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Thank you for the opportunity to submit testimony to the House Ways and Means Committee on the importance of child care and early education for American families. NOW Legal Defense and Education Fund (NOWLDEF) has a 29-year commitment to women's rights and equality, particularly economic justice for all women. Access to affordable child care is essential to achieving this goal. In fact, affordable quality child care and early education programs are not only vital for women's economic independence, but are also critical to their children's development and well-being.

I. INTRODUCTION

As women become a larger part of the workforce, child care has become a national issue. Availability of high quality, reliable and affordable child care is often the only way that women with children can fulfill their potential as workers and support

their families. At the same time, research has made it clear that good quality child care in a child's early years can make the critical difference in that child's ability to succeed. How we care for our children is a central issue affecting America's ability to utilize the full potential of the nation's workforce. Providing quality care is also necessary to ensure the country's future.

The critical importance of child care is nowhere more apparent than in the lives of low income women. Two years into welfare reform, the welfare rolls have declined dramatically and many poor single women with children have moved into the workplace. As this has happened, the inadequacy of our child care system has become extremely clear. Now is the time for a federal commitment to our nation's children, to make the resources available to ensure that while their parents work, their will have decent quality care. The American people support increased funding for child care and in particular support child care assistance for low income families. According to a national survey sponsored by the W.K. Kellogg Foundation, 86% of Americans believe that child care should be available to all low income families so that parents can work.¹ This cannot happen unless the federal government targets sufficient resources specifically for child care to enable the states to provide child care and child care subsidies for all who need them.

Our testimony provides a brief history of the federal commitment in this area. We then outline the need for an improved child care system, the particular problems facing women moving from welfare to work, the critical need for child care for all low income families (not just those receiving welfare), the importance of quality care for our nation's children, and the international context in which this country makes decisions about our commitment to our children.

Based on this survey of available data, we urge Congress to take the following urgently needed actions to support children and their families:

- Increase funding for the Child Care and Development Block Grant ("CCDBG") to a level that will enable states to meet the child care needs of all families with incomes below 85% of the State Median Income.
- Require states to provide child care subsidies for all low income families who meet the federal CCDBG income standards.
- Require states to provide women required to work under the Personal Responsibility and Work Reconciliation Act ("PRA") with information on child care subsidies, available child care options and her right not to be sanctioned for failing to meet work requirements if the reason is the lack of appropriate child care for her child.
- Limit the co-payments that can be charged low income working families to a set percentage of income and prohibit co-payments for Temporary Aid for Needy Families ("TANF") recipients.
- Increase funding under the CCDBG to improve the quality of child care. Additional funding can be used to train providers, enforce quality and health and safety standards and provide comprehensive services such as parent education and health and nutrition programs to children and families in child care programs.
- Require states to perform market surveys annually and provide at least 75% of the cost of child care for eligible children.
- Increase funding to expand and improve Head Start.

II. HISTORIC FEDERAL COMMITMENT TO CHILD CARE

Congress has long recognized the importance of quality early education and child care programs for low income families. During the New Deal of the 1930's, the federal government first entered the child care business by establishing federally funded nursery schools for poor children. Although the schools were primarily established to create jobs for unemployed teachers, nurses and others (as opposed to child care for working parents), when large numbers of mothers began to enter the labor force during World War II, many of these nursery schools were expanded to provide child care services. In fact, under the Latham Act, the federal government financed child care programs for approximately 550,000–600,000 children during the war years.²

Although financing for these programs ended in 1946, the need for child care and early education programs continued. In 1965, the federal government again responded to this need by making a major commitment to the early education of low income children with the establishment of the Head Start program, 42 U.S.C. §9801. This important program, which has served over 15 million children since 1965, provides comprehensive services including quality early childhood education, nutrition, health and social services, along with a strong parent involvement focus, to low income children nationwide.³

¹ Endnotes follow Statement.

In 1988, Congress enacted legislation providing child care for families receiving Aid to Families with Dependent Children ("AFDC"), families that formerly received AFDC, and low income working parents at risk of becoming dependent on AFDC. Two years later in 1990, Congress created the CCDBG, 42 U.S.C. § 9858, to provide child care assistance for low income families as well as funds to improve the quality and accessibility of child care overall. In 1996, under the PRA, Congress eliminated the AFDC linked-child care entitlement programs and shifted the funding for these programs into the CCDBG.⁴

Although Head Start and the CCDBG block grant contribute to providing our nation's families with the child care and early education they need, they are far from adequate. Head Start only serves two out five eligible children,⁵ and many children of working parents who could benefit from its services cannot take advantage of them because most Head Start programs do not offer full-day or year-round programs. Likewise, the CCDBG currently serves only 1 out of 10 eligible children.⁶ This leaves so many children and families without decent care that it is not an overstatement to say that there is currently a national crisis in affordable, quality child care, especially for low income families. Clearly, the federal government can do much more to make affordable quality child care a reality by making major funding increases in these programs.

