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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, July 22, 1996, at 10:30 a.m.

Senate

FRIDAY, JULY 19, 1996

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Lord, You have placed within each of us a conscience as the voice of our deep inner self. Over the years our consciences have been molded by what we have been taught is true and right. We thank You for a conscience rooted in the Ten Commandments and guided on Your spirit. You are the Potter, our conscience the clay; mold our values after Your way. We ask this not just for our own personal relationships, but also for the responsibilities of leadership You have entrusted to us.

You want to develop the future of this Nation through the leadership of women and men of this Senate and all of us who labor with them. So refine our consciences; purify any dross until You can see Your own nature reflected in the refined gold of Your priorities of righteousness, justice, mercy. Give us Your heart for the poor and those who suffer. Keep us faithful to Your vision for this Nation so clearly revealed to our Founding Fathers and Mothers. Set us ablaze with patriotism and loyalty. Then continue to speak to us through our consciences. May we work out in specifics what You have worked into the fiber of our character. We commit ourselves anew to seek Your guidance and follow it this day. Give us courage to follow the convictions You have developed in our consciences. In the name of Jesus who taught us that we can know the truth and the truth will set us free. Amen.

PERSONAL RESPONSIBILITY, WORK OPPORTUNITY, AND MEDICAID RESTRUCTURING ACT OF 1996

The PRESIDENT pro tempore. The Senate will now resume consideration of S. 1956, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1956) to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 1997.

The Senate resumed consideration of the bill.

Pending:

Murray amendment No. 4903, to restore funds for the summer food service program for children.

Faircloth amendment No. 4905, to prohibit recruitment activities in SSI outreach programs, demonstration projects, and other administrative activities.

Breaux amendment No. 4910, to ensure needy children receive noncash assistance to provide for basic needs until the Federal 5-year time limit applies.

A motion to waive the Congressional Budget Act with respect to consideration of amendment No. 4910, listed above.

Faircloth amendment No. 4911, to address multigenerational welfare dependency.

Biden-Specter amendment No. 4912, in the nature of a substitute.

A motion to waive the Congressional Budget Act with respect to consideration of amendment No. 4912, listed above.

First modified amendment No. 4914, expressing the sense of the Congress that the President should ensure approval of State waiver requests.

Harkin amendment No. 4916, to strike section 1253, relating to child nutrition requirements.

Santorum (for Ashcroft) amendment No. 4917, to ensure that recipients of caretakers of minor recipients of means-tested benefits programs are held responsible for ensuring that their minor children are up to date on immunizations as a condition for receiving welfare benefits.

Wellstone-Simon amendment No. 4918, to require a report to Congress on the impact of increased numbers of impoverished children and recommendations for legislation to correct the increase.

A motion to waive the Congressional Budget Act with respect to consideration of amendment No. 4918, listed above.

Graham amendment No. 4921, to strike the provisions restricting welfare and public benefits for aliens.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senate will now proceed to 10 rollcall votes with respect to amendments offered on July 18, 1996, with 2 minutes for explanation equally divided before each vote.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, this morning the Senate will resume consideration of the reconciliation bill and begin a lengthy series of rollcall votes. There may be from 8 to 10 votes consecutively, in order this morning. Therefore, all Members should be prepared to remain in or around the Senate Chamber to allow these votes to be completed in a timely manner.

Following these votes, the Senate will continue to debate amendments to reconciliation. However, any votes ordered on those amendments will be ordered to begin at 9:30 on Tuesday.

I remind my colleagues, if they still intend to offer their amendments, those that were listed, they must offer them today or Monday.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Madam President, I ask unanimous consent that all votes ordered after the first vote be reduced to 10 minutes in length, and that no second-degree amendments be in order to any of those amendments in the voting sequence that is scheduled for today.

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

AMENDMENT NO. 4903

The PRESIDING OFFICER. The pending question is on the Murray amendment. Under the previous order, the question occurs on amendment No. 4903, offered by the Senator from Washington [Mrs. MURRAY].

The yeas and nays have been ordered.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, since last night when I offered this amendment, I have been contacted by a number of Members from both sides of the aisle who would like to work with me to perhaps come to an agreement on this issue. I ask, therefore, unanimous consent to withdraw the amendment at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is withdrawn.

The amendment (No. 4903) was withdrawn.

Mr. DOMENICI. Madam President, before you call the next amendment, I understand the next scheduled amendment, under the order, would have been a Faircloth amendment.

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. It is now my understanding that is being worked out and the Senator seeks, and I understand it is all right with the minority, that that amendment be set aside until Tuesday. Then we would proceed to the Breaux amendment.

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

Mr. DOMENICI. So I propose that as a unanimous-consent request.

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

Mr. DOMENICI. Madam President, Senator BREAUX was not aware he would be up first, so I suggest the absence of a quorum for a couple of minutes so he can be advised.

The PRESIDING OFFICER. The clerk will call the roll.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DOMENICI. Senator BREAUX has arrived. I think under our sequencing and the order, we have Senator BREAUX's motion to waive the point of order that is up now, and there are 2 minutes on each side.

The PRESIDING OFFICER. Equally divided.

Mr. DOMENICI. Two minutes equally divided.

Mr. EXON. May I clarify one point. As I understand it, the Breaux amendment will be the first amendment that will be voted upon; is that right? That will be a 15-minute vote? Have we ordered 10 minute votes thereafter? Is that the order?

The PRESIDING OFFICER. Yes. That is the order.

Mr. EXON. Thank you.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. I thank the Chair.

MOTION TO WAIVE THE BUDGET ACT—AMENDMENT NO. 4910

Mr. BREAUX. Madam President, my colleagues, what we are trying to do with welfare reform is very simple. I think we can all agree we should be tough on work, we should be good for kids. Everybody knows we should put work first, but in doing that we should not put children last.

I am afraid the Republican bill, without my amendment, does exactly that simply because of this. The Republican plan says that after you take the parent off of AFDC assistance, you forget about the children. You absolutely forbid the State in their own wisdom to determine whether they should give any assistance to the children who are innocent victims of welfare at the sins of the parents. We should not be punishing the children for what their parents have not done correctly.

So let us be as tough as we can on work, make the parent go to work, but when the parent is taken off welfare, for God's sake, can't we as a nation at least allow the States to use their block grant money to provide the things that a child needs in order to survive in this country? That is the issue. Are we going to disregard the children? Or are we going to help the children while we are so tough on the parents? My amendment, I think, should pass.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware has 1 minute.

Mr. ROTH. Madam President, I strongly oppose the Breaux amendment which would seriously undermine the real 5-year time limit on welfare assistance. One of the most important features of welfare reform is that recipients must understand that public assistance is temporary, not a way of life.

Opponents of the 5-year time limit would have the American people believe this bill would abandon children. This is simply not true. Families and children would still be eligible for food stamps, Medicaid, housing assistance, WIC, and dozens of other means-tested programs.

Let me reiterate that S. 1956, the bill before us, is identical to H.R. 4 on this issue when it passed the Senate on a vote of 87 to 12 last September. The Senate rejected amendments to weaken the 5-year time limit then, and it should do so again.

If States want to use vouchers to provide services beyond the time limit, they could do so with State funds or with title XX funds of social services block grants. The State can also exempt 20 percent of the caseload from the limit for those truly hardship cases. I urge the defeat of the amendment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, this is a new mandate, extremely costly, a huge new bureaucracy; and nothing in the bill prohibits the States from using their own money to do this.

Mr. GRASSLEY. Madam President, the bill provides for a lifetime limit of 5 years for welfare benefits. This means that there is an actual drop-dead date so that families are held truly accountable for their choices. Knowing that there is a concern for those who are unable to work, the bill allows a 20-percent hardship exemption from the lifetime limit.

Working Americans live in a system where if they don't show up for work, they are not paid and are likely to lose their job. They want welfare recipients to live with that same reality. Taxpaying Americans don't understand why their hard work is subsidizing those who are not working.

According to the mail I receive in my office, working Iowans believe that welfare recipients ought to have to work also. And they believe welfare recipients should not be able to receive benefits forever.

Mr. MCCAIN. Madam President, the Personal Responsibility, Work Opportunity, and Medicaid Restructuring Act of 1996 will dramatically improve our welfare system. By requiring able-bodied welfare recipients to work, it will encourage welfare families to move from dependency to self-sufficiency. In addition, adult recipients who refuse to engage in required work will have their benefits reduced, and individuals will be able to receive federally funded benefits for more than 5 years, or fewer at the option of the State. In recognition of the fact that not all families will be able to enter the work force effectively, the States are given a 20-percent hardship exemption to the 5-year limit on benefits.

Today, my colleague, Senator BREAUX, introduced an amendment which would have provided vouchers of those families which were denied cash assistance as a result of these limitations. Because this provision would undermine the important goal of encouraging families to work and move off welfare, and because the most troubled families will be protected by the hardship exemption, I have decided to vote against the amendment. This vote does, however, raise a number of issues which should be addressed by the conference committee, including the impact which ending cash benefits may have on foster care costs in the States, and the impact of the benefits limitation on children.

