dealing with just pure basic substance in terms of kids, with two weeks to go, there's less of a turnout. I just wanted to sort of register that as a casual observer of the government process as it works in American democracy."

In September, President Bush vetoed the Family and Medical Leave Act for the second time. Worried that he would be attacked in the coming election for supporting another tax increase (the bill included a surtax on millionaires as a pay-for), he also vetoed H.R. 11, the Revenue Act of 1992, which included the family preservation provisions, on November 5, 1992. Ultimately, the Family and Medical Leave Act was enacted into law in 1993 after being signed by President Clinton. The Family Investment Act did not become law.

2.2 Family Income Security Act of 1992

In 1992, you also introduced the Family Income Security Act, which was based on the recommendations of the National Commission on Children and focused on the income security elements of the Commissions plan. At the time, a child in the United States was nearly twice as likely to be poor as a senior citizen - the most extreme age-to-poverty bias anywhere in the

world. This made income security a top priority for the well-being of kids in our country. On February 20, 1992, you defended the bill on the Senate Floor, saying, “The vast majority of families, rich or poor, are guided by the needs of their children. Our economic future demands that we as a Nation begin acting on that very same principle, whatever is best for our children.”

Your package included a refundable \$1,000 per Child Tax Credit available to all income levels, simplification and expansion of the Earned Income Tax Credit, a demonstration project of a child support insurance program to provide a government benefit for children who are not receiving the child support payments they need and deserve, and a demonstration project for community employment to help explore ways to move families from welfare to work.

The Washington Post described your package as “trying to do for children what Social Security does for the elderly.” Namely, it argued, you were supporting universal benefits like the Child Tax Credit that would disproportionately help fight poverty, but would have more political support because they would not be viewed as welfare. Under your proposal, every one of the 64 million children in America would have been eligible for a \$1,000 tax credit, regardless of whether their parents were rich or poor. “This is long term, this is big picture, this is a revolutionary change in our income and welfare policy,” you said at the time.

2.3 Tax Fairness and Economic Growth Act of 1992

Working within the Senate Finance Committee, you pushed for a Child Tax Credit in the first tax package in 1992 – the Tax Fairness and Economic Growth Act. Then-Senator Gore was also a major proponent of the Child Tax Credit idea, and was campaigning for Vice President on the Clinton ticket. The conference report of the tax package included a non-refundable \$300-per-Child Tax Credit starting in 1994. You maintained concerns about the credit, because it was not refundable. This would have caused 8 million otherwise eligible families to receive no benefit or a reduced benefit because their incomes were low enough that they owed less in taxes than the amount of the credit. You also had concerns about changes that would simplify the EITC (which was desperately needed at the time), but reduce its benefits.

Nonetheless, you said at the time that “While the conference report does not fulfill the bold vision of the Children Commission’s recommendations, it does establish, in limited form, support for a refundable tax credit for working families in the interim. This compromise recognizes the need for a permanent Child Tax Credit to symbolize our support for children and families...It offers a starting point, and we must build upon these principles until we achieve our long-term goals of a refundable tax credit for children, and basic income security for our families.”

This legislation was vetoed by President Bush, and did not become law, despite there being general agreement that a Child Tax Credit was a good idea. This was more or less due to the fact

that Senator Gore was campaigning and the Bush Administration did not want to give him a victory. The House was unable to secure enough votes for the package to overcome the veto.

2.4 Child Support Enforcement Legislation (1992)

One of the important recommendations of the National Commission on Children was to improve child support enforcement. At the time, the default rate on used car loans in America was about 3 percent. The default rate on child support obligations was closer to 50 percent. You highlighted this statistic in a June 25, 1992, Floor Statement by saying: “An unpaid car loan is rapidly reported to credit bureaus, but unpaid child support payments might be reported in some States, but will go unnoticed in others. This sends the wrong signal to absent parents about the importance of paying child support.” This was clearly unacceptable, and was depriving children of an important source of support that, in many cases, kept them from falling into poverty.

The legislation you introduced directed states to advise credit bureaus whenever parents were overdue on their child support obligations. The goal was to increase the pressure on parents to pay their child support in a timely fashion. While this was added to H.R. 11, as stated above, that bill was ultimately vetoed by President Bush.

2.5 Family Income Security Act of 1993

Continuing your effort to move forward with the recommendations of the National Commission on Children, in March 1993, you

reintroduced your Family Income Security Act, which once again included a refundable Child Tax Credit, simplification and expansion of the Earned Income Tax Credit, a demonstration project of a child support insurance program to provide a government benefit for children who were not receiving the child support payments they needed and deserved, and a demonstration for community employment to help explore ways to move families from welfare to work.

During a May 26, 1993, speech on the Senate Floor you implored your fellow Senators to support the legislation saying,

"I offer this legislation to remind my colleagues and the American people of the direction that the National Commission on Children has recommended in the interest of all children and families. Our society has sadly neglected too many children and families, and must reorder its priorities and its values in order to build a future of productive citizens. It is my fervent hope that we will have the courage and the fortitude to shift course, and take steps like these crucial recommendations of the Children's Commission to build a fundamentally better future."

Unfortunately, the Senate was unable to pass the bill and it died in committee.

2.6 Omnibus Budget Reconciliation Act of 1993

The Earned Income Tax Credit (EITC), which was first proposed in the early 1970s, was signed into law by President Ford, with bipartisan support, in 1975. It was originally designed to provide low-income workers with a partial offset of their Social Security and Medicare taxes, which are regressive because low-income workers pay the same rate as higher-income workers. President Reagan substantially expanded the EITC, calling it “the best anti-poverty, the best pro-family, the best job creation measure to come out of Congress.” While it began as a small, temporary provision, it has become one of the nation’s most important child welfare and family income security programs.

President Clinton began his term in office in 1993 with a pledge to use the EITC to fight poverty for families in which the breadwinner was working full-time at a minimum wage job. Specifically, he proposed increasing the amount of the EITC, making low-income adults with no children eligible for the EITC for the first time, and significantly reducing the EITC’s complexity, which was becoming quite burdensome for low-income taxpayers. He credited you with this idea at the rally he held at the State Capitol in Charleston in August 1993, saying “I want to say to all of you that this idea of the Earned Income Tax Credit being expanded to lift the working poor and their children out of poverty was first championed by the National Commission on Children chaired by Jay Rockefeller.”

Congress enacted most of the President’s EITC expansion proposals with minimal changes. The overall bill made many amendments to the tax code, including implementing a 35%

corporate tax rate, creating a top rate of 39.6% for wealthier taxpayers, and increasing Social Security and Medicare taxes. While the bill passed, it did not pass by a large margin. Every Republican – and some Democrats – voted against it. Vice President Al Gore had to cast a tiebreaking vote in the Senate on both the bill and the conference report.

In the House, the bill and the conference report each passed by only a few votes. After the Senate passed the conference report on the last day before the August recess, President Clinton signed the bill into law on August 10, 1993. The expanded Earned Income Tax Credit was expected to benefit approximately 105,000 West Virginians.

You were especially proud of this package because it included a number of elements from the National Commission on Children's priorities. It expanded the Earned Income Tax Credit by a total of \$21 billion (in a 5 year budget window) to help parents who worked, but were struggling to raise their children. Not only did this help reduce poverty, it also helped to send the right signals about work and personal responsibility so that parents could be positive role models for their children. You fought for this part of the agreement because it was a key recommendation of the Children's Commission's strategy to enhance income security for families. The package also strengthened child support enforcement by pushing States to be more aggressive with hospital-based paternity establishment programs. Child support enforcement was another key income security provision from the Children's Commission.

2.7 Tax Fairness and Economic Growth Act of 1994

Three years after the National Commission on Children issued its report suggesting that Congress should create a refundable Child Tax Credit, the Child Tax Credit idea was included in the House Republicans' 1994 Contract with America, which was designed to represent proposals they promised to enact if they took back the House.

Democrats uniformly disliked the Contract, although it included several proposals you agreed with, including the Child Tax Credit proposal. The American Dream Restoration Act, and later, the Tax Fairness and Economic Growth Act of 1995, both included a \$500 per Child Tax Credit, which phased out at a high income level. Notably, the Republican proposals were not refundable credits, meaning the lowest-income families could not claim them because they did not make enough to owe taxes. Nonetheless, Republicans were at least on board with the general idea.

In response to the Republicans' proposal, President Clinton released his own Child Tax Credit proposal in his Middle Class Bill of Rights Tax Relief Act of 1995. His proposal was a \$300 per Child Tax Credit, increasing to \$500 per child in 1995. His proposed income phase-outs were much lower than those of the Republicans, beginning at \$60,000. Additionally, the credit only applied to children under age 13.

During an address from the Oval Office President Clinton attempted to gain public support for his proposal by meshing his ideas with the classic republican principles of smaller,

government. The *New York Times* reported on December 16, 1994, that the president “embraced such traditionally Republican notions as smaller, less intrusive government and lower taxes. But he put the debate in his own terms by suggesting his actions were a fulfillment of his 1992 campaign pledge to cut the tax burden of the middle class and invest in education and training to prepare the nation for the 21st century -- ideas also long supported by the moderate Democrats who have recently accused him of forsaking them.”

Later in December the Clinton Administration continued attacking the Republican Contract with America, accusing Republicans of presenting a welfare plan that would harm children. During a press conference covered by the *Los Angeles Times* on December 30, 1994, Health and Human Services Secretary Donna Shalala said that the Republican plan would dump millions of poor children into the hands of states who were unequipped to handle them. During her remarks she said the “human consequences would fall on children, and (the) financial consequences would fall on state taxpayers and private charities...The solution to the welfare crisis is not to send children to orphanages -- it's to send their parents to work.”

These proposed credits were half the size suggested by the Commission, but represented progress. With a \$500 Child Tax Credit, a family with a newborn baby could put that amount into their savings each year and afford the tuition cost at an average public university by the time the child finished high school. An average family with two children could use the \$1,000 credit to pay for their mortgage and groceries for a month. Interestingly,

both of these figures were computed at the time by the Heritage Foundation.

Ultimately, no agreement was reached on any of these proposals in 1995. This lack of progress was frustrating. However, you noted in a Congressional Record statement: “We are surrounded with evidence of the failures and the problems that afflict children. We must never accept the intolerable. We know how to help children and families, but we must summon the personal commitment and the political will to face the challenge and move beyond rhetoric to results.”

2.8 Taxpayer Relief Act of 1997

After no agreement to create a Child Tax Credit could be reached in 1995, Congress and the Clinton Administration made another attempt in 1997. Broadly, Republicans were hoping to enact a number of tax breaks to benefit businesses. Democrats demanded as a price that Congress enact CHIP and a Child Tax Credit.

This time, the House, Senate, and Administration all proposed a non-refundable \$500 per child tax credit. There was disagreement on several aspects of the overall proposal, including how exactly the credit should be subtracted from the taxes owed, to make sure that low and moderate income taxpayers could still benefit from the Child Tax Credit even if they had no tax liability after other credits like the EITC were applied. You played a major role in this debate, and were adamant that the credits should be applied in a way such that every taxpayer – including those who

were low-income – could use the Child Tax Credit. You argued convincingly that a family with an income of \$50,000 per year was no more deserving of the tax credit than a family making \$20,000 per year, who could not afford to take their children to the movies or even have a special meal at home occasionally.

The agreement reached in the conference negotiations that year created a \$500 non-refundable tax credit (\$400 in 1998) for most families with children under 17. The credit was refundable for families with three or more children, based on the amount of their Social Security and Medicare payroll taxes and the amount of the EITC they had received. You succeeded in making certain that the Child Tax Credit would apply before the EITC, making sure that every family with a child could receive this benefit. At the time, you stated,

"The crucial part of the bill before us is the fact that it will provide tax relief to 27 million hardworking American families who are responsible for raising over 45 million children under the age of 17. Today, Congress joins the President to give those families a per-child tax credit much like the one that the bipartisan Children's Commission unanimously recommended when I chaired that commission 7 years ago. We are delivering real tax relief to American families so that they can share in the benefits of our sharply declined, and soon to be completely eliminated, deficit."