III. THE NEED FOR FEDERAL COMMITMENT TO CHILD CARE

The need for child care is clear. Since World War II, the number of women entering the paid labor force has increased dramatically. Three-quarters of women with children between the ages of 6 and 7 work outside the home.⁷ Women with pre-school children have also entered the workforce in significant numbers. In 1947 only 12% of women with pre-school children worked. By 1996, 62% of working women had young children—a rate five times higher than in 1947.⁸ Yet in 1996, while there were an estimated 13 million children with working mothers, there were only 93,000 licensed child care facilities throughout the United States.⁹

As clear as the need for more quality child care is the fact that most working parents cannot afford that care without help. Full-day child care costs between \$4,000 and \$10,000 per year.¹⁰ At the same time, half of America's families with young children earn less than \$35,000 per year.¹¹ A family with two parents working full-time at minimum wage jobs earns only \$21,400 per year. In short, quality child care is out of the reach of most low income American families unless there is governmental support.

A. *Welfare-to-Work Issues*

Passage of the PRA has increased the need for federal child care support.¹² Under the PRA, Congress for the first time required states to impose work requirements on single parent families with pre-school age children who receive cash assistance through the TANF block grant.¹³ The PRA ended 60 years of federal commitment to support poor single parents so that they could care for their children in their own homes. Instead, the federal policy now mandates work for all poor single parents in need of public assistance. Yet the children in these poor families still need care, and unfortunately, when Congress enacted the PRA, it also repealed provisions which guaranteed child care to low income families.¹⁴

Although funding was increased for child care subsidies in 1996 under the CCDBG, experts acknowledged that the increase was not sufficient to provide quality child care for all poor families that need it. According to the estimates by the Congressional Budget Office at the time of enactment of the PRA, if states put single parents on welfare to work at the rates required by the new law, there would be a \$1.8 billion shortfall in what would be needed to supply child care for children of those parents by the year 2002.¹⁵ Indeed, a recent study of welfare recipients found that 60 percent reported that unavailability of child care kept them from participating in work programs.¹⁶ In New York City, where there is a strong initiative to put all mothers on the welfare rolls to work, the city's own figures show that there is insufficient child care available. In December 1998, there were 57,000 children on welfare who were under the age of 3. At the same time, there were only 7,842 spaces for children in the city's subsidized family day care system, 1,120 spaces in the city's day care centers and 850 spaces in other centers that took subsidized children. In short, child care spaces were only available for one out of ten children in the city of New York.¹⁷ Similarly, a report on California's AFDC population estimated that there would need to be a 1,800% increase in child care funding to provide subsidized child care to all children receiving welfare.¹⁸

In a nation with limited affordable child care, requiring poor parents to work outside the home for subsistence benefits without guaranteeing them child care creates

both a moral and a real-life crisis while undermining the work goals of the PRA. Yet, to this day, Congress has failed to assure that care will be available for the children of poor parents forced to work outside the home when their low wages or a welfare check cannot possibly buy quality child care. Many states faced with moving significant numbers of poor women with children into the workforce, but without sufficient funds to ensure that all children can be placed in high quality subsidized care have responded in ways that are (1) harmful to both women and children, (2) counter-productive to the goal of making work possible for single mothers with children, and (3) contrary to federal law.

(1) Need for Better Notice to Recipients of Their Rights To Subsidies and Their Right Not to be Sanctioned.—Congress provided certain child care protections in TANF and the CCDBG. Under the CCDBG, states have an obligation to inform parents about the availability of subsidies and their child care options.¹⁹ Under TANF, states are prohibited from sanctioning women who cannot meet work requirements because they do not have appropriate care for their pre-school child.²⁰ Unfortunately, these protections are insufficient to protect poor families. Many states are not letting women know that child care subsidies are available. Few states are telling mothers that they cannot be sanctioned if they cannot meet work requirements due to the lack of child care for their pre-school age child. In fact, as of this date no state has defined the term “appropriate care” for purposes of determining whether a woman with a pre-school child can perform work outside her home. The result is that many mothers are using any care they can for their children or suffering loss of benefits in order to remain at home caring for their children. At one end of the spectrum are the horror stories of deaths of young children placed in the care of young siblings, abusive boyfriends or incompetent or neglectful caregivers:

- In Wisconsin, a 13 year old child with severe mental and physical handicaps, DeAndre Reeves, died while left without adequate supervision while his mother had to meet work requirements. His death followed months of pleading by his mother with caseworkers, social workers and her state representative that her son needed her personal care. She was not offered appropriate care for her son nor was she told anything but that she had to work to get her welfare check. A welfare rights group in Wisconsin places the death toll at 7 of children killed in inappropriate informal care situations while their mothers complied with work requirements.²¹

- In New York, a mother required to start a workfare job left her children with her boyfriend because she had no other care; when her 3-year old daughter cried too much, he beat her to death; the woman’s other children were subsequently placed in foster care.²²

- In Washington, a woman told she would lose her welfare benefits if she did not attend an orientation program for workfare and that she could not bring her 4-month old to the orientation left the child with an 11-year old who did not know what to do when the child vomited, left the baby on his back and returned to find that the baby had died by aspirating on his vomit.²³

For most mothers told they have no choice but to leave their children with anyone they can find, there is a constant fear that their children will become another victim of inadequate or abusive care.