The PRESIDING OFFICER. The question occurs on agreeing to the motion to waive the Budget Act in relation to the Breaux amendment No. 4910. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Georgia [Mr. NUNN] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—51

Akaka	Feinstein	Levin
Baucus	Ford	Lieberman
Biden	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Bradley	Heflin	Murray
Breaux	Hollings	Pell
Bryan	Inouye	Reid
Bumpers	Jeffords	Robb
Byrd	Johnston	Rockefeller
Chafee	Kassebaum	Sarbanes
Conrad	Kennedy	Simon
Daschle	Kerrey	Snowe
Dodd	Kerry	Specter
Dorgan	Kohl	Warner
Exon	Lautenberg	Wellstone
Feingold	Leahy	Wyden

NAYS—47

Abraham	Frahm	Mack
Ashcroft	Frist	McCain
Bennett	Gorton	McConnell
Bond	Gramm	Murkowski
Brown	Grams	Nickles
Burns	Grassley	Pressler
Campbell	Gregg	Roth
Coats	Hatch	Santorum
Cochran	Hatfield	Shelby
Cohen	Helms	Simpson
Coverdell	Hutchison	Smith
Craig	Inhofe	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Faircloth	Lugar	

NOT VOTING—2

Nunn	Pryor

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 4911

The PRESIDING OFFICER. Under the previous order, the question occurs on the motion to table amendment No. 4911 offered by the Senator from North Carolina, [Mr. FAIRCLOTH].

The Chair recognizes Senator FAIRCLOTH for 1 minute.

Mr. FAIRCLOTH. Madam President, the welfare bill before us requires that minors must live at home with a parent as a condition of receiving assistance.

The PRESIDING OFFICER. If the Senator will withhold, the Senator cannot be heard. The Senate will come to order.

The Senator from North Carolina.

Mr. FAIRCLOTH. Madam President, this amendment states that if that parent is currently receiving welfare benefits and has been for the last 3 years, then the minor may not receive cash benefits. If the parent is currently receiving welfare, and the minor child is herself alone living at home, then we are requiring that three generations of welfare recipients live under one roof.

My amendment would ensure that when we require three generations of welfare recipients to live under one roof, and there is a clear history of welfare dependency in that household, then we will only send one cash check.

My amendment is not intended to reduce benefits, and it does not prohibit the State from providing assistance in any noncash form—food, whatever. The amendment simply would limit the amount of cash that is given to households with three generations of welfare where there is a clear history of welfare dependency.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mrs. BOXER. Thank you, Madam President.

The underlying bill denies assistance to teenage moms who do not live at home. Democrats agree with this. We have this in our bill. But what the Faircloth amendment says is, you will be denied assistance as a teenage mom if you live at home if the home you are living in has received welfare.

I have to say this: This Faircloth amendment sets up two categories of teenage moms, one category that gets aid when they live at home and one category that does not.

I thought we were for family unity. I think that is the question Members must ask themselves: Are we for family unity? If we are, we should vote down the Faircloth amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Georgia [Mr. NUNN], and the Senator from Arkansas [Mr. PRYOR], are necessarily absent.

The PRESIDING OFFICER (Mr. GRAMS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 21, nays 77, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—21

Ashcroft	Helms	Murkowski
Byrd	Hutchison	Nickles
Coverdell	Inhofe	Pressler
Faircloth	Kyl	Shelby
Gramm	Lott	Smith
Grams	Mack	Thompson
Grassley	McConnell	Thurmond

NAYS—77

Abraham	Bradley	Coats
Akaka	Breaux	Cochran
Baucus	Brown	Cohen
Bennett	Bryan	Conrad
Biden	Bumpers	Craig
Bingaman	Burns	D'Amato
Bond	Campbell	Daschle
Boxer	Chafee	DeWine
Dodd	Inouye	Murray
Domenici	Jeffords	Pell
Dorgan	Johnston	Reid
Exon	Kassebaum	Robb
Feingold	Kempthorne	Rockefeller
Feinstein	Kennedy	Roth
Ford	Kerrey	Santorum
Frahm	Kerry	Sarbanes
Frist	Kohl	Simon
Glenn	Lautenberg	Simpson
Gorton	Leahy	Snowe
Graham	Levin	Specter
Gregg	Lieberman	Stevens
Harkin	Lugar	Thomas
Hatch	McCain	Warner
Hatfield	Mikulski	Wellstone
Heflin	Moseley-Braun	Wyden
Hollings	Moynihan	

NOT VOTING—2

Nunn	Pryor

The amendment (No. 4911) was rejected.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. May we have order, please, Mr. President.

The PRESIDING OFFICER. Can we have order in the Chamber, please.

Mr. DOMENICI. Mr. President, Senators have asked how much longer will we be voting. It looks to me, if we can stay close to the 10 minutes, we will be out of here before noon.

Can I ask, how long did we take on the last vote?

The PRESIDING OFFICER. Approximately 12 minutes.

Mr. DOMENICI. We have six amendments remaining, so if we can stay near the 10 minutes, you can do your own arithmetic. It looks to me like an hour and 30 minutes is what it would take. We never get it done that efficiently, but that is sort of what you ought to be looking at.

Regular order.

MOTION TO WAIVE THE BUDGET ACT—AMENDMENT NO. 4912

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to the motion to waive the Budget Act for the consideration of amendment No. 4912 offered by the Senator from Delaware, [Mr. BIDEN]. There are 2 minutes of debate equally divided.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I point out that yesterday 46 Democrats voted for an amendment by our distinguished Democratic leader which had a conditional entitlement. It maintained for a period of 5 years a right of a child to some public support if needed. This measure would abolish that entitlement in title IV of the Social Security Act, an entitlement which is provided for the aged, the unemployed, for the disabled. We would only strip the Social Security Act of the provision for children. I hope Democrats, who put that legislation in place 60 years ago, will not vote to repeal it today. It is not reform. It is repeal.

Thank you, Mr. President.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. What bill are you referring to, I ask the Senator from New York, this bill that is pending or the underlying bill?

Mr. MOYNIHAN. I spoke of Mr. DASCHLE's amendment yesterday, and I spoke to Mr. BIDEN and Mr. SPECTER's amendment today.

Mr. DOMENICI. I see. All right.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I believe I have 1 minute in support of this legislation. I said yesterday the Biden-Specter bill is a question of, is it better than the underlying bill? The underlying bill does the same thing the Senator just suggested that this bill does. The differences are, we save $53 billion. There is $3 billion in work funds for the States, individual responsibility contracts, no food stamp block grants, as the underlying bill has, and the State option for vouchers, among other things.

I think this is a much preferable bill than the underlying bill, and I would encourage my colleagues to vote for the Biden-Specter amendment, which is better known, quite frankly, as the Castle-Tanner bill.

The PRESIDING OFFICER. All time has elapsed.

Mr. DOMENICI. Wait a minute, Mr. President. I do not believe that our time has elapsed. Nobody authorized the Senator from New York to speak in opposition. He spoke. I did not object. I was, but I saw he was on the right track.

The PRESIDING OFFICER. If that is the case, the Senator from New Mexico has 1 minute.

Mr. DOMENICI. I yield to the distinguished Senator from Delaware [Mr. ROTH].

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I strongly oppose the Specter-Biden substitute. While it does include some of the provisions of S. 1956 such as ending the individual entitlement, it stops far short of the goals of welfare reform. The Specter-Biden substitute is $10 billion short on savings and short on time limits. It has an open-ended contingency fund. It does include, however, a liberalization on Medicaid benefits in which Medicaid could be extended to illegal aliens.

I would like to clarify that our legislation does include transitional Medicaid benefits for 1 year for those families leaving welfare. It also includes emergency Medicaid coverage for illegal aliens which is current law.

Mr. President, I urge defeat of the Specter-Biden amendment. I yield back the remainder of my time.

The PRESIDING OFFICER. All time for debate has elapsed. The question is on the motion to waive the Budget Act for consideration of amendment No. 4912.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] and the Senator from Georgia [Mr. NUNN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 37, nays 61, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—37

Akaka	Feingold	Lautenberg
Baucus	Feinstein	Levin
Biden	Ford	Lieberman
Bingaman	Glenn	Mikulski
Boxer	Graham	Murray
Breaux	Harkin	Pell
Bryan	Heflin	Reid
Bumpers	Hollings	Robb
Conrad	Inouye	Rockefeller
Daschle	Johnston	Specter
Dodd	Kerrey	Wyden
Dorgan	Kerry	
Exon	Kohl	

NAYS—61

Abraham	Gorton	Moseley-Braun
Ashcroft	Gramm	Moynihan
Bennett	Grams	Murkowski
Bond	Grassley	Nickles
Bradley	Gregg	Pressler
Brown	Hatch	Roth
Burns	Hatfield	Santorum
Byrd	Helms	Sarbanes
Campbell	Hutchison	Shelby
Chafee	Inhofe	Simon
Coats	Jeffords	Simpson
Cochran	Kassebaum	Smith
Cohen	Kempthorne	Snowe
Coverdell	Kennedy	Stevens
Craig	Kyl	Thomas
D'Amato	Leahy	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	Wellstone
Frahm	McCain	
Frist	McConnell	

NOT VOTING—2

Nunn	Pryor

The PRESIDING OFFICER. On this vote, there are 37 ayes, 61 nays. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. How much time did we use on that amendment?

The PRESIDING OFFICER. We used over 13 minutes.

Mr. DOMENICI. Regular order, Mr. President.

MOTION TO WAIVE THE BUDGET ACT—AMENDMENT NO. 4914, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 4914 offered by the Senator from Tennessee [Mr. FRIST]. There are 2 minutes for debate equally divided.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, this amendment, submitted on behalf of my colleagues Senators ABRAHAM, BOND, SANTORUM, HUTCHISON, and THOMPSON, simply asks for a sense of the Senate that the President ensure approval of the waiver requests of States such as Tennessee and 14 other States which have waiver requests before the Department of Health and Human Services.

On October 31, 1995, the President assured the Governors on that day that he would take care of these requests within 30 days. Mr. President, it has been 79 days for Tennessee. Others with waiver requests have been waiting as long as 2 years. Tennessee needs action. Michigan needs action.

I urge my colleagues to support this amendment.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. May we please have order in the Chamber so we can conclude these votes? Can we have order in the Chamber?