Indeed, because you insisted on this change and on refundability for larger families, 25,000 more West Virginia families – mostly

very-low-income families who were struggling the hardest to provide for their kids – were able to benefit from the Child Tax Credit. As you said just before casting your vote for the bill, “Improving the child credit so it reaches more families, the families who need the most help to buy their children shoes, pay the mortgage, or deal with an unexpected medical expense, is a major victory in this tax bill.”

The fully refundable \$1,000 per child tax credit proposed by the National Commission on Children was moving closer to fruition. In its first year, almost 135,000 West Virginia families claimed the Child Tax Credit. In 2011, West Virginians had almost \$277 million returned to them through this vital tax provision.

2.9 Child Support Performance Improvement Act of 1997

A key recommendation of the National Commission on Children was to improve child support enforcement laws, which represent an important means of support for children to keep them from slipping into poverty. At the time, it was estimated that four out of five parents had been delinquent in their child support obligations at one time or another. Every year, \$15-25 billion in child support was going uncollected. This situation was clearly unacceptable. Welfare reform legislation created a Child Support Enforcement Commission to have experts examine our federal child support enforcement laws (which were first enacted in 1975) and find ways to make them more effective. By this time, the Commission had completed its work and it was time to move forward with enacting the consensus recommendations.

Accordingly, you introduced the Child Support Performance Improvement Act of 1997 along with Senator Snowe. This bill took a number of important steps to improve the federal child support enforcement program. It envisioned a new incentive structure to take into account not only a state's effectiveness in collecting child support, but also that state's overall success in establishing paternity and child support orders and collecting current and back child support. It also would have created a sixth incentive for medical child support, which would have required states to seek medical and health coverage for each child as part of the overall child support order.

On another important issue, it would have required states to give back child support to former welfare families who needed the payments to remain financially independent, or lose their incentive for collecting the funds. This prevented states from double-dipping by keeping back child support payments they collected to reimburse them for public assistance the family required while they were not receiving child support payments, and still receiving an incentive for collecting the funds that never made their way to the family. This bill would have made major improvements to the child support enforcement program. In an October 9, 1997, Floor statement you made the point that,

"The Child Support Performance Improvement Act of 1997 is the first vital step in assuring that the States have the most efficient and effective ways possible of collecting child support from parents who have the responsibility to care for their children. Increasing child support collections will not only save Federal and State Governments and taxpayers billions of

dollars each year in public expenditures, it will accomplish the most important goal of all: improving the financial stability and general well-being of thousands of American children.”

You reintroduced a similar piece of legislation with Senator Snowe in 1998, which built on the 1997 legislation. That year, the Child Support Performance and Incentive Act passed the House with Congressman Ron Paul as the lone holdout, passed the Senate unanimously, and was signed into law by the President. As you noted, “There is no doubt that child support penalties and incentives payments simply do not generate the flash and natural interest that other children’s issues do. [...] Despite its plain wrapping, however, effective child support enforcement is one of the most important roles the Federal government plays in facilitating a real continuum of quality benefits and services for children in this country.”

The legislation incorporated most of the Child Support Enforcement Commission’s recommendations (and accordingly, most of your legislation), but unfortunately, did not include your proposal for medical child support. You had said that “As a country, our most fundamental measure of success is how well we treat our children”, and while this legislation did not fully realize the recommendations of the Children’s Commission, it was a significant step towards that goal.

The law did include several provisions that would be helpful with enforcement of existing medical child support orders, and to create a Working Group to evaluate medical child support and recommend ways to remove impediments to enforcing it. These

provisions were primarily at the urging of you and Senator Jeffords. The Working Group was to report back 18 months later on their recommendations, and the Secretaries of Labor and Health and Human Services were to review these recommendations and report to Congress on them. While the Working Group issued its set of recommendations, they were essentially ignored by the Bush Administration until 2005.

2.10 Bush Tax Cuts (2001 and 2003)

While the Bush Tax Cuts had a number of destructive and lasting impacts on both our tax code and our country's fiscal status, they did make positive changes to both the Earned Income Tax Credit and the Child Tax Credit, improving both to bring them closer to what was envisioned by the National Commission on Children.

In the time leading up to the debate about the 2001 Bush Tax Cuts, there was support for tax relief, but considerable disagreement with respect to how it should be accomplished. The President's initial 2001 proposal would have doubled the Child Tax Credit from \$500 per child to \$1,000 per child, created a new 10 percent tax bracket (thereby reducing taxes for low-income families), and eliminated the marriage penalty. That being said, it contained numerous other provisions that disproportionately benefited the wealthiest Americans.

Congressional Democrats were immediately critical of the proposal, concerned about both the cost and the content. In particular, you played the important role of pointing out the distributional impacts on every possible occasion, drawing

attention to the fact that the wealthiest would benefit vastly more than low-income and middle-class Americans.

Republicans only held a bare majority in the Senate, with 50 votes plus the Vice President, and several Republicans were openly concerned about a tax cut that was too large. On the Senate side, Senators Grassley and Baucus negotiated reconciliation legislation that cut tax rates slightly less than had been proposed previously, leaving the top bracket at 36 percent; increased the Child Tax Credit to \$1,000; and repealed the estate tax. Under this legislation, the Child Tax Credit was fully refundable, consistent with what the Children's Commission had recommended 10 years before.

The Senate spent a week debating its legislation, though the debate was limited by the confines of the reconciliation rules, which prevented filibusters and many amendments. The bill passed essentially unchanged, with the support of twelve Democrats. You voted against it. You described the rationale behind your opposition in a January 2001 editorial, saying: "Even with these improvements, there is no way to conclude that this bill as a whole is good for West Virginians. The final tax bill is still much larger than we as a nation can responsibly afford. It spends so much of our future budget that it seriously puts at risk the federal programs that support thousands of West Virginia children, seniors, and veterans – all in order to give huge tax cuts to the very wealthiest Americans."

The bill proceeded to conference, with major issues yet to be resolved. As conference approached, Senator Jeffords

announced his decision to switch parties, which would give Democrats the Senate after the tax legislation was completed. This significantly improved Democrats' negotiating position. The conference agreement resembled the Senate bill closely (since it would have to be approved by the Senate), and also (not coincidentally) matched the Senate Democrats' offer in conference.

The substance of the conference agreement lowered individual tax rates so the lowest bracket would be 10 percent and the highest 35 percent; increased the Child Tax Credit to \$600 and made it partially refundable; increased the Adoption Tax Credit; and created a tax credit for child and dependent care expenses. The marriage penalty would be eliminated, and more EITC benefits would be available to married filers. It also made a number of other changes, which primarily benefited the wealthy. In total, the price tag on the conference agreement was approximately \$1.35 trillion.

The EITC and Child Tax Credit provisions represented most of the few provisions you supported. You stated:

"There are needed provisions to help lower and middle income families with children in this bill that I think we can all be proud of, even as they are set in the context of a tax bill for the wealthiest Americans. I do not support this massive irresponsible tax cut. But I do support the provisions to make the child tax credit partially refundable. I do support the provisions to increase the Earned Income Tax Credit, EITC, and to simplify and reduce errors in the EITC. As the

Chairman of the National Commission on Children years ago, we issued a bold bipartisan report calling for a fully refundable child tax credit of \$1,000. The child credit and EITC provisions of this bill are a major step in that direction, and it will help millions of children and their families. I believe that tax relief should be directed towards the families that need it the most: the parents who are working and playing by the rules, but struggling to raise their children on low wages. I cannot support this overall package because I do not believe it helps the majority of West Virginia families. But some of its provisions, like the partially refundable child tax credit, the EITC, and the education provisions will help families in my state who need and deserve help.”

The agreement passed the House on May 26, 2001 with some Democratic support, and passed the Senate the same day with the same 12 Democrats who had originally supported the bill. When the package was signed into law on June 7th, it was viewed as a major victory for President Bush, although it was not secured without significant concessions from Democrats in Congress.

The 2003 Bush Tax Cuts further improved the Child Tax Credit, increasing the amount of the credit from \$600 to \$1,000. On balance, however, it was a troubling piece of legislation with deeply concerning budgetary consequences, and – like the 2001 tax cuts – a significantly disproportionate benefit to wealthy households. For that reason, you opposed the overall legislation, which passed the Senate only with the aid of a tiebreaking vote from Vice President Cheney.

The *New York Times* hailed Bush's tax plan as a major victory for his upcoming campaign.

2.11 Child Support Distribution Act of 2003

In 2003, you introduced legislation with Senator Snowe and several other Senators to improve child support laws in relation to families who had received welfare. Under the law at the time, about \$2 billion in child support was withheld each year by the government (both state and federal) as repayment for welfare benefits – including in the case of families who had left welfare. Many experts believed this discouraged non-custodial parents from making the payments they owed – since it did not actually benefit their kids – and discouraged the custodial parents from trying to encourage the payments to be made, because they saw no benefit. Since child support is often an important source of income for many families – providing a third of their income or more – the withholding of child support was having a real impact on their ability to be independent and self-sufficient.

2.12 Child Support Protection Act of 2007

Under federal law, the federal government provides a match for state expenditures on child support enforcement. In the past, when states reinvested this matching funding in their child support enforcement program, they would receive additional matching funding. The Deficit Reduction Act of 2005 eliminated this extra match starting in Fiscal Year 2008, reducing federal funding for child support enforcement that states would be eligible to receive. Child support enforcement had proven to be an exceptionally

effective program. During a March 7, 2007, speech on the Senate Floor you noted that “In 2005, the program collected \$23 billion to serve 16 million children and families, with a Federal investment of only approximately \$4 billion. For every dollar invested in this Program, there is a return of \$4.58. This program is a real bargain.” Recognizing the value of federal investments in this important program, you introduced the Child Support Protection Act of 2007 with several other Senators to restore the extra matching funding.

The funding was not restored until the passage of the American Recovery and Reinvestment Act of 2009. That legislation repealed the Deficit Reduction Act cut for Fiscal Years 2009 and 2010, providing a significant infusion of cash into state child support enforcement programs. You have continued to introduce legislation to make this restoration permanent (in 2009, 2011, and 2013), but these efforts have not yet succeeded.

2.13 American Recovery and Reinvestment Act (2009)

As President-elect Obama waited to take the oath of office in January 2009, the nation had been swept into a deep recession. Beginning in 2007 the “Great Recession” amounted to the deepest and longest economic downturn since the Great Depression. Shortly after President Obama took office the national unemployment rate had ballooned to 9.5%. Similarly West Virginia had a 7.6% rate of unemployment. Subscribing to the macroeconomic theory that during recessions, governments should act to offset the inevitable decrease in private sector

spending with increased public sector spending, work began on assembling a stimulus package.

You were very engaged in the debate about the Recovery Act. During the markup you argued that Congress had a moral responsibility to pass legislation that would aid the economic recovery. During the markup you said, “The bill incorporates provisions that are supported by both Democrats and Republicans...and it focuses on priorities that will help get our economy back on track.” You went on to say that, “with so much on the line for the economy and with so many Americans who are hurting during this recession I reject the notion that our government should just sit back and let the economy fix itself.”

You also used this markup to drive home the fact that working families needed the most help, and that they were the ones truly feeling the pain of the recession. You said,

“Working families, as you pointed out, are hurting desperately. It gets harder and harder to say those things in Washington, you have to be back in your home state to see it, feel it, to be with the people. Our nation’s economic challenges have had a devastating impact on the millions of Americans who’ve been unable to find jobs to help pay their bills, put food on their tables, or provide health care for their children.”

Seeing an opportunity to embed some important tax provisions that would benefit low-income people and would likely be

extended after the brief period of stimulus spending was over, you worked with Senators Kerry, Lincoln, and Bingaman to include improvements to the Earned Income Tax Credit for large families, as well as enhancements to the Child Tax Credit, as part of the package. Through raising the issue repeatedly in member meetings and other contexts, this effort was successful.

The House passed its legislation, H.R. 1, on January 28 by a vote of 244-188. The Senate Finance and Appropriations Committees had just marked up legislation that would become the Senate version of the Recovery Act bill the previous day. For eight days, starting on February 2nd, the Senate considered and amended its version of the package. Cloture was invoked on February 9th by a vote of 61-36. The bill passed, as amended, on the 10th, by a 61-37 vote.