Failure to inform women of their options with respect to child care is nothing new. Studies of low income women entitled to child care subsidies under prior law show that most of the population eligible for subsidies did not know about them and consequently did not use them.²⁴ Estimates are that fewer than 20% of welfare or former welfare recipients in employment programs in California in 1995 knew about child care subsidies potentially available to them; similarly, in Georgia, less than half of those leaving welfare for work were aware of the potential availability of Transitional Child Care assistance and only about 35% of those eligible for the program received assistance. In New York, a study by the Public Advocate for New York City found that welfare families were consistently misinformed by welfare program staff about available child care subsidies, with almost half never informed that subsidies were available and the same proportion believing they would lose their grant if they did not find child care. Half of the women given referrals by the Office of Employment Services, the agency responsible for workfare placements, were not able to find child care from the referrals either because the programs were already full or were not accessible to the family.²⁵

(2) Need for child care subsidies for all low-income families.—There is not enough money for child care in any state to ensure that all low-income families can provide good quality care for their children. Although the welfare rolls have dropped dramatically in the last five years, the majority of those leaving welfare move into low paying jobs that do not provide enough income to lift a family of three out of poverty, even when child care costs are not considered. By March 1998, only 8% of the previous year’s recipients had jobs paying weekly wages above the poverty line—

barely up from 6% in March 1990. At the same time, the proportion of workers with weekly wages below three-quarters of the poverty line surged from 6% to 14.5%.²⁶ As women move off the welfare rolls and into employment, they earn wages that are often little better than what their welfare benefits were—and out of those low wages, they must pay for child care. Given the average cost of child care in the United States, it is clearly impossible for low-income women to provide quality child care for their children without outside help. And, in many cases, paying for child care may make it impossible to provide for the other basic needs of the family.

Provision of child care support for all low-income mothers with children is therefore critical to allowing women to remain in the workforce when they leave welfare and enabling working single parent families to maintain a standard of living that meets their basic needs. In theory, the child care block grant, the CCDBG, permits states to make their child care systems a “seamless web” in which welfare recipients, those transitioning off of welfare and other low income women workers are all eligible for child care subsidies as long as they earn less than 85% of the State Median Income. However, this theory has not become a reality.²⁷ While some states have increased funding for child care for working poor families (e.g., California by 12%; Texas, Pennsylvania by 24%; Florida by 70%), many states have decreased their child care subsidy funding for low-income working families (Minnesota by 24%; Ohio by 11%; New York by 5%). According to the Department of Health and Human Services (“HHS”), no state provides child care subsidies for all families who would be eligible under the CCDBG block grant standards.²⁸

Some states that claim to provide subsidies for the working poor require co-payments even of very low-income families. For example, eight states require co-payment fees for all families regardless of income ranging from 10% to 30% of the family’s income.²⁹ At least seventeen states charge co-payments to TANF families.³⁰

In addition, some states that provide subsidies to low-income families as well as welfare reliant families do not provide subsidies that are high enough to purchase quality care. Under the terms of the CCDBG, states must ensure that their subsidies are high enough to purchase child care. Almost all states do this by means of a market rate survey and a provision of subsidy at a certain percentage of the market rate needed to purchase care. However, according to HHS, in 1998, only 12 states reported having conducted a survey in 1997 and many had not done so in three or four years.³¹

B. Quality of Care

In addition to being crucial to parents’ abilities to work, affordable, quality child care and early education programs are essential to children’s development. The early years of a child’s life are critical to intellectual development and later academic success. The first three years of life are particularly important to children’s early learning and development.³² A recent Carnegie study pointed out that “the quality of young children’s environment and social experience has a decisive, long-lasting impact on their well-being and ability to learn.”³³

Low income children in particular have a great need for quality care and education. Low income children are 30% more likely to suffer from delays in growth or development, a significant emotional or behavioral problem or a learning disability.³⁴ Children on welfare are three times more likely to be in poor health than non-poor children.³⁵ As more poor single parent families move into the workforce, and, as noted above, are not earning wages that lift their families above poverty, the need to support their children with good quality child care grows. In a nation where one in four children grow up in poverty, and 45% of all children under age six live in poverty,³⁶ a national commitment to provide quality child care for these children whose parents are working would seem consistent with fairness, equality of opportunity and the long-term goal of assuring that all Americans can contribute to the development of society. However, a large number of families, particularly low income families, do not have access to quality care due to unavailability or high costs of such care. As a result, many children miss out on an important opportunity for early learning, which in the long run can jeopardize their ability to succeed in school and their ability to succeed in life.