The Senator from Connecticut.

Mr. DODD. Mr. President, it is with reluctance that I rise in opposition to this amendment, because of my respect and affection for the Senator from Tennessee. But, this amendment would allow for waivers across the board in 16 States without any idea of what is in these waivers.

I point out to my colleagues, that the administration has approved a record 67 waivers in 40 States. We've reduced welfare by 1.3 million people. The food stamp rolls are down. We are heading in the right direction.

Today, however, we are debating a national welfare reform program. That should be our focus. The sense-of-the-Senate resolution that would approve waivers to 16 States without any idea what is in those waivers, I think is wrong, with all due respect. We don't have any idea what sort of impact these waivers will have on children, Mr. President.

Mr. President, I rise in opposition to the amendment offered by my colleague from Tennessee. I am uneasy about this amendment because it would express the sense of the Congress that 16 welfare waivers should be approved, without us knowing what those waivers propose to do.

The President already has approved a record 67 welfare reform waivers in 40 States. That's quite a record. Welfare caseloads are down by 1.3 million people, food stamp rolls are lower, and child support collections are up. So a lot of progress has been made in recent years, States are experimenting, and we're debating a national welfare reform bill. I think we'd all like to see the passage of a bipartisan welfare reform bill that puts people to work and protects children.

But this amendment asks us to give our approval to 16 different welfare plans without the benefit of knowing exactly what they propose to do. In my view, it should make us uneasy to approve 16 plans without knowing what the impact would be on the children in those States.

Mr. President, my understanding is that in one of the State waivers, the State asks to set a 5-year lifetime limit on welfare benefits that would begin in 1987. That's a retroactive time limit. If this is true, a mother who had been off assistance for the last 4 years, but lost her job by no fault of her own, would be told she could have no assistance at all. What would happen to her children? We don't know, because the details of the plan do not accompany the amendment before us today.

I understand that another waiver would terminate food stamp benefits if a mother does not comply with the work program. Now I know my colleagues on the other side of the aisle have argued that kids won't be hurt by welfare reform after the time limit, because food stamps are still there. Not under this sort of waiver as far as I can tell.

So Mr. President, I urge caution on this amendment. I also raise a point of order against the bill under the Byrd rule, section 313(b)(1)(A) of the Congressional Budget Act of 1974.

Mr. FRIST. Mr. President, pursuant to section 904 of the Budget Act, I move to waive the point of order against amendment No. 4914 to the bill. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Congressional Budget Act with respect to amendment No. 4914, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Georgia [Mr. NUNN] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 43, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—55

Abraham	Gorton	McCain
Ashcroft	Gramm	McConnell
Bennett	Grams	Murkowski
Bond	Grassley	Nickles
Brown	Gregg	Pressler
Burns	Hatch	Roth
Chafee	Hatfield	Santorum
Coats	Heflin	Shelby
Cochran	Helms	Simpson
Cohen	Hutchison	Smith
Coverdell	Inhofe	Snowe
Craig	Jeffords	Specter
D'Amato	Kassebaum	Stevens
DeWine	Kempthorne	Thomas
Domenici	Kohl	Thompson
Faircloth	Kyl	Thurmond
Feinstein	Lott	Warner
Frahm	Lugar	
Frist	Mack	

NAYS—43

Akaka	Bradley	Campbell
Baucus	Breaux	Conrad
Biden	Bryan	Daschle
Bingaman	Bumpers	Dodd
Boxer	Byrd	Dorgan
Exon	Kerrey	Pell
Feingold	Kerry	Reid
Ford	Lautenberg	Robb
Glenn	Leahy	Rockefeller
Graham	Levin	Sarbanes
Harkin	Lieberman	Simon
Hollings	Mikulski	Wellstone
Inouye	Moseley-Braun	Wyden
Johnston	Moynihan	
Kennedy	Murray	

NOT VOTING—2

Nunn Pryor

The PRESIDING OFFICER. On this question, there are 55 yeas, the nays are 43. Three-fifths of the Senators duly sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. DOMENICI. Mr. President, I ask unanimous consent the Harkin amendment, which was next in line, be set aside and be reconsidered on Tuesday. He is in the process of negotiating. We did that for a Republican Senator.

The next order of business is Senator ASHCROFT, if this request is granted.

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

MOTION TO WAIVE THE BUDGET ACT—AMENDMENT NO. 4917

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 4917, offered by the Senators from Pennsylvania and Missouri. There are 2 minutes for debate equally divided.

Mr. ASHCROFT. Mr. President, I rise with an amendment that would allow States to require welfare recipients to bring up to date the immunizations of their minor children. Immunizations in America are free to individuals who are on welfare. Yet we have a number of children who are, every year, afflicted with serious disabling diseases which will persist into disabilities of their adulthood for lack of immunizations.

This amendment would simply provide States the authority, as it relates to programs which States share the cost of, and would require immunizations where the Federal Government funds the entirety of the welfare benefit. If you did not provide your children with the immunizations that were appropriate, you would have a 20-percent decrease until the children were properly immunized. This is in the interest of children.

Mr. DODD. Mr. President, I do not disagree with the thrust of what my colleague is saying, that parents should be responsible for immunizing their children. But I am afraid that we are aiming at the parents, but hurting the child. If the child is not fully immunized, to cut off that child from necessary food, medicine, or other resources is, I think, misguided.

We need to encourage and promote immunizations, but we do not want to simultaneously deny a child—through the fault of the parent who does not get the child fully immunized—the benefit of the necessary nutritional and medical services they would otherwise get. That is the effect of this amendment.

I respect my colleague's thrust, but do not penalize the child. The child would be the one to suffer. In cases where a child is behind in immunizations, that child could lose access to food and SSI for as long as a year while they catch up on their immunization schedule. Immunizations cannot be given all at once, I am told.

Mr. ASHCROFT. Will the Senator yield?

Mr. DODD. I am happy to yield to the Senator.

Mr. ASHCROFT. Is the Senator aware there is a 6-month grace period?

Mr. DODD. I respect that. My colleague knows, as well, that innocent children should not be penalized because their parents may be irresponsible. That is the net effect of this amendment.

Mr. ASHCROFT. Will the Senator yield?

Mr. DODD. I yield to the Senator.

Mr. ASHCROFT. Is the Senator aware this is just a 20-percent decrease in the benefit for the 6-month interval?

Mr. DODD. If it is a 5-percent decrease, why should an innocent child pay for the irresponsibility of a parent? That does not make sense. We ought to encourage immunizations, promote and do what we can. The 6-year-old or 2-year-old child whose parent is irresponsible should not be denied nutrition and adequate medical benefits.

I suggest, as well, the pending amendment is not germane. I rise to make a point of order that it violates section 305(b) of the Congressional Budget Act.

Mr. ASHCROFT. Mr. President, I move the point of order be waived.

The PRESIDING OFFICER. Does the Senator request a rollcall?

Mr. ASHCROFT. I do request a rollcall vote.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act on amendment 4917.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Georgia [Mr. NUNN] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

The yeas and nays resulted—yeas 58, nays 40, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—58

Abraham	Craig	Hatfield
Ashcroft	D'Amato	Helms
Baucus	DeWine	Hollings
Bennett	Domenici	Hutchison
Biden	Exon	Inhofe
Bingaman	Faircloth	Jeffords
Bond	Frahm	Kassebaum
Brown	Frist	Kempthorne
Burns	Gorton	Kyl
Chafee	Gramm	Lott
Coats	Grams	Lugar
Cochran	Grassley	Mack
Cohen	Gregg	McCain
Coverdell	Hatch	McConnell

Murkowski	Shelby	Thomas
Nickles	Simpson	Thompson
Pressler	Smith	Thurmond
Robb	Snowe	Warner
Roth	Specter	
Santorum	Stevens	

NAYS—40

Akaka	Ford	Lieberman
Boxer	Glenn	Mikulski
Bradley	Graham	Moseley-Braun
Breaux	Harkin	Moynihan
Bryan	Heflin	Murray
Bumpers	Inouye	Pell
Byrd	Johnston	Reid
Campbell	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Simon
Dodd	Kohl	Wellstone
Dorgan	Lautenberg	Wyden
Feingold	Leahy	
Feinstein	Levin	

NOT VOTING—2

Nunn	Pryor

The PRESIDING OFFICER (Mr. KYL). On this vote, the yeas are 58, the nays are 40. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

MOTION TO WAIVE THE BUDGET ACT—AMENDMENT NO. 4918

The PRESIDING OFFICER. Under the previous order, the question occurs on the motion to waive the Budget Act for consideration of amendment No. 4918 by the Senator from Minnesota [Mr. WELLSTONE].

The yeas and nays have been ordered.

Mr. WELLSTONE. Mr. President, could I ask for order in the Chamber.

The PRESIDING OFFICER. There are 2 minutes of debate equally divided. The Senator from Minnesota would like to be heard.

Mr. WELLSTONE. Mr. President, I am not going to speak until I have order in the Chamber. I would like for my colleagues to please listen.

The PRESIDING OFFICER. Would the Senators take their conversations to the cloakroom?

Mr. WELLSTONE. Mr. President, I thank the Chair. I am going to wait until we have order.

The PRESIDING OFFICER. I know there are Members anxious to leave. The vote will not occur until the Senate comes to order.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I would like to make a plea to my colleagues. Please err on the side of caution when we are dealing with the lives of poor children in America.

This amendment says that Health and Human Services studies this legislation and if, God forbid, there are provisions in this legislation that create more impoverished children, their report comes back to us at the end of 2 years and we take action—quick action—to modify these provisions so that we can correct the problem.