The House and Senate agreed to go to conference on the legislation. The House passed the conference report on February 13th, and the Senate passed it the same day by a vote of 60-38 after holding the vote open for several hours to allow Senator Brown to arrive and cast his vote in favor of the legislation. The President signed the Recovery Act into law on February 17, 2009.

The final package expanded the Earned Income Tax Credit to provide an increased credit for families with 3 or more children and married taxpayers, and increased eligibility for the refundable portion of the Child Tax Credit for 2009 and 2010. Through these changes, West Virginians were able to claim an additional \$50.5 million in Earned Income Tax Credit dollars and \$25 million in Child Tax Credit dollars in 2009 as compared to the year before.

In 2009 alone, the Earned Income Tax Credit lifted 6.5 million people, including 3.3 million children, out of poverty – a number that would increase further with the inclusion of the Child Tax Credit improvements.

2.14 Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010

For scoring reasons, the Bush Tax Cuts (2001 and 2003) sunsetted at the end of 2010. Whether or not they should be extended was a regular topic of debate. While the benefit from the tax cuts was undoubtedly tilted severely toward the wealthiest Americans, many in the middle class also benefited, making it politically difficult to allow for a total expiration.

As discussed above, the Bush Tax Cuts provided some improvements to the EITC and Child Tax Credit, which benefit low-income taxpayers significantly. Making all of the tax cuts permanent would have cost \$3.3 trillion over 10 years, a far greater expense than the initial package. But, Democrats wanted to make sure that low-income and middle-class Americans were able to continue to receive the benefit of the Bush Tax Cuts, especially in the midst of a recession that was causing considerable pain for many hard-working families in our country. You strongly supported the extension of the EITC and Child Tax Credit, saying on December 2, 2010,

"Congress also must act to ensure that hard-working middle-class Americans get the tax relief they need now to recover from the most severe recession this country has faced since

the Great Depression. In recent years, we've made improvements to both the Child Tax Credit and the Earned Income Credit, and we need to extend these improved tax cuts so more workers can make ends meet during these tough economic times."

After much consternation and disagreement, a deal was reached to extend all of the Bush Tax Cuts (including those for the wealthiest Americans) for two years, and to continue extended unemployment insurance benefits for one year. While many were disappointed with the outcome of this deal, particularly because it extended tax cuts for the wealthy, and extended them for two years while only extending unemployment benefits for one, it did mean that the EITC and Child Tax Credit expansions contained in the Bush Tax Cuts would continue. It also extended the Recovery Act expansions to the EITC and Child Tax Credit for two additional years, an important victory.

2.15 American Taxpayer Relief Act (“Fiscal Cliff” - 2013)

The debate about the Bush Tax Cuts next came to a head in 2012, when the provisions were once again set to expire at the end of the year. In the context of large budget deficits, Congress was faced with a variety of policies that were set to increase revenues at the end of 2012, including the expiration of the Bush Tax Cuts and the Recovery Act provisions affecting the EITC and Child Tax Credit. Provisions to reduce spending were also slated to go into effect, including the expiration of extended unemployment insurance and the sequestration. This combination of policies was referred to by some as the “fiscal cliff.” Had these

policies taken effect, CBO projected that the economy would likely have returned to recession in 2013.

Democrats wanted to extend only the middle-class portions of the Bush Tax Cuts, while Republicans sought to extend all of the cuts, including those for the wealthiest.

After the election, both sides seemed optimistic about being able to reach an agreement to increase the debt limit and address the so-called “fiscal cliff.” However, things quickly took a turn for the worse. You and other Senators immediately became concerned that in his interest in reaching a “grand bargain,” the President would concede far too many Democratic priorities. As a result, you and Senator Harkin drafted a letter urging the President to strike a fiscal cliff deal only if there was a 1-to-1 ratio of tax increases to spending cuts, and only if it left Social Security, Medicare, and Medicaid untouched.

After considerable difficulty, with only hours to go before the deadline, a deal was announced. Under the agreement, tax rates would increase to Clinton-era levels of 39.6 percent from 35 percent for individuals with incomes over \$400,000 and couples with incomes over \$450,000, while tax deductions and credits would start phasing out for taxpayers with incomes as low as \$250,000.

Importantly, the Earned Income Tax Credit and Child Tax Credit provisions that were due to expire, which were originally enacted in the Bush Tax Cuts and the Recovery Act, were extended until 2017. The Adoption Tax Credit was also made permanent, which

was also an important win. That being said, significant Alternative Minimum Tax and Estate Tax relief were provided in this package, primarily benefiting wealthier taxpayers – and these provisions were made permanent.

The deal also extended unemployment insurance for a year, and delayed the sequestration (slated to take effect on January 1st) until March. The payroll tax holiday, which had been in place for two years, lapsed.

Ultimately, many, including yourself, were dissatisfied with the deal. Indeed, you initially planned to vote against the package, and you and other liberal Senators had a number of meetings about the possibility of derailing a deal by opposing it. While the deal provided permanent Estate Tax relief compared to Clinton-era policies and permanently provided relief from the Alternative Minimum Tax, the Earned Income Tax Credit and Child Tax Credit provisions were only extended for five years. At the end of the day, it seemed doubtful that there was a better deal to be had. Despite being displeased with the overall bill, you noted that “If Congress had failed to pass this bill, tax credits that help low and middle income West Virginia families pay their bills and afford college would have disappeared.”

You decided to support the deal, which passed the Senate 89-8 in the wee hours of the morning on January 1st, with only 3 Democrats and 5 Republicans opposing it. The House also passed the bill, which was signed into law soon thereafter.

2.16 Child Support Enforcement Effectiveness Act of 2013

As the Finance Committee worked toward consideration of legislation on a number of child welfare issues, including child support enforcement, you introduced legislation setting out your priorities on this important issue for children in our country. In 2012, child support enforcement lifted almost 1 million families out of poverty, and represented about 16 percent of the income of an average single parent family, as well as roughly half of all family income for single parent families living below the poverty line. In a November 21, 2013, statement you said that,

"Child support enforcement is one of our most important investments in child welfare. Experts have repeatedly found that it is one of the most effective programs in reducing poverty rates among working families. For single parents below the poverty line, child support often represents as much as half of their family's income, and makes the difference between whether children's basic needs are met or not."

Unfortunately, federal policy on child support enforcement has not had a comprehensive update since 1998, and changes need to be made to promote child support enforcement so parents cannot escape their obligations by virtue of living in another country, and so we can have the most effective child support enforcement program possible.

In 1997, a child support commission was created to bring together experts and advocates, including representatives of the child welfare system and the courts, to recommend federal policies on child support enforcement. Another commission would be an ideal way to secure recommendations that have buy-in from experts and the advocates and could likely be passed by Congress with relative ease. In 2012, you worked with the Finance Committee to include such a commission in legislation they were in the process of drafting. In 2013, you introduced your own legislation to create this commission, and to restore full funding for child support enforcement by reinstating the federal match of incentive funds that states reinvest in their child support enforcement programs.

3. CHILD WELFARE

Another key subject area that the National Commission on Children found demanded action was federal child welfare policy. Over your Senate career, you have developed a tremendous legacy of work on child welfare issues impacting vulnerable kids in our foster care system.

Working with social workers, judges, advocates, and other stakeholders in the child welfare system, you set out to make decisive improvements in the lives of children who faced abuse, neglect, or other terrible mistreatment, often at a very young age. Over the course of your work on these important issues, the rate of adoptions from foster care more than doubled, helping thousands of West Virginia children find loving, permanent homes rather than languishing in the foster care system and lacking a

sense of permanency. Even children who, sadly, did not find a permanent family still benefited from your work through increased resources to help them lead independent lives once reaching age 18, including supports to help them pursue education and maintain health care options. This section describes in detail your considerable contributions to federal child welfare policy.

3.1 Family Preservation and Support Services Program Act of 1993

As of mid-1992, there were 442,000 children in foster care – an increase of more than 50 percent from only five years earlier. Almost 3 million children were reported as victims of child abuse, the highest total ever recorded. The need was great. As you stated at the time:

"Child protection reform is crucial. Child abuse and neglect constitute a national emergency of dangerous and costly proportions. Growing poverty, declining family income and unemployment together with social isolation, homelessness, substance abuse, and its attendant violence, are ravaging communities, shattering families, and victimizing our children. In 1991, there were 2.7 million reports of child abuse or neglect. These grim statistics mean every 12 seconds there is a report of child abuse or neglect. And every day, nearly four children die from abuse or neglect -most before reaching their first birthday."

The Clinton Administration provided renewed opportunities to make strides on child welfare issues. In 1993, you were fully invested in President Clinton's agenda and were the Senator leading the charge on those priorities at the Finance Committee.

In March 1993, President Clinton announced several child welfare initiatives to strengthen state programs. Just weeks later, you and Senator Bond introduced bipartisan legislation known as the Family Preservation and Child Protection Reform Act. This legislation was very similar to the provisions passed as part of H.R. 11, which Senator Bentsen and Representative Downey had also championed, but which had been vetoed by President Bush. The cost of this legislation was significant – about \$2.2 billion. A slightly more modest (\$1.5 billion) companion bill was introduced in the House of Representatives. You knew firsthand the difficulties faced:

"As chairman of the National Commission on Children, I learned firsthand of the plight of these children and their families. In West Virginia, we visited families in their rural homes and heard of the frustrations that have overwhelmed far too many families struggling to make ends meet. In Los Angeles, we spent a day in juvenile court, watching judges trying to cope with difficult cases and decisions with only a few minutes time. We visited with dedicated and compassionate social workers, court personnel, and judges who have been overcome by the skyrocketing numbers of seriously troubled children and their families. We visited hospital neonatal units, and I have personally held 2- and 3-pound babies who are often the helpless victims of their

mother's addiction to drugs. We learned of foster parents striving to care for abandoned and neglected children as their own."

On March 16, 1993, you gave an introductory statement for the legislation, saying,

"Enactment of child welfare reform would signal that we are serious about our commitment to vulnerable children and troubled families. It is time to move beyond rhetoric toward action. This legislation would be a major step toward enacting key recommendations of the Children's Commission for vulnerable children and families. I am deeply committed to following through and pushing to enact the Children Commission bold agenda into law."

Ultimately, you succeeded in helping to lead the major legislative effort that led to enactment of sweeping changes to federal child welfare programs. After three years of failed attempts to make a significant federal investment in child welfare, Congress passed and President Clinton signed into law the Family Preservation and Support Services Program (FPSSP) as part of the Omnibus Budget Reconciliation Act. This law provided states almost \$1 billion over five years to establish preventive family support and family preservation services.

Notably, it also explicitly allowed funding to be used for respite services to provide temporary relief for foster parents and other

caregivers for the first time under federal law, and created the Court Improvement Program, which you have been a long-time champion of. Finally, it included your child support enforcement provision to make certain that failures to meet child support obligations were included in parents' credit reports. With this infusion of federal funding, many advocates felt that child welfare priorities had come as close as ever to the level of federal funding that was envisioned almost 15 years earlier in 1980, when the Adoption Assistance and Child Welfare Act was passed.

Your health care legacy memo goes into greater detail about your work to establish the CHIP program, but Laurie Rubiner (Senator Chafee's health care staffer, current Chief of Staff for Senator Blumenthal) relayed a story that she insisted must go into this memo. During the CHIP debate you and Senator Chafee thought that children should also be eligible for dental and vision insurance coverage, so the two of you drafted an amendment. To no one's surprise Republicans opposed it.

After you had the text of the amendment drafted, Majority Whip Tent Lott's aide Keith Hennessy continually designated the amendment as a "second degree amendment" to keep it from coming up for a vote. You sent Mary Ella to the Parliamentarians desk to work out a way for the amendment to get a vote. Hours passed as they worked on getting a consent agreement together, all the while you and Senator Chafee remained on the Floor. Finally, at 2:00am in the morning Senator Lott relented and entered a Unanimous Consent agreement that would allow your amendment to get a vote when the Senate reconvened at 8:00am.

Bright and early the next morning you and Senator Chafee headed to the floor with Laurie and Mary Ella. Senator Chafee sent Laurie to get a copy of the consent agreement. Senator Lott, standing near his desk, pointed his finger at her and said “I hold you personally responsible for keeping the Senate in session until 2:00am!” to which she responded, “That’s fine, but my boss and Senator Rockefeller still want to see the UC agreement.” The amendment came up for a vote, passed, and children now have dental and vision insurance as part of CHIP.