The magnitude of this problem is significant considering the number of American children in child care. Each day, an estimated 13 million pre-school children—including six million infants and toddlers—spend some or all of their day being cared for by someone other than their parents.³⁷ Unfortunately, the quality of care received by many children is low.

A study of the quality of child care centers found that 7 in 10 child care centers in the United States provided mediocre care, and 1 in 8 had care that was so inadequate that it threatened the health and safety of children.³⁸ Indeed, 40% of infant and toddler rooms in centers were found to endanger children’s health and safety.³⁹

While poor quality care affects families at all income levels, low income families are more likely to be cared for in settings that do not meet quality standards (such as unregulated family child care and profit making centers). A national study of child care in family-based settings found that low income and minority children were more likely to be in lower quality programs than other children.⁴⁰

IV. THE INTERNATIONAL CONTEXT

A national commitment to child care and early education is not unprecedented. Indeed, during the national crises created by the Depression and World War II, the United States showed that the federal government would devote federal resources to child care when necessary. Now should be no different. In fact, since this country is in the midst of a child care crisis, federal action is needed more than ever.

In making child care a national priority, the United States must follow the lead of 191 countries worldwide that consider child care a basic human right. These 191 countries have all ratified the Convention on the Rights of the Child which provides that parties "shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible."⁴¹ Although the United States has signed this important international treaty (which in and of itself obligates it to accept the Convention's norms), it and Somalia are the only two countries that have failed to ratify it.⁴²

In contrast, many European countries take their commitment under the Convention seriously and have made access to child and early education programs national priorities. For instance, France has one of the most ambitious and comprehensive systems of free public pre-school in the world,⁴³ and in 1995 Sweden amended its Social Services Act to require municipalities to provide child care for children between the ages of 1 and 12 whose parents need it.⁴⁴ The United States should not lag behind other industrialized nations in its commitment to children and parents. Rather, if the United States is to remain a world leader, it must follow the lead of other nations and make child care and early education a national priority.

V. FEDERAL SUPPORT FOR CHILD CARE IS CRUCIAL

Despite the challenge of welfare reform, despite the infusion of additional funds to the states for child care, despite the availability of TANF surplus money in some states, the states are not meeting the child care needs of low income families. There are simply too many children in low income families who need child care, and because quality child care is so expensive, the states cannot provide it without a commitment from the federal government to make quality and affordable child care and early education programs a national priority.

With respect to TANF surpluses, this Committee should be aware that not all states have such surpluses.⁴⁵ Nineteen states, including California, have no TANF surpluses. Children in those states as in other states need good quality child care. To refuse to provide additional federal money for child care because some states have TANF surpluses will penalize those states and the children in those states for the state's appropriate expenditure of federal TANF money on the needs of the TANF population. Furthermore, that some states have surpluses in their budgets from TANF or from other sources does not mean that they will choose to spend that money on child care. In any event, the availability of quality child care for any American child should not depend on which state he or she happens to live.

Whatever states are doing with their TANF money, they are all spending 100% of the money appropriated under CCDBG. But they know it is not enough. In a recent survey done by the Children's Defense Fund, most states admitted that those entitled to subsidies did not know about them and conceded that if all who were eligible did apply, the needs of those families could not be met.⁴⁶ A floodgates fear is one of the things that keeps the states from making a commitment to child care for all of their children. Good quality child care will only be available to all children in all low income families across the country if there is comprehensive federal legislation that makes a major federal investment in improving the availability, affordability and quality of child care and early education programs. The states cannot do it alone.

Again, we ask Congress to:

- Increase funding for the CCDBG to a level that will enable states to meet the child care needs of all families with incomes below 85% of the State Median Income.
- Require states to provide child care subsidies for all low income families who meet the federal CCDBG income standards.
- Require states to provide women required to work under the PRA with information on child care subsidies, available child care options and her right not to be

sanctioned for failing to meet work requirements if the reason is the lack of appropriate child care for her child.

- Limit the co-payments that can be charged low income working families to a set percentage of income and prohibit co-payments for TANF recipients.
- Increase funding under the CCDBG to improve the quality of child care. Additional funding can be used to train providers, enforce quality and health and safety standards and provide comprehensive services such as parent education and health and nutrition programs to children and families in child care programs.
- Require states to perform market surveys annually and provide at least 75% of the cost of child care for eligible children.
- Increase funding to expand and improve Head Start.

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