Democrats and Republicans: This is the right thing to do. We ought to evaluate the action that we are taking in this legislation. And God knows we ought to take the corrective action, if that is necessary, to make sure that we are not creating more poverty among children. This is the right thing to do. It is a fail-safe mechanism. It is a safety net built into the legislation.

I hope—I hope—every Democrat and Republican will support this. We must do this if we are to understand what this legislation means and be able to take corrective action, if necessary, to help poor children in America.

Please support this amendment.

Mr. DOMENICI. Mr. President, I yield time to Senator ROTH.

Mr. ROTH. Mr. President, I oppose the Wellstone amendment. It is wholly unnecessary and unprecedented.

In regard to studying welfare reform, this amendment is wholly unnecessary. The legislation is filled with studies, evaluations and rankings of successful and unsuccessful States.

We absolutely want to know what works in welfare reform. But what is unacceptable and unprecedented is the rules given to the Secretary of HHS in sending recommendations to the Congress which must then be considered under expedited procedures in Congress.

Let me point out that there were about 11.7 million AFDC recipients in 1990. In 1993 the caseload exceeded 14 million for the first time. The caseload was over 14 million again in 1994. Last year HHS told the Congress that, if we do nothing, there will still be more children in poverty. That is under the current welfare system.

Again, we welcome the study. The legislation includes a study. But no Congress should yield its authority to a Cabinet Secretary for this or any other reason.

I urge defeat of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act for consideration of amendment No. 4918. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Colorado [Mr. CAMPBELL] and the Senator from Wyoming [Mr. THOMAS] are necessarily absent.

Mr. FORD. I announce that the Senator from Georgia [Mr. NUNN] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 46, nays 50, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—46

Akaka	Feingold	Kohl
Baucus	Feinstein	Lautenberg
Biden	Ford	Leahy
Bingaman	Glenn	Levin
Boxer	Graham	Lieberman
Bradley	Harkin	Mikulski
Breaux	Heflin	Moseley-Braun
Bryan	Hollings	Moynihan
Bumpers	Inouye	Murray
Conrad	Jeffords	Pell
Daschle	Johnston	Reid
Dodd	Kennedy	Robb
Dorgan	Kerrey	
Exon	Kerry	
Rockefeller	Simon	Wellstone
Sarbanes	Snowe	Wyden

NAYS—50

Abraham	Frahm	Mack
Ashcroft	Frist	McCain
Bennett	Gorton	McConnell
Bond	Gramm	Murkowski
Brown	Grams	Nickles
Burns	Grassley	Pressler
Byrd	Gregg	Roth
Chafee	Hatch	Santorum
Coats	Hatfield	Shelby
Cochran	Helms	Simpson
Cohen	Hutchison	Smith
Coverdell	Inhofe	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thompson
DeWine	Kyl	Thurmond
Domenici	Lott	Warner
Faircloth	Lugar	

NOT VOTING—4

Campbell	Pryor
Nunn	Thomas

The PRESIDING OFFICER. If there are no other Senators wishing to vote, the yeas are 46, the nays are 50. Three-fifths of Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this next vote on the Graham amendment will be the last vote ordered today, which means there will be no additional rollcall votes. However, we are going to remain in session to take up amendments. If Senators want to offer amendments, they have to offer them either today or Monday. We are going to be here a few hours to take amendments. We are putting a list together, to try to make some sense of this afternoon. If we start on our side and go to your side, we would ask the D'Amato amendment on work be in order. Then you have one immediately following that?

Mr. EXON. I am certainly pleased to respond to my friend.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. At the present time we have three Democratic amendments in this order: Following D'Amato would be Feinstein, then Conrad, and then Graham. There may be some others. I would simply say to my colleagues on this side, at the present time we have seven Republican amendments and three Democratic amendments. This afternoon would be an excellent time to offer your amendment. If you would come to us, any Democrat, we could schedule you right after the Graham amendment.

Mr. DOMENICI. I have some others to put in order, but I will do it after the vote.

AMENDMENT NO. 4921

The PRESIDING OFFICER. Under the previous order, the question occurs on the motion to table amendment No. 4921 offered by the Senator from Florida [Mr. GRAHAM]. The yeas and nays have been ordered. Under the previous order, there will be 2 minutes of discussion equally divided.

The Senate will come to order.

The Chair was in error. The vote is not on the motion to table. This is an

up-or-down vote on amendment No. 4921, offered by the Senator from Florida, who will be recognized as soon as the Senate comes to order.

The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, the issue presented by this motion to strike is a simple one. We have already spent weeks debating the issue of the benefits for legal aliens—legal aliens. On May 2, we passed a comprehensive immigration bill which outlined the restraints that we felt were appropriate. We are now coming, today, to essentially trash all of that work that we have done by developing an entirely new set of principles as it relates to the eligibility of legal aliens, a new set of principles that have gone unstudied and unexamined, but represent some very significant policy shifts. It moves away from the principle of restraining benefits by looking to the sponsor to pay for the benefits of the legal alien, and it represents outright bars to legal aliens, from political refugees and asylees, as well as those who came in with a sponsor. It substantially increases the shift of responsibility to local governments.

Mr. President, we have already dealt with this issue. We should let the immigration conference come to closure and not impose a new set of unexamined, duplicative, and I consider inappropriate policies. It should now be rejected.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. DOMENICI. I yield the time we have to Senator SIMPSON.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, this will cost $16 billion. Our Nation's immigration law is very clear on one point. No one may immigrate to the United States of America if he or she is likely at any time to become a public charge. And the American public expects the newcomers will work and receive any needed support from the relatives who brought them here. Period. That is the law.

There is considerable evidence that this promise of self-sufficiency is not being honored. That is why in the other bill we enforce the affidavit of sponsorship. The welfare reform bill contains provisions which ensure that immigrants are self-sufficient. The bill shifts the welfare costs from the American taxpayers onto those who sponsor their immigrant relatives to the country. The immigration bill is in conference. It is not in peril. We have resolved 150 items of the Senate issues, 120 House issues. We have three significant issues yet to be resolved. But these provisions on immigrant welfare are important. We cannot afford to have these reforms delayed, and the Graham amendment would do just that. The simple premise: Sponsor brings the immigrant, sponsor promises to pay, sponsor pays before the taxpayer pays.

Mr. GRASSLEY. Mr. President, since 1882 Federal law has provided that probability of becoming a public charge is ground for immigrants' exclusion from the United States. Additionally, becoming a public charge which a noncitizen is currently a deportable offense.

According to the Census Bureau, there were 23 million foreign-born persons in the United States in 1994, representing 9 percent of the population. That is the highest level in the last 50 years.

Aliens over 65 are 5 times more likely to be on SSI than citizens over 65, making the program a retirement plan for elderly noncitizens. SSI applications by noncitizens grew 370 percent from 1982 to 1992 versus 39 percent for citizens.

Without reform, over 2 million noncitizens will continue collecting guaranteed cash welfare, health care, and food benefits, costing taxpayers more than $20 billion over 6 years.

In this legislation, sponsors, not taxpayers, are held responsible for supporting noncitizens because sponsor agreements are made legally binding documents. Deeming is expanded to apply to most Federal programs. Both deeming and sponsorship continue until the alien becomes a citizen, unless the noncitizen has worked for at least 10 years.

Most nonncitizens who arrive after the date of enactment would not be eligible for most Federal welfare benefits during their first 5 years in the United States.

Refugees and veterans and their families and emergency medical services are excepted.

Mr. MCCAIN. Mr. President, most immigrants are hard working, and committed to self-sufficiency. Unfortunately, others have become dependent on a variety of Government benefits. The Personal Responsibility, Work Opportunity, and Medicaid Restructuring Act of 1996 addresses this issue by limiting the eligibility of qualified aliens for certain Federal benefits, including SSI and food stamps. In addition, the legislation grants State authority to limit the eligibility of qualified aliens to certain State public benefits.

My colleagues, Senator GRAHAM, has offered an amendment which would remove these provisions from the bill. While I cannot support this amendment because it undermines the principle that individuals who immigrate to this Nation should be self-sufficient, I believe that the amendment is important because it draws attention to the plight of those hard-working immigrants who may need assistance as a result of events which are beyond their control. Therefore, I strongly recommend that the conference committee consider the needs of those immigrants who are committed to self-sufficiency but who are in need through no fault of their own.

Mr. DOMENICI. Mr. President, this will cost the taxpayers $16 billion.

I move to table the amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 4921.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Colorado [Mr. CAMPBELL] and the Senator from Wyoming [Mr. THOMAS] are necessarily absent.

Mr. FORD. I announce that the Senator from Georgia [Mr. NUNN] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

The result was announced—yeas 62, nays 34, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—62

Abraham	Frist	Mack
Ashcroft	Gorton	McCain
Baucus	Gramm	McConnell
Bennett	Grams	Mikulski
Bond	Grassley	Murkowski
Brown	Gregg	Nickles
Burns	Harkin	Pressler
Byrd	Hatch	Robb
Coats	Hatfield	Rockefeller
Cochran	Heflin	Roth
Cohen	Helms	Santorum
Conrad	Hollings	Shelby
Coverdell	Hutchison	Simpson
Craig	Inhofe	Smith
D'Amato	Jeffords	Snowe
DeWine	Kassebaum	Specter
Domenici	Kempthorne	Stevens
Dorgan	Kyl	Thompson
Exon	Leahy	Thurmond
Faircloth	Lott	Warner
Frahm	Lugar	

NAYS—34

Akaka	Feinstein	Lieberman
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Boxer	Graham	Murray
Bradley	Inouye	Pell
Breaux	Johnston	Reid
Bryan	Kennedy	Sarbanes
Bumpers	Kerrey	Simon
Chafee	Kerry	Wellstone
Daschle	Kohl	Wyden
Dodd	Lautenberg	
Feingold	Levin	

NOT VOTING—4

Campbell	Pryor
Nunn	Thomas

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I ask unanimous consent to proceed for 60 seconds as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

RATIFICATION OF THE INTERNATIONAL RUBBER AGREEMENT

Mr. BROWN. Mr. President, as a Member of the Senate, I have seldom used the opportunity to put holds on bills. It has been a very rare occasion, but I have in the past few weeks put a hold on the ratification of the International Rubber Agreement. It is an outrage to consumers and an outrage to free enterprise.