3.2 Adoption and Safe Families Act of 1997

With the welfare reform debate more or less complete in 1997, there was still a need to address federal child welfare programs. In fact, you committed during the welfare reform process to take action to address child welfare programs at the federal level, which you believed should be firmly outside the context of welfare reform so that vulnerable children who had already faced abuse and neglect would not be at further risk due to limits on federal funding. Carrying out this commitment, you and Senator Chafee introduced the Safe Adoptions and Family Environments (SAFE) Act in March 1997.

The situation of many children in foster care at the time was dire. At a hearing on the SAFE Act, Senator DeWine told the tragic story of one girl in foster care:

“Although she has been in foster care for over three years, no progress has been made by her parents in the case plans. The juvenile court has on two occasions denied the motion of

Children's Services to terminate the parental rights. The court's order stated the belief that the mother is immature and ordered Sarah to be placed in long-term foster care, presumably with the belief that the mother will mature with the passage of time. Now, Mr. Chairman, the parents have disappeared and obviously they are not complying with the terms of their case plan. In the meantime, Sarah, who is now three-and-a-half, is soon to be kicked out of her eighth foster home. As a result of all these moves, Sarah becomes hysterical whenever she sees a full black garbage bag because she believes it means she is going to be moved one more time. Her suitcase has always been a black garbage bag."

Like many of your other legislative efforts, the SAFE Act was based largely on your work as the Chairman of the National Commission on Children. The broad goal of this legislation was to better secure children's safety and health by moving forward expeditiously toward a permanent placement for the child – either reunification with their family when appropriate, with the help of support services; or adoption, which should be done in a timely manner to get children into loving permanent homes as soon as possible.

The House passed the initial bill in April 1997. As part of a bipartisan effort to move forward, you and Senator Chafee continued to work with your colleagues to reach an agreement on a package. That September, you introduced a new negotiated Senate bill along with Senators Chafee, Craig, and 14 other cosponsors. During a November 13, 1997, Floor speech you

made the important point that “As we struggle with these difficult issues, which often pit social against fiscal responsibility, I keep returning to the same fundamental lesson I have learned from the families with whom I have spoken over the years: If we cannot build social policy that effectively protects our children, we have failed to do our job as a government and a society.” This bill, the Adoption and Safe Families Act of 1997, passed the House in November 1997, and passed the Senate on the last day of the session – November 13th.

The final legislation had many important components. It clarified that the safety and health of the child should be the primary considerations, which represented a significant change in federal law. It also reauthorized the Family Preservation and Support Services Program, renaming it the Safe and Stable Families Program, and reauthorized the Court Improvement Program without substantial changes.

It shortened the time-frame that states have to make decisions about permanency for a child in the foster care system, and provided incentives for states that increase the number of adoptions from foster care. At the request of you, Senator Chafee, and Senator DeWine, the new law also added post-adoption services as a permissible use of funds under Safe and Stable Families. Post-adoption services are critical to making sure that adoptions are successful by giving families extra help and support like counseling, so this was a crucial change.

You noted at the time that “If American child welfare policy does not succeed in providing a real sense of belonging and identity to

children living in the foster care system, we will be denying these young people the fundamental supports they need to become satisfied and caring adults. It would be a tragedy to write these children off as a lost generation, just another group of children from broken homes and a broken system who just didn't get enough support to make a difference.”

As the bill's signing date grew closer, a problem arose in your office. The date President Clinton chose to hold the signing ceremony conflicted with one of your pre-existing engagements. You were scheduled to give the keynote address back in West Virginia at a child welfare advocates convention – which was scheduled to happen exactly when the bill signing ceremony would begin. Your staff panicked.

Barbara reached out to the convention's scheduler to explain the situation. The two of them worked out a scenario where they would change your speaking engagement to the early afternoon – so you would give a lunch talk instead of a dinner talk – in the hope of getting you back to Washington for the bill signing.

That morning you boarded a flight from Reagan National Airport in Washington headed for Charleston. You arrived at the lunch on time, delivered your speech, and then chartered back to Reagan National from Charleston. When you arrived back in D.C. a police escort was waiting for you, which took you all the way to the White House in time for the bill signing ceremony. You joined President Clinton in the East Room of the White House as the Adoption and Safe Families Act of 1997 became law.

3.3 Adoption Equality Act of 1998

In 1997, you introduced the Adoption Equality Act for the first time. Federal law provides for adoption assistance payments to families who adopt special needs children (children with a physical or mental disability, older children, or children in large sibling groups who need to be placed together). In the past, eligibility for adoption assistance payments was based on the income of the child's parent or parents. This was not a sensible policy, because in this case, the child's parent or parents were abusive or neglectful and were having their parental rights terminated. Accordingly, the child's eligibility for this modest but critical source of help should not have been based on the child's abusive parent(s)'s income. You made this point to your fellow Senators in July of 1998, saying "A special needs child's eligibility for federal adoption subsidies is dependent on the income of the parents that abused or neglected him. This is simply wrong." Your Adoption Equality Act would have de-linked adoption assistance eligibility from family income, making all families who adopted special needs children equally eligible for help.

Unfortunately, your efforts in this area were impeded by the fact that adoption rates rose over time thanks to policies you pushed for in the Adoption and Safe Families Act of 1997. This resulted in your Adoption Equality Act becoming increasingly expensive as time went on, because more children would be eligible for assistance. Because it was ultimately a good policy, you did not give up on pushing for enactment and continued to reintroduce legislation, which ultimately succeeded in 2008.

3.4 Foster Care Independence Act of 1999

In 1999, about 20,000 children were aging out of foster care every year, many of them sadly unprepared for adulthood. At the time, support to help children in foster care prepare to live independently ended abruptly at age 18. Many of these young people were moved to a new family every year or two during their fragile teenage years. Lacking a sense of permanence, these vulnerable youths were often not prepared to pursue higher education or lead successful lives as adults. These young people, who had clearly already faced more than their share of challenges in life, were prone to facing many more challenges at a much higher rate than their peers, including dropping out of school, being unemployed, having an out-of-wedlock pregnancy, being impoverished or even homeless, becoming a victim of crime, or experiencing physical or mental health problems. You gave your colleagues a more personal glimpse into the deplorable situations faced by many of these children during a July 1, 1999 Floor speech by telling them the story of Wendy, a foster child who had aged out of the system:

“Wendy had been in foster care since the age of 6. She had been moved again and again, and at the age of 14 was placed in a Wilderness Program for teens with challenging behaviors. At 16 she was moved to a locked residential facility. Her 18th birthday, in December, was a cold day in more ways than one. Early in the morning, a knock came on her door and she was told to get dressed and gather her things, as she was moving. This was not unusual for her, so she did as she was told. She went, with her meager possessions, to the front desk and

asked, 'Where am I going?' The staff person jingled the large key ring, opened the front door, looked out into the snowy day and said, 'Anywhere you want--you are 18 and you are on your own.' One year later, Wendy was addicted to drugs, homeless and pregnant. She had no access to health care until she became pregnant--Her baby was now her ticket to care."

Unfortunately, studies showed that the current program had not had the desired effect on the welfare of youth aging out of foster care, and that states were not providing services to more than one-third of young people who were eligible.

Recognizing this area of tremendous need, you and Senator Chafee authored the Foster Care Independence Act of 1999 to help smooth the transition to adulthood and provide a state option to give youths access to health care and mental health services through Medicaid until age 21. It also doubled the funding available to states to help prepare adolescents in foster care for independent living, and allowed states to help them with life skills and day-to-day living needs through age 21, as well as allow their adoptive families to continue to access resources until the children turn 21.

This legislation built on the existing Independent Living Program, which was created in 1986 to help youths transition from foster care to adulthood, and was reauthorized in 1993 to help provide more funding and options to provide important services to youth about to age out of foster care, as well as youths who had recently done so but had not yet reached age 21.

You and Senator Chafee introduced this legislation in July 1999. Senator Chafee decided that the best way to inform your colleagues about this important issue was for them to directly meet children aging out of foster care. With that in mind he organized a meeting to be held in his Capitol hideaway between Senators and several children. Sadly, Senator Chafee became ill and was unable to attend, but he asked you to lead the meeting in his absence. You told Barbara that you were hesitant, it was Senator Chafee's meeting in his hideaway with children from his state, but she told you that it was an important meeting to have and would mean a great deal to Senator Chafee. You held the meeting and eight of your Senate colleagues attended.

Together you heard stories of the incredible hardships of teenagers who were trying to finish high school while coping with medical problems and the loss of their foster homes. One of them was living in laundromats, brushing her teeth at a McDonald's, and trying to keep her life together under very difficult circumstances. Your colleagues listened to these stories for over an hour, and at one point Senator Levin asked the group "Would you rather have housing or health care?" to which one the kids replied, "Would you make your child choose?"

Later that year, in October, Laurie Rubiner (Senator Chafee's Health LA) called Senator Chafee to tell him that there was no conceivable way for the bill to pass before the Congress ended. He accepted this and told her that someone else could pick up the fight in the next Congress after he retired. The following day First Lady Hillary Clinton called Senator Chafee and told him that she and the President were personally committed to getting this bill

passed. After the call he immediately called Laurie and told her to reach out to Barbara so they could get the ball rolling again. That call happened on Friday night. On Sunday, Senator Chafee died suddenly.

The next day you called Laurie to pass along your condolences. In Rhode Island the two of you traveled together to Senator Chafee's funeral. During my conversation with Laurie she said that your act of kindness is something that she will never forget, and just highlights the kind of person you are.

When Senate business resumed, Stacey Hughes – Senator Nickles' Health LA – approached Laurie and said that her boss wanted to do everything he could to pass the Foster Care Independence Act in Senator Chafee's honor. This was a major development. Up to that point Senator Nickles, and the rest of the Republican Caucus, had opposed the bill. Now with that roadblock cleared, the bill could move forward as the legislative session began to wind down.

Both the House and Senate passed the Foster Care Independence Act of 1999 that November, and it was signed into law by President Clinton shortly thereafter, permanently reauthorizing the Independent Living Program and renaming it the John H. Chafee Foster Care Independence Program. The final legislation made many improvements to the Independent Living Program and the ability of youths aging out of foster care to access health care, educational opportunities, job training, housing assistance, and mental health services. It also increased incentives for adopting children out of foster care to better

incentivize states to place children with loving, permanent families. As you said later, this was one important piece of Senator Chafee's remarkable legacy of working on behalf of vulnerable children and families.

3.5 Strengthening Abuse and Neglect Courts Act of 2000

During the Bush Administration, it often seemed as though the best Democrats in Congress could hope for was preventing harmful policies from being fully enacted and implemented. However, there were several opportunities to make fundamental improvements to our child welfare system.

One area where improvements were badly needed was the court system. As you laid out in a 1997 hearing on child welfare issues:

“When I was in California, I was with the National Commission on Children. [The court system was in c]haos like I have never seen in my life before, in a ... setting where children were brought up in the same elevator with criminal prisoners. They went one direction, the children went the other direction. But the symbolism was not hard to discern.”

In 2000, you and Senator DeWine introduced the Strengthening Abuse and Neglect Courts Act. While the Adoption and Safe Families Act of 1997 had set new rules about how quickly states had to move forward with child welfare cases (in order to help secure permanency for children as quickly as possible), adequate

funding was not provided in that legislation to allow the court system to responsibly handle these cases.

The Strengthening Abuse and Neglect Courts Act authorized \$25 million in federal grants that states could apply for to create computerized tracking systems for abuse and neglect cases (which would eventually provide the data to evaluate court performance) and reduce their backlogs of child abuse and neglect cases. Five million of the \$25 million was also set aside for the Court Appointed Special Advocates program, which provides children in the child welfare system with a volunteer advocate to provide stability and to ensure that their interests are being protected.

As you said on March 24, 1999, “When we talk about how to help abused and neglected children in this country, our abuse and neglect courts are too often left out of the discussion. With the numbers of abused and neglected children rising dramatically--in West Virginia alone child abuse reports have doubled--from 13,000 in 1986 to over 26,000 in 1996--we need to include every system in our efforts to make a difference.” The bill passed the Senate by unanimous consent in September 2000, passed the House by a voice vote shortly thereafter, and was signed into law by President Clinton in October 2000.