It is not my practice to have this issue decided by a hold, and I recognize the need for the Senate to have an opportunity for all Members to go on record on that issue. My intention is to try to get comments from the Attorney General with regard to its antitrust implications, and once those comments are back, to allow it to come to the floor for a full vote. If, indeed, the Attorney General does not respond to our inquiries, I will withdraw the hold in any case in early September so that the Senate can work its will on that issue.

PERSONAL RESPONSIBILITY, WORK OPPORTUNITY, AND MEDICAID RESTRUCTURING ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Thank you very much, Mr. President.

Pursuant to the order, we have not decided how long we will be here, but I think it will work out because of Senators agreeing to take their amendments up today. We will not be here late. Here is what I know to this point. I say to the Senator, we are going to try to go back and forth. Senator D'AMATO's amendment has been agreed to as being the next in order. I ask Senator D'AMATO if he will agree to a time limit?

Mr. D'AMATO. Fifteen minutes, twenty minutes.

Mr. DOMENICI. How about 15 minutes on a side for Senator D'AMATO?

Mr. EXON. I have no instructions on this side.

We will agree to the 15 minutes.

Mr. DOMENICI. Thirty minutes equally divided on Senator D'AMATO's amendment. Senator FEINSTEIN has an immigration amendment. Let me make a unanimous consent request on her behalf. Senator FEINSTEIN had an amendment called ''work requirement'' on our previous consolidated finite list of amendments. She has asked if she could substitute, for that work requirement, an immigration amendment that has to do with prospective application of the alien law in this bill.

So I ask unanimous consent that it be in order that she substitute that measure for the one that she had previously listed as reserved. That means she will not take up the previously reserved one. It will be gone.

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

Mr. DOMENICI. Would the Senator agree to a half-hour equally divided?

Mr. EXON. I talked to Senator FEINSTEIN about this. She wants to reserve the full 1 hour. Hopefully, we can cut that down, but she has others who want to speak. So at least we have agreed to have a half-hour equally divided on D'Amato. We would have to insist on 2 hours equally divided. Maybe that can be cut down on the Feinstein-Boxer amendment.

Mr. DOMENICI. Well, then, just a moment. Does the Senator have an early departure time?

Mrs. FEINSTEIN. The cosponsor of the amendment, Senator BOXER, does.

Mr. DOMENICI. I say to the Senator, we have a number of Senators who would like to go in a short period of time and not take very long. I am wondering if we might try to get a couple of those in at 30 minutes, and then come back to the Senator for the full time.

Mrs. BOXER. Will the Senator yield? I say to my senior Senator, I think we should agree to an hour equally divided. I only need 10 minutes, giving the Senator 20 minutes. I think that Senator DOMENICI has been very gracious to us. I am willing to cut mine back even further to 5 or 6 minutes, if you needed more time than that.

Mrs. FEINSTEIN. Mr. President, if I might address the Chairman, I will do my level best and will agree to the half hour, with the proviso that if there is something I need to respond to, I have an opportunity to do so.

Mr. DOMENICI. We will see if we can do it that way.

Mr. President, an hour equally divided on the Feinstein amendment.

Senator CHAFEE, you are next. How much would you desire?

Mr. CHAFEE. Half hour equally divided.

Mr. DOMENICI. Any objection to a half hour equally divided?

Mr. EXON. No objection here.

Mr. DOMENICI. Following that is a food stamp block grant amendment by Senator CONRAD.

Mr. EXON. We have no instructions on that at the present time. I told him he would be later. I cannot agree to that at this time. We will check with Senator CONRAD in a few moments and let you know.

Mr. DOMENICI. I will move ahead. I have one on behalf of Senator GRAMM. It will take exactly 1 minute on my side. Could you agree to a limited time on that amendment?

Mr. LEAHY. Mr. President, I heard some reference to the Conrad amendment, which I want to speak about for 2 minutes at some point. I will do it at any time.

Mr. EXON. I think we can agree to a shortened time on Gramm, but I will check on that.

Mr. DOMENICI. I think we will waste more time this way than if we just proceed. Let me stop with the Chafee amendment as a request on time limits, and just indicate the order, thereafter, without time agreements.

Mr. EXON. Right.

Mr. DOMENICI. Following Chafee, we agreed that Senator CONRAD's amendment would be the next order of business on food stamps. Following that would be a Gramm amendment—I am supposed to offer that—on drugs. If I am not here, Senator SANTORUM will do that. Following that will be Graham-Bumpers on funding formula. That would be the sixth amendment, if they are looking at when they would come up today. Following that is a Democratic amendment.

Mr. EXON. We do not have anything after Graham-Bumpers at this juncture. It does not mean we may not have more, but we cannot make agreement on something we do not have on the list.

Mr. DOMENICI. After the Graham-Bumpers funding formula, we would put in the order, Helms on food stamps, to be followed by a Democratic amendment, if they come up with one, to be followed by a Shelby amendment, to be followed by a Democratic amendment, if they come up with one, to be followed by an Ashcroft amendment. That is all we have on our side.

I ask that be the order for this afternoon.

Mr. EXON. Have you placed Shelby above Pressler in your list?

Mr. DOMENICI. We are working to clear Pressler.

Mr. EXON. OK. Is it proper to say Pressler, then Shelby?

Mr. DOMENICI. Correct. Then you have one and we have Ashcroft.

If there are no Democratic amendments, the Republican amendments will be taken in that order.

Mr. EXON. I will get back with you on Senators GRAHAM and CONRAD.

The PRESIDING OFFICER. The Chair considers that a proposed order, and there is no unanimous consent request propounded yet.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order announced as agreed upon be the order of business for the Senate.

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

Mr. DOMENICI. I thank the Chair.

AMENDMENT NO. 4927

(Purpose: To require welfare recipients to participate in gainful community service)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. LEVIN, Mr. SANTORUM, Mr. GRAMM, Mrs. HUTCHISON, Mr. PRESSLER, Mr. FAIRCLOTH, Mr. CRAIG, Mr. STEVENS, Mr. BURNS, Mr. SMITH, Mr. COVERDELL, Mr. GRASSLEY, Mr. ASHCROFT, Mr. BROWN, Mr. THOMPSON, Mr. MCCONNELL, Mr. BOND, Mr. GRAMS, Mr. SHELBY, Mr. JEFFORDS, Mr. MACK, Mr. MURKOWSKI, Mr. BENNETT, Mr. LOTT, and Mr. NICKLES, proposes an amendment numbered 4927.

Mr. D'AMATO. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

Section 402(a)(1)(B) of the Social Security Act, as added by section 2103(a)(1), is amended by adding at the end the following:

''(iii) Not later than one year after the date of enactment of this Act, unless the State opts out of this provision by notifying

the Secretary, a State shall, consistent with the exception provided in section 407(e)(2), require a parent or caretaker receiving assistance under the program who, after receiving such assistance for two months is not exempt from work requirements and is not engaged in work, as determined under section 407(c), to participate in community service employment, with minimum hours per week and tasks to be determined by the State.''

Mr. D'AMATO. Mr. President, I offer this amendment on behalf of myself and 24 other colleagues, 24 Senators, who join with me in saying we should really end welfare as we know it. That is something that President Clinton has spoken about and has been a concern of the American people, a bona fide concern. It is a concern of even welfare recipients themselves, who tell us time and time again in a unifying voice, ''Reform this system, change this system; the system entraps us; it does not give us hope; it does not give us opportunities.''

What this amendment does, it goes right to the core of one of the great problems. That is, seeing to it that able-bodied recipients who have, in some cases, become trapped in the welfare syndrome be given an opportunity for work experience, to become self-sustaining, so they can feel part of this great country, that they can experience pride in work, so that even those, Mr. President, who do not have a job, under this amendment will have the opportunity to participate and to feel they are earning their way in their community.

What this amendment does, it says a State can require able-bodied recipients to take community service in lieu of a job, where there is no job, where they are not involved in a job-training program. Why should we have to wait 2 years, have a recipient on welfare for 2 years, before we say to them, ''You should report to a community service project, work at a hospital, work in the park, work helping to clean the highways''? We are talking about able-bodied recipients.

Let me make clear this in no way will impinge upon that single parent who is the custodian of a child. Understand that. Indeed, there is a specific exemption which indicates that if there is a custodial parent caring for a child under the age of 11, that adult can demonstrate an inability to obtain needed child care, then they are relieved of this burden.

Let me also point out that many, many middle-class Americans, working middle-class families, have single-parent moms who are working. They begin to see, by the way, ''Am I a second-class citizen? I go to work. I support one, two, three children.'' We have millions of Americans today, moms and dads, who leave the house every day, they have children. They go to work.

What we are saying here is really very, very modest. We are saying, ''Look, you are on welfare. You are receiving benefits. At the end of 2 months, you take community service. You can participate.'' If there is no job available in the private sector, let that person help his or her community. Everybody gains self-respect, dignity. I am tired of hearing we want to change the welfare system as we know it and then not do much about it.