3.6 Training and Knowledge Ensure Children a Risk-Free Environment (TAKE CARE) Act of 2000

At the same time that you and Senator DeWine introduced the Strengthening Abuse and Neglect Courts Act, you also introduced

the Training and Knowledge Ensure Children a Risk-Free Environment (TAKE CARE) Act. This bill would have required that abuse and neglect agencies design and encourage the implementation of “best practice” standards for the attorneys representing the agencies in abuse and neglect cases, and would have improved training and professional development opportunities for court personnel by extending the federal reimbursement for training currently provided to agency representatives to judges, law enforcement representatives, guardians-ad-litem, and other attorneys who practice in abuse and neglect proceedings. You described the necessity of this legislation concisely in a March 22, 2000, statement; saying “Abused and neglected children depend upon the courts to decide their safety and to find a permanent home. This is what children need, and too many are waiting.”

This reimbursement would have helped to fund for the first time specialized cross-training between agency and court personnel, as well as training focused on vital subjects such as new research on child development. This bill was not enacted. However, a slightly different version of one aspect of the bill – allowing states to use federal funding for training of court related personnel and agency attorneys – was included in the Fostering Connections to Success and Increasing Adoptions Act of 2008

3.7 Promoting Safe and Stable Families Amendments Act of 2001

By 2001 the situation for children in our nation had dramatically improved since the enactment of the Adoption and Safe Families

Act of 1997. In 1996, 28,000 children were adopted from the foster care system. In 2000, nearly 50,000 were adopted from foster care.

In October 2001, you and Senator DeWine introduced bipartisan legislation to build on this success and to reauthorize the Safe and Stable Families Program. Your legislation contained many elements of President Bush's proposal to improve Safe and Stable Families. Even with the progress that had been made, there were still many children in need of real assistance, as you described in an October 4, 2001, Floor speech,

“He [the President] knows this group of vulnerable children deserves our attention, even in this most challenging of times in American history. These children face their own form of terror in their own homes, at the hands of their own parents. It is a horrible circumstance that we know something about how to address--and address it we must.”

Like the President's initiative, your legislation as introduced increased funding for Safe and Stable Families by \$200 million, and provided \$5,000 education vouchers to give youth who aged out of foster care more options to continue their education.

A short time later, in November, the House Ways and Means Committee reported its version of the Promoting Safe and Stable Families Act, which passed the full House by a voice vote and the Senate by unanimous consent. President Bush signed this legislation into law in January 2002.

The final version of the law extended the Safe and Stable Families Program, created a new matching grant program to assist with mentoring children of prisoners, reauthorized the Court Improvement Program, and created a voucher program as part of the John H. Chafee Foster Care Independence Program to provide youth who age out of foster care with the funds to pursue job training or higher education. You especially championed the provisions to reauthorize and improve the Court Improvement Program, to eliminate the right of states to allow prospective foster parents to opt out of criminal background checks, and to make sure children with special needs who were voluntarily given up to private nonprofits were eligible for federal adoption assistance programs. As you said when the legislation was introduced,

“Almost daily and far too often we read tragic stories about abuse and neglect in our newspapers. Such reports are disturbing and disheartening. But the untold story is the progress that is being made thanks to new policy and new investments which is why I believe so strongly that we must continue those investments and progress by enacting the President's initiative.”

The final package was not as robust as the bill you had introduced with Senator DeWine – which was based on President Bush’s own proposal – but it was a crucial move to provide for the long-term security of the program.

3.8 Child Protection/Drug and Alcohol Partnership Act of 2001

Knowing of the ongoing challenges related to addressing the issue of drug and alcohol abuse in the child welfare system, you and Senator Snowe introduced the Child Protection/Drug and Alcohol Partnership Act in 2001. This legislation was designed to provide grants to help provide drug and alcohol prevention and treatment focused on families with alcohol or drug abuse problems. You made the case that addiction treatment and the needs of children were intertwined, saying during a March 7, 2001, Floor statement, “The issues of addiction and children receiving protection services cannot be addressed in isolation. It is essential to consider the total picture: The needs of the child, the needs of the parents, and cost-effective services that meet adoption laws' goal to provide every child with a safe, healthy, and permanent home.”

You and Senator Snowe reintroduced this bill in 2003. Although the bill was not enacted into law, in 2006, as part of the Child and Family Services Improvement Act of 2006, Congress established grants to improve the well-being of children affected by methamphetamine or other substance abuse by their parent or caretaker, and to improve their permanency outcomes. The grant program is ongoing.

3.9 Student Loan Forgiveness for Child Welfare Workers and Attorneys (2003)

In light of the difficult work faced by child welfare workers and family law attorneys, as well as the low pay, a crisis was emerging in attracting qualified professionals to this important field. In early 2003, you and Senator DeWine introduced legislation to provide student loan forgiveness for child welfare workers and family law attorneys. These bills would have provided progressive amounts of loan forgiveness based on the number of years of service in the field, up to 50 percent forgiveness after five years.

You and Senator DeWine hoped to include this legislation in the Higher Education Act reauthorization. When your staff and Senator DeWine's staff were negotiating with Senator Kennedy's staff to have these provisions included, Senator Kennedy's staff expressed concern, saying that if they provided student loan forgiveness for social workers and family law attorneys, they would have to provide it for every public servant. Ultimately, you *did* secure loan forgiveness for every public servant with the passage of the Higher Education Access Act of 2007. You released a statement on July 24, 2007, highlighting the importance of this legislation, you said "Too often, college graduates who devote their careers to social work and public service are at a disadvantage and left to pay back high student loans with low salaries... This bill is not only a worthwhile investment in our students, but an investment in the future of our country."

3.10 Adoption Promotion Act of 2003

After the passage of the Adoption and Safe Families Act of 1997, adoptions from foster care more than doubled nationwide, helping over 900 West Virginia children find permanent homes. Despite these successes, older children still faced significant difficulties in being permanently placed with loving families, and 126,000 children total (about half of which were children over age 9) were waiting to be adopted. At the time, over 70 percent of West Virginia children in foster care were over age nine, creating an urgent need in West Virginia for measures to improve adoption rates for older kids.

Throughout 2003, a bipartisan group led by Chairman Grassley met to forge consensus on extending the adoption incentives program and doing more to focus attention on the needs of older children. President Bush had highlighted the need to do more to promote adoptions for children nine years old or older, and Congress agreed. You worked as one of the lead advocates for legislation to reauthorize the Adoption and Safe Families Act of 1997 – the Adoption Promotion Act of 2003. This bill rewarded states for moving children into permanent homes from the foster care system and further rewarded states for moving special needs children and older children from foster care into permanent placements.

The list of cosponsors, including Senators Landrieu, Bunning, Craig, Baucus, DeWine, Levin, Inhofe, Nelson, Lincoln, Clinton, and Jeffords, demonstrated the broad coalition supporting the bill.

The Adoption Promotion Act of 2003 was passed in the House by a voice vote in October 2003, and passed the Senate by unanimous consent in November. The President signed it into law shortly thereafter. You noted: “This legislation is a positive way we can strengthen our child welfare system, but we also know that more must be done to help vulnerable children. The bipartisan spirit that helped ensure this legislation’s passage is the same spirit needed to deal with the rest of the child welfare system as we continue to push the basic goal of a child's health and safety being paramount, and every child finding a permanent home.”

3.11 State Child Well-Being Research Act of 2004

In March 2004, you introduced the State Child Well-Being Research Act of 2004. The bill was designed to allow collection of state-by-state data to provide information to advocates and policy-makers about the well-being of children. Detailing the need for comprehensive research on the status of children you said during a March 12, 2004, Floor speech,

“One of the most important ways that Congress can demonstrate its commitment to welfare reform and attempt to help States reach the goals outlined in 1996 is to incorporate a strong research component in the welfare reform reauthorization bill. Since each State has used its flexibility to creative innovative welfare reform programs, and many are quite different, we need State-by-State data on basic aspects of child well-being.”

You hoped that this would allow us to better measure indicators of child well-being, especially in light of the 1996 welfare reform legislation, which made major changes. The existing survey (known as the Survey of Income and Program Participation - SIPP) did not provide states with reliable, timely data, and did not provide data for all states.

You reintroduced this legislation in February 2005. Your goal was to have this legislation enacted as part of the 2005 welfare reauthorization effort, although that particular effort did not succeed. You reintroduced this legislation several times (in 2007 and 2009), but it was not enacted into law.

3.12 Fair Access Foster Care Act of 2005

You, Senator Inhofe, Senator Landrieu, and Senator Craig introduced the Fair Access Foster Care Act in 2005. The 1996 welfare reform law had expanded federal law so that foster care maintenance payments could be made to both for-profit and non-profit foster care agencies. However, this was not extended to therapeutic foster care, which provides intensive mental health and other services for some of the most troubled children while keeping them in a family setting. This important technical correction passed the Senate by unanimous consent, passed the House by a vote of 408-1, and was signed into law that November.

3.13 Working to Enhance Courts for At-Risk and Endangered Kids Act of 2005 (WE CARE Kids Act)

Based on recommendations made by the Pew Commission on Children in Foster Care, which were issued in 2004, you and Senator DeWine introduced the WE CARE Kids Act to help strengthen the focus on the role of courts in securing positive outcomes for children in foster care, and to remove some of the obstacles to placing children for adoption across state lines. Clearly, as you stated at the time, “These children deserve our attention and our compassion. Through no fault of their own, such children are placed in foster care for their safety. They need to be safe, but they also need prompt and good decisions made for their long-term future and stability.”

The bill, which was introduced in September 2005, created new grants to promote better collaboration between child welfare agencies and the courts, as well as better training of judges and court personnel on child welfare issues and better data about court performance.

It also contained provisions to help remove barriers to placing children in need of permanent homes with loving families across state lines and to make sure that bureaucracy was not making these placements difficult or impossible. At the time, there were about 500,000 children in the foster care system nationally, about 118,000 of whom were ready to be adopted, including 80 in West Virginia who were waiting for loving families.

3.14 Child and Family Services Improvement Act of 2006

In 2006, the Promoting Safe and Stable Families Program, which you helped create, was up for reauthorization. The Finance Committee held several hearings on child welfare issues, including the impact the methamphetamine epidemic was having on the child welfare system. You also hosted a roundtable in Beckley on adoption, foster care, and child welfare. At the roundtable, you met with a judge, local officials and parents involved in West Virginia's child welfare system. You also heard an inspiring story of a young man who was adopted from foster care and became a spokesperson for other children. Following this roundtable, you felt that we as a country needed to provide additional support and services to families in the system, which could be done through the reauthorization legislation.

In particular, the epidemic of methamphetamine use, especially among women of child-bearing age, was having a major impact on the already over-burdened child welfare system. On September 26, 2006, you released a statement which said "We owe vulnerable children every possible protection. If children are in a situation where they are being victimized by meth abuse or substance abuse, action should be taken to help the children and their families. This effort must be one of our top priorities."

Noting that the Promoting Safe and Stable Families Program was generally working well, the Finance Committee did not pursue major changes, choosing instead to focus on how federal resources could be targeted to long-term family-based drug treatment and other services.

You worked with Senators Snowe, Smith, and Conrad to develop many of the changes related to combating methamphetamine addiction and improving the capabilities of the child welfare system to combat this problem. The Finance bill, which you played a major role in crafting, extended the Mentoring Children of Prisoners Program, added a new pilot program to help increase these services in rural areas, and extended the Court Improvement Program. The bill was reported unanimously by the Finance Committee in June, and passed the Senate shortly thereafter in July. Meanwhile, the House Ways and Means Committee marked up its own legislation, which it passed that July.

The Senate amended and passed the House legislation in September, and the House quickly passed the same package. The bill became the Child and Family Services Improvement Act of 2006. You were able to also get your child welfare workforce improvement provisions included in the final package. The package required states to make sure that at least 90 percent of children in foster care received a monthly visit from a caseworker, and provided grant funding to support these visits, with an emphasis on caseworker recruitment, retention, training, and access to technology. The legislation was signed into law on September 28, 2006.