Yesterday I spoke about a great American who had more empathy for poor people, immigrants, for people who needed help and opportunity and training, and who did more in establishing hope and opportunities. I speak to my parents, and my dad tells me during the Depression days, what the WPA, the Works Progress Administration, what it meant and how it gave people an opportunity for dignity. Young people had a job and could report to work and help build the highways and schools, et cetera. It was a form of community service. It really was. It gave people that self-fulfillment.

When Franklin Delano Roosevelt, one of the great architects of trying to give people the ability to lift themselves out of poverty, certainly a figure that working poor people looked to for hope during the most terrible times, when he gave us an admonition and warned of the evils of entrapping people in a welfare system, his words should take on meaning. Forget about someone running for office today, a Democrat or Republican, someone in the Congress or someone who wants to get here. Look at someone who said, ''If people stay on welfare for a prolonged period of time, it administers a narcotic to their spirit.'' That is President Roosevelt. ''If people stay on welfare for a prolonged period of time,'' he said, ''it administers a narcotic to their spirit.''

He went on to say that ''this dependence on welfare''—listen to this—''this dependence on welfare undermines their humanity, makes them wards of the State, and takes away their chance at America.'' How prophetic. How prophetic, because here we are 50 years later, and what have we seen? We have seen the decline of the human spirit—the decline of it. Now we have a system where people figure out how they can beat the system, bring people here, put them on the welfare rolls, and how they feel good about beating the system. By the way, if a State does not want to do this, it can opt out. By gosh, it is about time we said, hey, after 2 months on welfare, if you are able-bodied and if you do not have a job, you are not in job training, you report for community service. If you do not want to do that, you are off the rolls. If you do not want to help yourself and be part of this process of earning one's way and contributing either to your benefit or to the benefit of a community that is helping you because you do not have a job, why, then, that community has no longer a responsibility and obligation. Indeed, we are doing something that President Roosevelt warned us about. We are entrapping those people; we are destroying their dignity, destroying the human spirit, destroying their opportunity of understanding the greatness of a free capital system where people work and are rewarded on the basis of their ability.

This amendment was adopted unanimously last year. It was offered by Senator Dole. I proudly offer it on behalf of Senator Dole again, in the spirit of overcoming adversity and giving people hope and opportunity and ending that dependency that acts as a narcotic and seduces the best in people. That is what it has done for far too long.

So I hope that we can pass this unanimously. Again, I say Senator Dole offered this last year. I am proud to offer it on behalf of my 24 colleagues. I daresay that this should pass unanimously this time. I yield the floor.

Mr. DOMENICI. Mr. President, I ask unanimous consent to be added as an original cosponsor.

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

Mr. DOMENICI. Mr. President, yesterday, I was on the floor when the Senator gave his speech with reference to the whole problem of welfare. I commend him for it. Today, I commend him for his remarks and for the amendment he has offered. I believe there is a great deal of concern out there about whether there will be enough private sector jobs. I think what we are saying is, you know, it is not just the private sector job we are looking for, we are looking for a change in the behavioral pattern of people on welfare.

This is a very good test. If, after a couple of months on welfare, the State finds or the locality finds community service-type jobs, the point of it is that you have to get up, go to work, sign in, do what you are supposed to do, which is part of getting you ready, it seems to me, if you have had less of an opportunistic life and have not had a chance. I see it as part of the new weave that may very well yield a different kind of tapestry in terms of a life for people who are on welfare. I hope it passes and is retained in conference.

Mr. D'AMATO. Mr. President, I yield back any remaining time on my amendment.

Mr. EXON. We yield back our time.

Mr. D'AMATO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. GORTON). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote on the D'Amato amendment will occur on Tuesday, with 1 minute for debate before the vote.

AMENDMENT NO. 4928

(Purpose: To increase the number of adults and to extend the period of time in which educational training activities may be counted as work)

Mr. EXON. Mr. President, this has been cleared with the chairman of the committee.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. SIMON, for himself, Mrs. MURRAY, Mr. KERREY, Mr. SPECTER, and Mr. JEFFORDS, proposes an amendment numbered 4928.

Mr. EXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Beginning on page 233, strike line 15, and all that follows through line 13 on page 235, and insert the following:

''(4) LIMITATION ON EDUCATION ACTIVITIES COUNTED AS WORK.—For purposes of determining monthly participation rates under paragraphs (1)(B)(i) and (2)(B)(i) of subsection (b), not more than 30 percent of adults in all families and in 2-parent families determined to be engaged in work in the State for a month may meet the work activity requirement through participation in vocational educational training.

''(5) SINGLE PARENT WITH CHILD UNDER AGE 6 DEEMED TO BE MEETING WORK PARTICIPATION REQUIREMENTS IF PARENT IS ENGAGED IN WORK FOR 20 HOURS PER WEEK.—For purposes of determining monthly participation rates under subsection (b)(1)(B)(i), a recipient in a 1-parent family who is the parent of a child who has not attained 6 years of age is deemed to be engaged in work for a month if the recipient is engaged in work for an average of at least 20 hours per week during the month.

''(6) TEEN HEAD OF HOUSEHOLD WHO MAINTAINS SATISFACTORY SCHOOL ATTENDANCE DEEMED TO BE MEETING WORK PARTICIPATION REQUIREMENTS.—For purposes of determining monthly participation rates under subsection (b)(1)(B)(i), a recipient who is a single head of household and has not attained 20 years of age is deemed to be engaged in work for a month in a fiscal year if the recipient—

''(A) maintains satisfactory attendance at secondary school or the equivalent during the month; or

''(B) participates in education directly related to employment for at least the minimum average number of hours per week specified in the table set forth in paragraph (1).

''(d) WORK ACTIVITIES DEFINED.—As used in this section, the term 'work activities' means—

''(1) unsubsidized employment;

''(2) subsidized private sector employment;

''(3) subsidized public sector employment;

''(4) work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;

''(5) on-the-job training;

''(6) job search and job readiness assistance;

''(7) community service programs;

''(8) educational training (not to exceed 24 months with respect to any individual;

Mr. EXON. Mr. President, I yield the floor.

Mrs. FEINSTEIN. Mr. President, I would like to thank the chairman of the committee for the opportunity to offer this amendment. This amendment is on behalf of Senators BOXER, GRAHAM, and myself.

AMENDMENT NO. 4929

(Purpose: This amendment provides that the ban on SSI apply to those entering the country on or after the enactment of this bill and exists until citizenship)

Mr. FEINSTEIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mrs. BOXER, and Mr. GRAHAM, proposes an amendment numbered 4929.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mrs. FEINSTEIN. Mr. President, Senator GRAHAM offered an amendment which deals with the receiving of benefits by people who are newcomers to this country but here in a legal status as legal aliens. This amendment relates to that amendment. It provides that the ban on public benefits for newcomers to this country become effective September 1 of this year and last until they become citizens of this country, which can take place in 5 years. In essence, what we would do is take the provision of the bill which effectively prevents and throws off of any benefit program people in this country legally and we would make that prospective.

I do this as a Californian. This bill and this amendment has an enormous impact on California, and I want to say why.

Presently, in California, are 52.4 percent of all of the legal immigrants in the country on SSI. Fifty-two percent of all the legal immigrants in the country on SSI, aged, blind and disabled, are in the State of California.

This bill is where a good deal of the savings are gathered, whether the savings are $16 or $18 billion, clearly, 52 percent of those savings comes from California. I am here with my colleague, Senator BOXER, to tell you that 1 million people—bigger than the population of many States—on the date this bill becomes effective will be thrown OFF of AFDC, will be thrown off of SSI immediately. This includes in my city, San Francisco, very elderly and very senior Russian immigrants.

I remember watching a woman walk down Grant Avenue, she happened to be Chinese. She was so hunched over, she could barely walk. She is on SSI. She is a legal immigrant to this country. She would be summarily thrown off of SSI.

I happen to agree with something Albert Schweitzer once said: How you treat the least among us is a test of our civilization. Yet, I understand the need to make the changes. The costs have become so great and people are hesitant to pay these costs through their taxes. Therefore, what do you do?

Do you throw people off into the streets without no source of support, or do you send a message to the world and say: henceforth, when you come to this country as a newcomer, know that for the time you are not a citizen, you will not be able receive any of these benefits; know that before you come; know that your children will not be eligible for AFDC; the grandmothers will not be eligible for SSI or health benefits—know that before you come, the term on which you are coming to this country.

I think that is a fair judgment to make, to send that message. But, I think it is an unfair judgment, and possibly a very difficult judgment. It is easy to come up to this Chamber and come up to the desk and cast that aye vote. It is not going to be so easy when you see that crippled woman, whether she be Hispanic, or whether she be Chinese, Russian, African, or any other newcomer, white too, unable to survive, unable to participate in a program like Self-help for the Elderly or Unlock in My City, which deals with Chinese elderly newcomers to a great extent. I think that is a real dilemma in this bill.

Let me talk about what it does in California. It is estimated by the State and by the Department of Health and Human Services that the loss for California is anywhere from $7 billion over the period of this bill to $9 billion. The 20 highest-loss metropolitan areas are: No. 1, Los Angeles and Long Beach; then San Jose, Stockton, Anaheim, Santa Ana, Fresno, Modesto, San Francisco, San Diego, Sacramento, Oxnard, Ventura, Santa Barbara, and Lompoc. Those are the areas that are impacted with the largest numbers.

LOS ANGELES COUNTY

This measure is an unfunded mandate, essentially, on Los Angeles County. Its numbers and costs are a huge transfer of funds. Los Angeles County does not have the right to say ''OK, we have canceled SSI and your AFDC, so go home.'' People will still be there. If they can't walk down the street, if they are senile, if they are blind, if they are totally disabled, they will have no recourse but to fund them.