3.15 The Safe and Timely Interstate Placement of Foster Children Act of 2006

Unfortunately, despite many improvements in the child welfare system to facilitate adoptions from foster care, there were still

many barriers to placing children with loving families across state lines. This was the case even when the child and the family were directly across the state border, perhaps only a few miles apart. At the time, these placements took an average of one year longer than a placement within the same state. As a result, children were needlessly remaining in the foster care system despite having families ready to adopt them.

You and Senator DeWine authored the Safe and Timely Interstate Placement of Children Act of 2006 to authorize incentive payments for states that completed home studies in a timely manner, make several changes to improve safety for children in foster care, and give foster parents notice about any court proceedings related to a child in their care.

The House passed a version of this legislation in May, and the bill passed the Senate in June. The President quickly signed it into law on July 3, 2006.

3.16 Fostering Connections to Success and Increasing Adoptions Act of 2008

In 2008, Congress began work on reauthorizing the federal adoption incentives program, which was expiring. The Adoption and Safe Families Act, enacted in 1997, had doubled the number of adoptions over the preceding decade, meaning that 443,000 American children and 3,600 West Virginia children had found permanent families thanks to that law.

The House passed reauthorization legislation in June 2008. The Finance Committee began work on an expanded and improved reauthorization of the federal adoption incentives program. The Committee also sought to improve federal incentives for placing children in guardianships with family members, and to enhance services for children who age out of foster care. Shortly after the bill was introduced you said, "These important incentives have unquestionably changed the system to encourage more West Virginia families to open their hearts and homes to children through adoption. These children now have a chance to grow up in a safe, loving and stable environment. That's an enormously good thing."

The Finance Committee reported out its legislation in September 2008, and a few weeks later, the House and Senate both passed compromise legislation, which represented an agreement between the two bodies. President Bush signed the legislation into law on October 7, 2008. As you stated at the time, "The Fostering Connections to Success and Increasing Adoptions Act of 2008 is a historic initiative to further promote adoption and permanency for children."

In an important victory, the new law included your Adoption Equality Act, which made sure that the income of the family a child is removed from does not impact a child's eligibility for federal adoption assistance payments. This made sure that all families who adopt special needs children (older children, children in a large sibling group that want to stay together, or children with physical or mental disabilities) receive the support they need to raise the child.

3.17 Keeping Families Safe Act of 2008

In 2008, you introduced the Keeping Families Safe Act with the goal of improving opportunities for successful substance abuse treatment for parents whose children are in the child welfare system by allowing their children to be with them if they are in comprehensive residential family-based substance abuse treatment. Research has shown that this particular type of treatment significantly increases the chance that parents will be able to stay clean after leaving drug treatment, allowing the family a chance to be reunited. In a press release you said,

“The statistics are clear - parents are more likely to heal and families have a better chance of remaining intact when they stay together throughout the treatment process. Keeping families together in a safe environment is immensely important, and it is essential that we maintain successful residential family treatment programs across the nation.”

Nonetheless, at the time, only five percent of substance abuse treatment facilities were equipped to accommodate both parents and their children.

Your bill built on the Deficit Reduction Act of 2005, which contained a \$40 million grant program for substance abuse treatment. You reintroduced your legislation in 2009, but it was not enacted into law. The Fostering Connections Act did include some competitive grant funding for residential family treatment programs (as part of Family Connection Grants).

3.18 Affordable Care Act – Home Visiting and Adoption Tax Credit

You enjoyed many victories for your priorities in the Affordable Care Act. However, two within the child welfare realm that are worth noting are the first dedicated federal funding for home visiting and an increase in the Adoption Tax Credit.

First, you were able to help successfully secure the first federal funding for home visiting. The Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Program improves child welfare by providing expectant and new parents with voluntary home visits from trained professionals who can help them become more effective and confident parents, assist with concerns or potential problems like post-partum depression, and identify and prevent abuse and neglect. You felt these home visits were essential to children's well-being, saying on July 26, 2010, "We can all agree that making sure that our children get the best start in life is one of the most important jobs that anyone could have. Home visiting programs help so many children get the right start by making it more convenient for the family to receive the education and resources they need to meet all of their child's needs and more." Overall, the ACA provided a total of \$1.5 billion in home visiting funding over five years.

Second, the ACA increased the Adoption Tax Credit for 2010 and 2011, making the maximum adoption credit up to \$13,170 per child. The Adoption Tax Credit was originally created in 1997, and applies to all types of adoptions, including adoptions from foster care. You have advocated for this credit since its creation. The

previous credit had been a maximum of \$12,150 in 2009. The ACA also made the credit refundable for 2010 and 2011, which was a major improvement for low and moderate income families who adopted children during those years.

3.19 Removing Barriers to Adoption and Supporting Families Act of 2013

The federal adoption incentives program created by the Adoption and Safe Families Act of 1997 expired in September 2013, at the end of the fiscal year. You saw this as an opportunity to express a bold vision for changes in the foster care system and ways to promote adoptions and make them successful. You and Senator Casey introduced the Removing Barriers to Adoption and Supporting Families Act of 2013 in September.

This legislation envisioned several changes. It would have created incentives to promote interstate adoptions, making it easier for children to be adopted by loving families in other states (which might be only miles away, such as a family in Williamstown, West Virginia adopting a child in Marietta, Ohio). It also would have eliminated permanent foster care as a plan for a permanent living arrangement for children under 17. It would have created the first dedicated federal funding stream for post-adoption and post-guardianship services to make sure families have the supports they need – like counseling and other services – so adoptions can be successful. Finally, it contained other provisions that would make it easier to place siblings together and make other constructive changes. You said in a statement that “We must do all we can to make sure every child has a family.”,

and this act would have helped make that statement true for many more children.

3.20 Supporting At-Risk Children Act (2013)

Though reaching bipartisan agreement on almost any topic has been a difficult proposition in recent years, Chairman Baucus and Ranking Member Hatch were eventually able to reach an agreement on child welfare legislation so the Finance Committee could move forward with considering a bill to reauthorize the federal adoption incentives program, to update the child support enforcement program, and to combat child sex trafficking, particularly of children already in the child welfare system.

Several of your priorities were included in this legislation. First, the package created a dedicated funding stream for post-adoption and post-guardianship services – the first federal funding to be used specifically for that purpose. It also eliminated permanent foster care as a long-term option for children under age 16 – close to what you proposed in your legislation. It created a child support enforcement task force modeled after the commission you proposed. And, it adopted one of your provisions to make it easier to place siblings together. During the December 16, 2013, Finance Committee Hearing on the bill you said,

“Mr. Chairman, when we don't give these children the tools and options they need to succeed, we actively promote this national tragedy. We have an important duty—a moral duty—to protect every child and put them on the right path.”

The bill was reported out of the Committee on a voice vote, and is awaiting consideration by the Senate. Committee staff are working to reach an agreement between the Senate and the House before attempting to pass the agreed-upon package by unanimous consent, hopefully in both chambers.

3.21 Success Stories:

While legislative victories have come and gone, the contribution you have made to families in West Virginia will be felt forever. Dennis Sutton, CEO of the Children's Home Society of West Virginia, said of your legacy "Senator Rockefeller has been an inspiration to the whole community of child welfare workers because we know that we have a Senator that cares about us, that cares about kids, and will do things at the public policy level. He has a personal connection with all of us." You have worked with Dennis for the better part of 30 years, and in 2007 you nominated him for an Angels in Adoption award.

His favorite story came from your work to rebuild the Paul Miller Home in Northfork, West Virginia. On April 13, 1986, a fire destroyed the Paul Miller Home which housed a children's shelter. The Children's Home Society set up a temporary shelter and began lobbying the state to rebuild the facility. When the state stonewalled their request, Dennis Sutton reached out to your office.

You personally came to the site in Northfork and brought the WV Secretary of the Department of Health and Human Resources, as well as the press, with you. Dennis said you stood in the mud and

told reporters and local officials that this facility must be rebuilt and that you intended to make sure that happened. Your involvement got the state's attention and, suddenly, they were open to rebuilding the shelter. You also donated your speaker's honorarium to the Children's Home Society to help rebuild the shelter. Today the Paul Miller home is fully operational. It takes in 100 children each year, and since it reopened over 2000 children have come through the facility. In addition to providing care for children, the Paul Miller home is a major employer for McDowell County.

Several years after the Paul Miller home was rebuilt, Dennis scheduled a meeting for you with local child welfare workers in Beckley. The schedule was changed several times in the lead up to the event, and at the last minute the meeting was moved to the backroom of a local donut shop. You spent so much time talking to these local workers and listening to their stories that the donut shop staff had to escort you all off of the premises because they needed the room for another event. Dennis said that is one of the many examples of how your passion and dedication inspire advocates in West Virginia.

Penny Womeldorff, Project Director for the West Virginia Healthy Start/HAPI Project, shared similar stories. Each year WV Healthy Start comes to DC to lobby the congressional delegation. Penny noted that one reason she loves coming to your office is that you always take time to talk with them personally. She shared the story of a young woman who attended one such meeting, named Amy, who came to DC to share her personal story with you. She was so inspired after meeting with you that she became a full-time

staff member for WV Healthy Start. Of her many visits to your office, Penny said, “The majority of the time we were in his office we actually saw him! He spoke to us directly; he never pushed us off on his staff.”

One story that sticks out in her mind came recently. WV Healthy Start has a navigator grant, and you hosted a meeting in Shepherdstown with the members of her organization who would be working to get people enrolled in the Affordable Care Act. She said this was a meaningful meeting for them because they were able to tell you directly what problems needed addressed in Washington. But the main reason this particular story stood out to her was because when you met with them you did so without the press. You didn’t come to use WV Healthy Start as a backdrop for a press release, but to really understand the challenges these workers were facing and find solutions.

Your staff has shared your passion for helping individuals who want to grow their family. Recently Mr. and Mrs. Nicholas Preservati contacted Wes in the Charleston office asking if you could help them secure a visa for their four-year-old adopted son, Jocelin. The Preservati’s had tried to secure this visa for several years, even reaching out to the Clinton Foundation; all to no avail. Your staff contacted the Haiti Embassy directly as well as USCIS in an effort to help Mr. and Mrs. Preservati. Your efforts were successful and the visa was approved.

4. WELFARE REFORM

The roots of the welfare system we know it today can be traced back to President Roosevelt's New Deal programs. The Social Security Act of 1935 created the Aid for Dependent Children (AFDC) program which provided federal grants to states to fund programs that would provide cash assistance to children with absent parents. AFDC would grow in size and would eventually cover families headed by divorced, separated, or never-married mothers.

Over three decades later, AFDC would be addressed as part of President Johnson's "War on Poverty." In 1967 Congress enacted the "30 and 1/3" earning disregard which excluded the first \$30 of monthly wages plus one third of additional wages in calculating AFDC benefits. This change also required parents with no children under the age of 6 to enroll in the Work Incentive (WIN) program.

In the 1970s President Nixon proposed changing AFDC with a federalized income floor called the Federal Assistance Plan (FAP). In addition to federalizing AFDC, FAP would have implemented a work requirement for parents with no children under 6. While the House passed FAP twice, the Senate never adopted the proposal. Congress did take steps to improve the lives of low-income people by creating the Earned Income Tax Credit (EITC), expanding the food stamp program, and by creating the Supplemental Security Income program.

After winning the 1980 Presidential election, Ronald Reagan urged Congress to make changes to AFDC. He successfully lobbied Congress to eliminate AFDC's earnings disregard which ended AFDC coverage for some families with earnings. Reagan was also successful in giving states a "welfare-to-work" program which allowed benefit recipients to "work off" their AFDC grants in community service jobs. President Reagan also reduced food stamp eligibility.

In the 1990s, both parties agreed on the need to reform welfare, to make sure that more families could move from welfare to work, and could have both the supports they needed to do so, and the pride that so many Americans associate with being able to work and provide for their families. By helping more parents transition to work, it also helped those parents become better role models for their kids.

Unfortunately, Republicans often did not agree with your priorities in welfare reform, which included making sure that families had the resources to place their children in high-quality child care, and making sure that states had the flexibility necessary to continue to provide assistance to families with genuine hardships. Below, this memo describes your involvement in several welfare reform efforts in which you consistently fought for protections for families and resources to help them see the benefits of their hard work.

4.1 Welfare Reform (1995-1996)

Welfare reform was included in the House Republicans' Contract with America in 1994. President Clinton during the same period

pledged to “end welfare as we know it.” At the time, 38,200 West Virginians received welfare – 44.5% of our state’s population of poor families with children.

In general, you were deeply unhappy with Finance Committee Chairman Moynihan’s decision to prioritize welfare reform over health care reform, which you thought was much more essential to the well-being of our nation’s families. Indeed, in early 1994, Chairman Moynihan said there was no health care crisis, and threatened to hold a health care reform bill “hostage” if the President did not move forward with his true priority – welfare reform. Unfortunately, the Administration gave in to his demands, and the debate turned to welfare reform.

Debate over welfare reform dominated 1995 and 1996. Notably, at the time, two out of three recipients of welfare benefits were children. Proposals moved forward to block-grant welfare, which at the time was known as Aid to Families with Dependent Children (AFDC), and to create more work requirements for families receiving welfare while placing strict lifetime limits on how long a family could receive benefits. Republicans controlled both houses of Congress, although, like today, House Republicans were significantly more conservative than their Senate counterparts.

Republicans were divided in their goals for welfare reform, with some focused simply on reducing costs or eliminating welfare and others focused on moving families from welfare to work even if there was a significant cost attached.

One major concern about the first welfare reform bill passed out of the House was that it would have block-granted federal adoption assistance, foster care, and child welfare programs, limiting the funding available to meet these key national priorities. You opposed these changes, knowing that they would adversely affect children in need, saying "Welfare reform should not be about punishing children who had nothing to do with being born poor -- just as I had nothing to do with being born otherwise." Seeing this, you worked with the Senate Democratic leadership to write the Work First Act, which required parents to work and accept responsibility while still maintaining fundamental safeguards for children.

The Finance Committee bill was somewhat improved over the House legislation, in that it did not block-grant our federal child welfare investments. In the Finance mark-up of the legislation in May 1995, you worked to help create more flexibility in the lifetime limits on assistance to prevent families from being cut off after five years of eligibility if they had a genuine hardship. Ultimately, you were pleased that the Chairman's Mark maintained current law on child welfare, but you still did not support the bill because you did not feel it did enough to actually help families move from welfare to work, and did not provide adequate funding for the federal AFDC program.

Floor consideration of the welfare reform bill began in September 1995. You urged all Senators to take consideration of this legislation incredibly seriously, saying:

“This is not a subject where we should pretend that legislating is like ordering fast food. Welfare reform is about very serious issues - the budgets for the States we represent and how many billions of dollars will be spent or cut from those budgets; the rules qualifying families for assistance or denying them assistance; the safety net for children, and whether it will survive; and other difficult questions about taxpayers’ dollars, people’s lives, and yes, values. The Senate should take the time to produce legislation that justifies the word ‘reform’ next to the word ‘welfare.’”

You worked to forge a bipartisan consensus on welfare reform, personally focusing on securing greater flexibility for states to help families with hardships that made it difficult to transition off of welfare, and to address regions of high unemployment. You also led a bipartisan effort with Senator Chafee to protect the federal child welfare programs and mobilized bipartisan support to protect the federal commitment to vulnerable children. Your efforts to protect federal child welfare investments in this legislation were successful. Ultimately, you helped to shape the bipartisan Dole-Daschle compromise, and you voted for the welfare reform bill, which passed 87-12. President Clinton supported the Senate legislation.

Meanwhile, in November 1995, Republicans sent President Clinton the first of several welfare reform packages as part of a reconciliation bill. This legislation passed the Senate on a party-line vote of 52-47, with you opposing it strongly. President Clinton vetoed this bill.

Congress worked to conference the House and Senate welfare reform bills – the more conservative House version, and the Senate compromise, which you had voted for. Regrettably, House Republicans dominated the conference report, and you voted against it, although it ultimately passed in December 1995 by a party-line vote of 52-47.

You registered your strong opposition in a floor statement: “I am extremely disappointed that an extremist faction of Congress managed to turn a historic chance for enacting welfare reform into another way to pursue an agenda that will hurt children, weaken families, and cripple State budgets. To pursue this mean-spirited program so close to Christmas makes it all the sadder and more shameful.” President Clinton vetoed this legislation, as he had already said he would, in January 1996.

The debate over welfare reform continued. The Senate considered another welfare reform bill in July 1996. President Clinton and Speaker Gingrich worked to iron out a compromise. The final bill was more conservative than President Clinton would have liked. However, he was concerned that vetoing a third welfare reform bill in an election year would be an unwise political decision. You supported the compromise package when it passed the Senate in August 1996 by a bipartisan 78-21 vote.

President Clinton signed the bill, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), into law later that month. In signing the bill, he stated, “After I sign my name to this bill, welfare will no longer be a political issue. The two parties cannot attack each other over it. Politicians cannot attack poor

people over it. There are no encrusted habits, systems, and failures that can be laid at the foot of someone else.” AFDC (renamed Temporary Assistance to Needy Families or TANF) was block-granted, which permanently ended cash assistance to families in need as an entitlement. However, the child welfare programs were maintained and not block-granted, which was a success.

One important element that did emerge from PRWORA was renewed emphasis on child support enforcement, which is a key program that keeps families off of welfare and keeps children out of poverty by making sure that parents do not become exempt from supporting their children simply because they no longer live with them. The new law strengthened enforcement mechanisms while making sure that families who left welfare could keep more of the past-due child support collected on their behalf. It also created a Commission to develop a new revenue-neutral incentive system to reward states for their performance in collecting child support. The Secretary of the Department of Health and Human Services was required to report to Congress on the Commission’s recommendations by March 1997.

4.2 Welfare Reform (2002-2003)

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) implemented welfare reform starting with its enactment in 1996, through 2002. By September 2002, the law needed to be reauthorized. The number of families on welfare had dropped by half since 1996, and millions of families had moved from welfare to work. Describing the changes over time, you said:

“Six years ago, we said the goal of welfare reform should be to promote work and to protect children. We stood here together, on uncharted ground, and endorsed significant policy changes that we believed would help families gain independence and economic self-sufficiency, while protecting the children. States began to revise welfare service delivery with guidance based on the new reforms. Each state designed and implemented programs that were unique and specific to their populations. [...] In West Virginia, welfare reform has brought bold changes. Parents on welfare get extra support as they face new responsibilities and obligations to make the transition from welfare to jobs. Last summer, I hosted a roundtable discussion to meet with individual West Virginians who were undergoing major life transitions. They told me that they were proud to be working, but that it was often still a struggle to make ends meet and do the best for their children.”

In February 2002, President Bush had announced his own proposal, which induced outrage among even Republican governors and state officials. His proposal would have significantly increased work requirements for people receiving welfare while slashing access to education and job training resources and providing no new funding for work supports or child care.

You introduced comprehensive welfare reform legislation known as the Personal Responsibility and Work Opportunity Reconciliation Act Amendments of 2002 in March, with a goal of – above all – making sure that parents could still provide for the

overall well-being of their children even as they moved from welfare to work. Of all of the members of the Senate Finance Committee who had prepared legislation to continue welfare reform, yours was the most comprehensive.

Your welfare reform legislation continued to promote state programs that provided flexibility, but was careful to ensure that states would only receive credit for reducing their welfare caseloads if the families moved from welfare to work, preventing states from improving their caseloads by simply cutting families off from benefits. Your bill also stood in opposition to ongoing Republican efforts to increase the required number of hours per week of work that were required. For instance, the Administration's plan would have doubled the required work hours for mothers with children under age six. As you pointed out, this was unfair – even if a mother who had never worked in her life only secured a part-time job, this was a major accomplishment.

To help families meet the new responsibilities required of them under the 1996 welfare reform legislation, your bill provided \$5.5 billion in funding for child care, and increased the TANF block grants by \$2.5 billion while fully funding the Social Services Block Grant at \$2.8 billion, which had been promised to states in 1996 but not delivered on. It also expanded and increased the supplemental grants to help states with high growth and high poverty deal with the challenges of welfare reform. You were quoted in the May 2, 2002, issue of Washington Dateline as saying, "The key to continued success on welfare reform is providing flexibility to states to run innovative programs, and providing full funding for child care...In order for parents to fulfill

their work requirements and provide a better life for their families, it is absolutely essential that we support affordable, quality child care."

Your goal was to provide states with funding to address barriers to work that people who receive welfare or are low-income often face: lack of affordable child care, lack of reliable transportation, and a need for job placement assistance. Not doing so, you argued, would significantly set back our progress and be a cruel act toward families who were trying to work and avoid dependence on a welfare check, but still faced significant challenges. Your legislation also included many other provisions, including grants to support public-private partnerships to allow parents to get jobs; the Parents as Scholars Program, which you and Senator Snowe both championed and was based on a Maine program that allowed 5 percent of their welfare caseload to combine education and work; provisions allowing states more flexibility to have parents participate in vocational training or English as a Second Language courses to make them more marketable to potential employers; a Family Formation Fund to encourage healthy families, reduce teenage pregnancy, and increase child support and the role of parents in their children's lives; and others.

That May, the House of Representatives passed, on a highly partisan vote, their own welfare reauthorization package, which closely resembled the President's plan that many considered counterproductive and even punitive.

As the debate on reauthorizing welfare programs continued, cooler heads were prevailing in the Senate. The Finance Committee held hearings and worked to develop legislation. As this moved forward, you worked as part of a group of Finance Committee members who were trying to develop a bipartisan consensus framework for a potential compromise between the Republican and Democratic positions. The other members of this group were Senators Breaux, Hatch, Jeffords, Snowe, and Lincoln. Their proposals were summarized by the group in a letter to Chairman Baucus and Ranking Member Grassley, and formed the basis (along with the Bush Administration's proposals) for the Finance Committee legislation.

The Finance Committee marked up its welfare reform legislation in June 2002. You were able to have an amendment adopted to maintain the ability of states to transfer some of their TANF money to the Social Services Block Grant (SSBG) program, and to increase funding for SSBG, an important element of your own proposal. The Committee bill also ultimately included a version of the proposal you and Senators Bingaman and Breaux championed to create public-private partnerships to help improve job skills, provide transitional jobs for individuals who had previously received welfare, and create ongoing programs like Goodwill's job training efforts where initial capitalization is required, but the program is ultimately self-sustaining through its own revenue. Another important victory was that the Finance package included \$5.5 billion for child care. You supported the final Finance Committee bill, which passed by a bipartisan vote.

Ultimately, the Senate did not pass welfare reform legislation in 2002, and TANF was extended on a short-term basis as a stopgap measure. Republicans took over the Senate in the November elections, changing the dynamic for the consideration of welfare reform.

In January 2003, President Bush rehashed his welfare proposal, outlining a package with many similarities to his previous recommendations. In February, the House once again passed a bill viewed by many as punitive, based on the Administration's proposal. The Democratic alternative, which would have directed more emphasis and funding to child care and job training, was rejected.

In the Senate, you reintroduced your comprehensive legislation. The Finance Committee held hearings (including a field hearing) and a series of bipartisan briefings on a number of topics related to reform. In September 2003, the Senate Finance Committee marked up another welfare reform bill, and reported it out on a party-line vote with your opposition. The bill was significantly less favorable than the 2002 legislation, and in particular, only dedicated a disappointing \$1 billion in new funding to child care. Because of the new work requirements, which were likely to exceed \$1 billion in cost, CBO estimated that fewer families would receive child care assistance than had in the past.

You and other Finance Committee Democrats were able to secure key changes to Chairman Grassley's mark, despite not voting for the bill. Several key changes you helped secure were changes to the TANF Contingency Fund (based on your

legislation), which helps provide states with additional funds during economic downturns; the Parents as Scholars program (a Snowe provision that you also included in your bill); and improved child support enforcement provisions. Nonetheless, the overall bill was a disappointment to many in terms of funding for child care, limitations on state flexibility, and overly broad waiver provisions.

The bill eventually came to the Senate floor for debate in March 2004. During the debate, Senator Snowe offered an amendment to significantly increase child care funding, by \$6 billion over 5 years, which you supported. This amendment passed, but the bill was quickly pulled when it became clear that an amendment to increase the minimum wage would be offered. This necessitated multiple additional stopgap extensions to keep the TANF program operating. The stopgap extensions continued until the Deficit Reduction Act of 2005.