Let's take a look at how many people are involved in Los Angeles County, and what this transfer of cost is in the largest county in the United States.

This will immediately, in this county alone throw off of SSI 93,000 people who are aged, who are blind and who are disabled. The transfer to the county is $236 million this year and every year. It will throw off of AFDC 190,313 families. On the Medicaid provisions alone, the cost to the county is $100 million. So, the cost to Los Angeles County per year in just basic, preliminary estimates in terms of what would end up being a transfer is $336 million a year. I am told from some this could create a situation of bankruptcy for the county.

Is this really what we want to do? Some say welfare reform is a battle for the soul. Some say it is a battle for the heart. I really think it is a battle for the future. I understand the need to save costs, but I also understand that truly how we treat the least among us is the ultimate test of this Nation.

I would submit to you that, yes, if this amendment passes, we will reduce the savings of the bill. I would also

submit to you that unless we do this, in the largest State in the Union, in 2 or 3 years, we are going to see an absolute picture of devastation.

Forty percent of the Federal funding losses over the 6 years come from California. The bill, the way it stands, is estimated to cost $7 billion to $9 billion, nearly a million people are effected in the State of California, and in Los Angeles County alone, the estimate is 400,000 to 500,000 people impacted unless this amendment passes.

My statement to this body is, in essence, ''you could establish your principle, your public policy, which is, after all, what this body is all about, without actually harming and hurting people now who are deserving, whose total ability to live and exist in this country depends on their ability to receive SSI, or their ability to receive AFDC, or their ability to receive the medical care that they are covered to get under the law today. In essence, we change the law midstream on the most vulnerable people and are in this country legally.

I have a real problem with that. I would think anybody looking at this bill would have a real problem with that, at least I would hope they would. Come to Chinatown in San Francisco, for example, and stand on a corner for an hour and watch the elderly go by. Take 52 percent of all of them that you see and know that they are SSI, and know that tomorrow or September 1, they won't be. That is what this bill does. It has a very profound implication for California.

That is why Senator BOXER and I stand here today, and why Senator GRAHAM has tried to move the amendment he did and now supports our amendment. I would submit to you that the big States, the growth States, are going to have the biggest impact.

I would submit to you that they will be: California, on a tier all by itself; certainly Florida; certainly Texas; certainly New York; certainly Illinois; and certainly to an extent New Jersey. These are the big States that will be affected by this bill.

I know the votes are here to defeat the amendment.

The ultimate test of a civilization is how we treat the least among us. It is one thing to change the rules ahead, so everybody knows what rules we as a country play by, and both Senator BOXER and I are willing to do that. It is another thing to say, when you have no other means of subsistence, ''we are going to change the rules on you today.''

I yield 10 minutes of my time to Senator BOXER.

The PRESIDING OFFICER. The Senator from California, Mrs. BOXER.

Mrs. BOXER. I thank the Chair.

I thank the senior Senator from California [Mrs. FEINSTEIN] for her work and the staff work on this excellent amendment. Both Senators from California have been, shall we say, very upset about the impact of this bill on our great, wonderful, and beautiful State. We have been talking for several days about what approach we can take to keep with the principle of welfare reform but to make sure we do not change these rules in the middle of the game so that innocent children, innocent families, even refugees who come here without a sponsor but to escape persecution, are not thrown out on the street.

I was discussing this with a friend of mine who said, ''Well, they will be taken care of. Someone is going to take care of them.'' I said that I used to be a county supervisor, and I know that we have the general assistance program, and we are required to take care of those who are completely destitute. Where are the counties going to get the funds to do this? This friend of mine said, ''Well, maybe they will just change the law, and they won't have to do it anymore.''

My friends, we need welfare reform. The system does not work. It is broken. The senior Senator and I want to fix it. We want to put work first. We also want to make sure that the most vulnerable, as she has stated, are protected. It is perhaps easy to sit in this beautiful Chamber, in all the luxury of this beautiful Chamber, far away from the problem, and vote to say we are cutting off legal immigrants. It is easy to say it. I understand that. It is politically popular to say it.

I remind my friends that we are talking about people who are here legally, who waited their turn to come here. We are talking about refugees, people who sought asylum. And we are changing the rules. This bill will harm them even if they are blind, even if they are helpless, even if they are children. I think what Senator FEINSTEIN has crafted in her amendment goes a long way to resolving this issue. The amendment would say to those who are here legally, you came knowing the rules and we will keep you under those rules. However, let the word go out across the world that times are changing. America is changing the rules, and if you come here after September of this year, you will no longer have those same benefits. The senior Senator from California and I believe this is eminently fair. It does no damage to the thrust of the underlying bill.

As Senator FEINSTEIN has pointed out, our State of California is going to get hit with a tremendous unfunded mandate. With well over $50 billion of savings in this bill, we know that over a third of those savings come from legal immigrant cutbacks—40 percent of which will come from our great State of California. That simply is not fair. We are talking about a loss of $7 to $9 billion to California alone.

This is an Earth-shattering bill we are considering. This is a bill that will bring much needed change to the welfare system. It is putting work first. It is changing in many ways the social contract in this country. It is putting responsibility on the shoulders of many people in this country.

I think it is a very important bill, and I very much want to support it, but I have to say, how can we be proud to vote for a bill that would take a blind, elderly woman with no other means of support and throw her out on the street? How can we be proud of a bill that takes children and puts them out on the street?

Today, there are an estimated 4 million legal immigrant children in this country. Some of them will be harmed if the Feinstein-Boxer amendment is not adopted. Out of those 4 million legal immigrant children, about 1.5 million live in the State of California. How can we stand here and say that we care about children and yet in the same breath vote for a bill that could cause harm to scores of legal immigrant children? It is hard for me to comprehend that.

Senator FEINSTEIN and I have heard from our counties and cities all over the State. She has listed for you in descending order the cities and counties that would be affected the most. I had an opportunity to speak with one of Los Angeles' County supervisors, Zev Yeroslavsky. He provided me with information which shows what would happen to Los Angeles. This bill could be cataclysmic for that city. Again, it is easy to say let the counties worry about it. But I thought this body decided we would not put unfunded mandates on local governments. And yet that is what we are doing.

I have to say this. Last night, the Senator from Florida and the Senator from Pennsylvania [Mr. SANTORUM], got into a debate about just what happens to legal immigrants in this country. The Senator from Pennsylvania made an eloquent statement that this bill does not adversely impact refugees. He said we are true to the American principle of give us your tired and your poor. If you escape from your country and you come here, we take you in. I was very moved by that eloquence, and then learned, as Senator GRAHAM pointed out, in a copy of the most recent bill, refugees would also be cut off 5 years after they entered.

The Feinstein amendment would say we are going to make these changes, but we are going to make them prospectively, from September of this year forward.

I cannot imagine that we would knowingly hurt the most vulnerable in our society—who are here legally—by immediately changing the rules. By immediately telling the aged, blind, and disabled, with the most severely disabling diseases and conditions, that they are thrown out. And to tell the counties that this is your problem.

I just remember those days when I was a county supervisor, and a little child came before me with her family and looked into my eyes and the eyes of my colleagues. We, two Democrats and three Republicans on that board, would never turn people away.

That would be a violation of every ethic—be it religious, moral, ethical,

or governmental. Yet, without the Feinstein-Boxer amendment, which is also supported by Senator GRAHAM, that is exactly what we will do. We will force an unfunded mandate on the local governments. We will hurt the most vulnerable in our society. We are changing the rules in the middle of the game.

If we support this amendment, which I think is a fine amendment, it does no harm at all to the premise of this bill. It just means that we phase-in some of the more restrictive aspects of this bill.

I urge my colleagues—indeed, I implore my colleagues—think about what you are doing. Because if this goes forward and we see the most vulnerable people on the streets of our cities and our counties and we see our counties without the means to handle it, we will be very sorry, indeed, that we went forward. The Feinstein-Boxer-Graham amendment gives us the opportunity to phase-in all of this.

Again, I thank my colleague. I urge support for the amendment, and I yield back the time to my colleague.

The PRESIDING OFFICER. The senior Senator from California.

Mrs. FEINSTEIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The senior Senator from California has 7 minutes exactly.

Mrs. FEINSTEIN. Just one thought for this body. Take the most conservative cost for California, $7 billion; 7-year bill, $1 billion a year, most of it coming from Los Angeles County, let us say $500 million a year. California is a proposition 13 State. This all has to come from general assistance. General assistance is locally funded. Los Angeles cannot raise its property tax rate under proposition 13.

How does the county fund it? The county cannot fund it. This will force, if the county is to fund it—this will force the reduction of other county programs. It could be the sheriff, it could be the jail. There is no way around it. The dollars are too big.

The distinguished chairman of the committee indicated that the savings, by taking all legal immigrants off of all benefits, is $18 billion. What we are telling you is we know 52 percent of this comes from California. Therefore, if California is a prop 13 State and it presses the local jurisdictions and they are funded by property taxes and they cannot raise their property taxes and they cannot say ''legal immigrants, leave the country and go home,'' it is a real catch-22 for the local government.

If I might, just quickly, ask unanimous consent to have printed in the RECORD a letter dated July 17 from the Democratic floor leader of the California Assembly and President pro tempore of the California Senate; and a memorandum from the California State Association of Counties.

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

CALIFORNIA LEGISLATURE,
STATE CAPITOL,
Sacramento, CA, July 17, 1996.

Hon. DIANNE FEINSTEIN,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: We write to convey major concerns raised by the most recent proposed welfare reform legislation currently being considered by Congress.