4.3 Deficit Reduction Act of 2005

As discussed above, Congress could not agree to reauthorize TANF (welfare) and instead agreed to multiple stopgap extensions from 2003 to 2005. The 2003 bill was included as part of the Senate Republican Leadership agenda, which was introduced by Senator Rick Santorum (R-PA) in January 2005.

The Finance Committee decided to give TANF reauthorization another try, deciding that no more hearings would be needed, since legislation had been in the works for four years by that point. The Finance Committee incorporated many of the provisions of the 2003 bill, and favorably reported the legislation.

In 2005, after a lengthy and contentious debate, Congress enacted changes to TANF in the Deficit Reduction Act of 2005. You opposed the Deficit Reduction Act, which passed the Senate with a tie-breaking vote from Vice President Cheney. The bill was signed into law in February 2006. You strongly opposed the entire package for numerous reasons, including harm to Medicaid, and stated at the time: “Hard-working Americans deserve better; low-income children deserve better; the elderly, the disabled and parents who want to see their children go to college and succeed deserve better. We have a responsibility, Mr. President, and I would hope we would live up to that responsibility.”

The TANF provisions substantially increased the proportion of recipients who were required to participate in work activities each week in order to continue to receive benefits. Regulations issued in 2006 significantly limited states’ flexibility in assigning people to work activities. Many experts believed the new requirements would be challenging for most states to meet and that it did not include enough in the way of supports like child care funding and other assistance to allow people to work.

Fortunately, there was some positive news in the Deficit Reduction Act. It included provisions from the WE CARE Kids Act that you and Senator DeWine introduced the previous year. The bill included \$10 million per year in new grants to state Supreme Courts to strengthen oversight of children in foster care by adopting and using court performance measures; \$10 million per year in new grants to help train attorneys, court personnel, and judges, including joint training with child welfare agency

personnel; and a new requirement that state courts, child welfare agencies, and Indian tribes demonstrate “substantial, ongoing, and meaningful collaboration” in administering child welfare programs as a condition of continuing to receive federal child welfare funding.

It also included one of the main recommendations of the Medical Child Support Working Group, requiring states to consider either or both parents’ access to health insurance and permitting enforcement of medical child support against both parents. It allowed states to require both parents to share the cost of their children’s medical expenses if insurance was not available.

4.4 TANF Supplemental Grants Legislation (2008)

As Congress debated the 1996 welfare reform law, concerns were raised that block grant funding based on historical spending levels would disadvantage states with high population growth as well as states with low historical expenditures compared to poverty levels. Accordingly, the law created TANF supplemental grants to provide extra funding to states that met those criteria. You supported these supplemental grants, and said during a April 3, 2008, Floor speech,

“In West Virginia, our neediest children are not even receiving the average amount spent on America's underprivileged children, and that is true in too many States. Our children and families are struggling to meet the bold goals of welfare reform with fewer resources and tougher standards. This reauthorization is a chance to help those States that are

struggling to achieve the national average for funding. It would be base funding for underprivileged children rather than population growth. It will target resources to vulnerable children.”

Seventeen states were eligible to receive this funding, but West Virginia was not one of the eligible states.

TANF supplemental grants were due to expire at the end of Fiscal Year 2008. In April 2008, you and Senator Graham introduced legislation to extend and expand the supplemental grants. This legislation would have provided a modest increase for any state that spent less than the national average for each underprivileged child. The increase was capped to keep costs reasonable, but it would have provided real assistance to vulnerable children and families, particularly given the fact that the economic slowdown was becoming serious.

Ultimately, the supplemental grants were extended through the end of Fiscal Year 2009 without your suggested improvements. Supplemental grants were extended again through Fiscal Year 2011, but the authorization expired, and the grants did not receive any further funding.

5. EDUCATION

Senator, this section of the memo details the work you have done to contribute to education policy. For the last 14 years you have fought for renewed investments in schools, school construction, and teachers. The following sections will highlight your I Teach legislation, fight for school construction bonds, and push for much needed school renovations. You have fought tirelessly, and through several different Congresses, to give rural and impoverished teachers and students equal and fair access to vital resources.

I TEACH

In the mid-1960s President Lyndon Johnson began expanding the social safety net created through President Roosevelt's New Deal. During his State of the Union address on January 8, 1964, President Johnson declared a national "War on Poverty" and began pressing Congress to pass legislation that would expand the federal government's role in education and health care with the hope of reducing the national poverty level. This program, called Johnson's "Great Society" plan, created several programs like Head Start, VISTA, TRIO, and Job Corps. One of the largest pieces of reform though came with the passage of the Elementary and Secondary Education Act (ESEA). ESEA, which Johnson signed into law on April 11, 1965, funds primary and secondary education and works to provide equal access to education for children from all walks of life. Congress has routinely reauthorized ESEA every 5 years, until 2001.

Three decades after ESEA was signed into law, newly-elected President George W. Bush wanted to reform our nation's education system. President Bush's solution was the No Child Left Behind Act, legislation that would reauthorize ESEA while also implementing a system of standards-based education reform which would, in theory, provide data points by which we could measure achievement in education. This was bipartisan legislation, with Senators Ted Kennedy (D-MA) and Judd Gregg (R-NH) taking the lead in the Senate. On June 14, 2001, the Senate voted overwhelmingly in favor of passing the No Child Left Behind Act. You joined 90 of your colleagues in supporting the bill. Exactly 38 years after President Johnson declared a "War on Poverty", President Bush signed the No Child Left Behind Act into law on January 8, 2002.

While you supported the new law, you knew that fundamental changes would have to be made to fully implement the new programs. In August 2002 it was estimated that 2 million new teachers would be needed over the next decade to fully comply with the new law. The law also stipulated that states must recruit qualified teachers to fill these vacancies – but provided no direct incentives for states, or school districts, to use for recruitment and retention.

To fix this problem you introduced the Incentives to Educate American Children (I Teach) Act on August 1, 2002. Your bill would have provided a number of incentives to teachers who were willing to teach in rural schools or schools in impoverished areas. Specifically your bill would have given teachers two annual refundable tax credits – a \$1000 credit for teaching in

underserved classrooms, and a \$1000 credit for earning certification by the National Board for Professional Teaching Standards. In your August 1, 2002, press statement you stressed the need to reward hard-working teachers, saying “This bill promotes and rewards high quality standards among a profession that is often overlooked and taken for granted... American educators are unsung heroes. They work diligently to prepare our kids for the future and often do not receive the compensation and rewards they deserve.”

At the time, West Virginia had rural schools scattered throughout 36 of its 55 counties, and 100 out of the state’s 798 schools were low-income. This legislation would have made a considerable impact on West Virginia, but sadly the bill failed to be reported out of the Senate Finance Committee.

You have consistently reintroduced this legislation in the 108th, 109th, 110th, 111th, 112th, and 113th Congresses. During the 111th Congress, you sent a Dear Colleague letter highlighting the importance of your I Teach Act. In this letter you said, “A recent study found that teachers were paid on average only 77% as much as other college graduates and the disparity is growing. Department of Education data shows that rural school districts have the lowest base salaries for starting teachers.”

School Construction and Investment

In 1995 the Government Accountability Office (GAO) issued a report that found that the unmet need for school construction, repair, and renovation had come to a staggering \$112 billion.

Essentially, Congress had done nothing to prevent America's schools from falling into ill repair. Two years later the Taxpayer Relief Act of 1997 allowed certain schools (called "Education Zone Academies") to finance renovating and equipping school facilities on an interest free basis through the allocation of federal tax credits. This financing tool came in the form of Qualified Zone Academy Bonds (QZABs).

You have consistently fought for the extension of QZABs so that schools can invest in much needed updates. On June 27, 2002, you introduced S. 2699, the America's Better Classroom Act. This legislation called for \$22 billion to be spent on a new Qualified School Bonding program as well as \$2.8 billion for the expansion of the QZAB program. In your June 27, 2002, press release you spoke about the need for this type of investment, saying,

"I think it's absolutely essential that we begin working to repair the conditions and facilities of our schools...Aside from being able to perform much-needed construction and renovation, additional funding would allow for us to make a substantial step toward improving the community and environment in which our children learn."

While the Senate failed to move on the America's Better Classroom Act, that did not stop you from continuing the fight. You re-introduced the legislation in 2003, and again in 2005. On August 29, 2005, you said that children's performance was hindered due to poor facilities. In that statement you said,

"Our children deserve nothing less than facilities that are safe, clean, and modern, yet the current state of so many schools is deplorable...The real victims of this tragedy are our students because we know that they perform better when they are in quality facilities...This is a bill that I've introduced in the past and am introducing again now because I believe so strongly that our students need better schools."

Again, the Senate remained stagnant, but you remained persistent. On March 19, 2007, you re-introduced the America's Better Classroom Act for a fourth time. You went to the Senate floor to make your case to your colleagues, saying in a March 19th floor speech, "Today I am reintroducing America's Better Classroom Act, an essential initiative to respond to the overwhelming needs for school construction and renovations... This bill is a wise investment in education and economic development; it creates jobs while we build and renovate our schools."

During your speech you pointed out that the average public school building was 42 years old. You cited a 2001 Journal of Education Finance report that said the unmet need for school infrastructure over the next decade would be over \$200 billion. You concluded the speech by highlighting West Virginia's need for investment, saying,

"When I visit schools in West Virginia, I am often stunned by the aging buildings and compelling needs. In our fast-growing Eastern Panhandle, new schools must be built or renovated

to accommodate rapid population growth. In other parts of the State, older school buildings need renovations to be safe learning environments for our students. As technology plays an increasingly important role in education, classrooms need to be updated.

States and communities need the America's Better Classroom Act so that we can make needed investments. School construction can play a positive role in helping to stimulate our economy and create needed jobs and is also an important investment in our children's education.”

While the Senate routinely failed to act on the America’s Better Classroom Act, you did have a school construction bond success in 2014. During the Finance markup for the 2014 Tax Extenders package the full Committee adopted your QZAB amendment which would lower the private sector contribution match from 10% to 5% for projects funded by QZABs. This provision would allow school districts to use every available QZAB dollar to the fullest extent by making the private sector contribution requirement more manageable for school districts to meet. This legislation, however, is still pending before Congress.

You also joined with Senator Brown last year to introduce the Rebuilding America’s Schools Act. This legislation would permanently extend and expand the QZAB program, permanently reinstate the successful Qualified School Construction Bond (QSCB) program, and make QZABs easier to use by allowing school districts to pool their bonds with other school districts in

order to meet the 10% matching fund requirement. On September 24, 2013, you said,

"Our children deserve the very best learning environment we can provide. We know there is a direct correlation between an up-to-date school building and student performance and morale, so it's critical to the success of our students that we improve existing schools and build new ones...In West Virginia we've seen these bonds put to good use in making needed improvements to existing schools – like adding a gymnasium and performing arts center or addressing renovations that make our schools safer. School construction bonds are also beneficial because improving schools and building new ones creates new job opportunities and economic activity that supports our local businesses."

This legislation is still pending before the Senate Finance Committee.

6. EPILOGUE

Throughout your career you have fought to give a voice to the most vulnerable members of our society. From the time you spent in Emmons all the way through the present day you have actively sought solutions that would improve the quality of life of those around you. The hallmark of a true public servant is care – caring

about people, about their lives, and about their well-being. No one can say that you don't care.

Since 1985 you have been a champion for children and families. As a Senator you have fought for policies and programs that help find families for orphans, protect children in all circumstances, and keep hard working American's money in their pocket. Through things like the Earned Income Tax Credit and the Child Tax Credit countless families have been better able to provide for their children and make ends meet. While they may not be West Virginians, or even know who you are, undoubtedly you have left a positive impact on their lives.

You have taken a true full-spectrum approach to helping children succeed in life. Since the mid-1990s you have actively pushed for policies that would help schools – especially those in rural areas – provide students with a world class education. You have fought for school construction bonds, tax incentives for teachers, and for much needed funding for school upgrades. As you have said many times without proper instruction, equipment, and facilities students cannot succeed. Each time you faced a challenge you never wavered, never gave up, never stopped fighting, and never stopped caring.