SERVICES FOR AGED AND DISABLED LEGAL IMMIGRANTS

Denying federal benefits to *legal* immigrants disproportionately harms California communities. Over 230,000 non-citizen legal immigrants currently receive SSI in California, excluding refugees. This aid is provided to the aged, blind and disabled, who could not support themselves by going to work if their SSI benefits ended. Under HR 3507, SSI and Food Stamps would be denied to non-citizens already legally residing in California as well as to new legal entrants unlike the immigration reform legislation currently under consideration in Congress, which permits continued benefits for existing legal residents.

The proposed bar on SSI and Food Stamps for all legal immigrants, and the denial of other federal means-tested programs to new legal entrants for their first five years in the country would have a devastating effect on California's counties, which are obligated to be the providers of last resort. It is estimated that these proposed changes would result in costs of $9 billion to California's counties over a seven-year period. At a minimum, the very elderly, those too disabled to become citizens and those who become disabled after they arrive in this country should be exempted from the prohibition on SSI—if for no other reason than to lessen to counties the indefensible cost of shifting care from the federal government to local taxpayers for a needy population admitted under U.S. immigration laws.

PROTECTION FOR CHILDREN

While we agree that welfare dependence should not be encouraged as a way of life, it is essential in setting time limits on aid that adequate protections be provided for children once parents hit these time limits. Some provision must be made for vouchers or some other mechanism by which the essential survival needs of children such as food can be met. The Administration has suggested this sort of approach as a means of ensuring adequate protection for children whose parents hit time limits on aid.

California's child poverty rate was 27 percent for 1992 through 1994, substantially above the national rate of 21 percent. HR 4, which was vetoed by the President, would have caused an additional 1.5 million children to become poor. Though estimates have not been produced for HR 3507, it is likely that it also would result in a significant additional number of children falling below the poverty level.

ADEQUATE FUNDING FOR CHILD CARE

Funds provided for child care are essential to meet the needs of parents entering the work force while on aid and leaving aid as their earnings increase. For California to meet required participation rates, about 400,000 parents would have to enter the work force and an additional 100,000 would have to increase their hours of work. Even if only 15 percent of these parents need a paid, formal child care arrangement, California will need nearly $300 million per year in new child care funds.

Thank you for your consideration of these concerns. If your staff have any questions about these issues, they can contact Tim Gage, at (916) 324–0341.

Sincerely,

BILL LOCKYER,
President pro tempore, California Senate.
RICHARD KATZ,
Democratic Floor Leader, California Assembly.

CALIFORNIA STATE ASSOCIATION OF COUNTIES,
Sacramento, CA, July 15, 1996.

To: California Congressional Delegation.
From: Mike Nevin, CSAC President.
Re Welfare reform legislation.

I am writing once again to bring to your attention a very important issue involving the impact of the welfare reform bill on local government. As I understand it, the Congress plans to submit a new welfare reform bill to the President that does not contain Medicaid reform. However, the bill will still contain measures which pose serious and substantial cost shifts to local government including drastic health care costs.

The measures, H.R. 3507 and S. 1795, propose to eliminate SSI and food stamps to legal immigrants including those already legally residing in California. In addition, it would eliminate future immigrants from eligibility for 50 to 80 federal programs for five years and disqualifies those same immigrants from these programs until citizenship. The fiscal effect of these provisions would be to drain $23 billion of federal money nationwide from major welfare programs over seven years. California, which is home to the largest number of noncitizen legal immigrants in the country would lose at least $9 billion over seven years.

Once legal immigrants are no longer eligible for federal social service programs, California's 58 counties will still be responsible for providing social services and medical care to them. A recent study issued by the University of California at Los Angeles indicates that an estimated 830,000 immigrants would converge onto county health programs if changes are made at the federal level to exclude them from health coverage. The counties in California are legally and fiscally responsible under state law to provide a ''safety net'' to indigent persons in the form of cash aid and health care. Currently, local governments are bursting at the seams from the impact of these programs.

Changes of this magnitude at the federal level could cause many counties to meet the same fate as Orange County did two years ago when it declared bankruptcy. Counties are already struggling financially as year after year they have been forced to absorb reductions in payments because of local, state and federal budget difficulties. We cannot now absorb these costs as well. We strongly urge you to consider your vote on these very important pieces of legislation and the long-range impact they will have on local government once the publicity is over. We would request that you do not support these measures should they contain these faulty policies which would merely shift the cost and responsibility to the counties.

There are additional concerns that we have with the proposal and Margaret Pēna of my staff is available to discuss them with you. She can be reached at (916) 327–7523. Thank you for your consideration.

NEW CALIFORNIA COALITION,
San Francisco, CA, July 17, 1996.

To: Kathleen Reich, Office of Senator Feinstein.
From: Tanya Broder.
Re Welfare bills pending before the House and Senate floor—the California impact of the immigrant provisions.

Attached, as you requested are:

1. A letter from the California State Association of Counties on this issue.

2. A one-pager prepared by the National Immigration Law Center on the current welfare bills.

3. A 2-pager on the California impact. I put this together, based largely on materials prepared by NILC. It is being refined—let me know if anything is unclear.

Please do not hesitate to call me at 243–8215, extension 319, if you have any questions or need additional information. Please inform us of the Senator's position on any or all of these issues as soon as you can. Thank you for your interest.

Mrs. FEINSTEIN. Mr. President, how much of my time is remaining?

The PRESIDING OFFICER. The Senator has 4 minutes and 46 seconds.

Mrs. FEINSTEIN. I yield 4 minutes to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, this is certainly an issue of dollars. It is certainly an issue of impact on local institutions required to provide services. But it is also fundamentally an issue of fairness, fairness in many dimensions. Let me just mention two.

One of those is the fact that very few of these local communities requested the circumstance in which they find themselves. Immigrants, legal and illegal, come into this country for a variety of reasons but virtually none of them come in because they receive an invitation from a particular community. It is Federal policy that determines who can come legally. It is Federal willingness to allocate resources that will determine whether we can enforce the immigration laws that we have enacted or will we be faced with floodtides of illegal immigration. Unfortunately, my State, as does California, peculiarly has to deal with this issue. We have had hundreds of thousands of immigrants in all categories, from refugees to parolees to asylees to special categories of entrants, come into our State, as well as those who have come through the normal immigration process. All those decisions are made by those of us who are privileged to be Federal officials.

The consequences of those decisions almost always fall at a local level: At a hospital attempting to cope with overwhelming numbers of persons seeking medical assistance; at an educational institution, a school that is overcrowded because of the large surge of immigrant children—the social institutions. My State was so overwhelmed that we went to Federal court with a request, under litigation, that we be compensated for the expenses the State had paid on behalf of those persons who came to the United States as a result of Federal action.

The U.S. Supreme Court ruled on that case just a few weeks ago. Unfortunately for the State of Florida, the ruling was: You may have a good case. You may have a strong moral basis for your litigation. But it is not a justiciable case before the Federal courts. You have to find your relief through the political processes, not through the judicial processes. That is what we are about today. Fundamental fairness in terms of the Federal Government assuming its appropriate responsibility for the financial cost of the immigration decisions that it has made.

There is a second issue of fairness and that is as it relates to the individual affected. These people who came here under the current immigration law did so under a set of standards and expectations that did not include that they were going to have their benefits peremptorily terminated. If this is a good idea to have in effect today, we should have done it 10 or 20 years ago.

I think it is fundamentally unfair to have these people in the country under the rules that have applied—we are dealing, here, with legal aliens, people who pay the same taxes we do and are subject to the same responsibilities; but now, at the last moment, we are going to say you are not going to get the same benefits. I think that is unfair. The amendment that has been offered by the Senators from California would relieve us from that unfairness. I hope it will be adopted.

The PRESIDING OFFICER. The 4 minutes of the Senator has expired. The Senator from California has 26 seconds remaining.

Mrs. FEINSTEIN. I yield to the other side and request I be allowed to reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, this is a debate that is virtually identical to the debate we engaged in last night at a rather late hour with the Senator from Florida on his amendment. His amendment removes all the provisions dealing with legal immigrants from the bill, for current participants in the welfare system and future participants in the welfare system. What the Feinstein amendment does is simply makes the provisions in the bill prospective but grandfathers in everybody who is in the system. The Graham amendment, to my understanding, was going to reduce the savings in the budget by somewhere from $16 to $18 billion. My understanding is the Feinstein amendment reduces the savings in the reconciliation bill from $10 to $12 billion. It is still a dramatic revenue loss. As was in the case of the Graham bill, in the Feinstein bill there are no offsets. This is just a reduction in savings, going to pay for legal immigrants to continue to receive welfare benefits.

Let me, for the benefit of those who were not up at 11:30 last night listening to this debate, go through how the underlying bill works and, in fact, a little bit of the history of the underlying provisions in this act, the underlying bill. What is in this legislation before us are provisions that were passed in H.R. 4 last year and passed both the House and Senate. They were in the Senate bill that passed the Senate last year 87 to 12. They are in the Democratic substitute, which I believe—I might be wrong—the Members who are debating this amendment and advocating this amendment voted for. The Daschle substitute has this identical provision in the bill, the same provision as the Republican bill.

What the Senators from California and Florida are attempting to do is to remove what has passed the Congress once, what has passed this Senate twice, what has been included in both Democratic and Republican bills.

I suggest this has been a fairly well-tested provision. It is clear the vast majority of the Members of this Senate believe that we have been too generous with legal immigrants coming into this country, and I will explain why they feel that way.

In fact, the Graham amendment today was tabled; in other words, defeated, on a motion of 62 to 34. So this is not, frankly, even a partisan issue, as you see. It has very strong bipartisan support.

Let me explain what the underlying bill does, what the Feinstein amendment is attempting to change. What we do in this bill is recognize that there are various classes of immigrants.

For purposes of simplification, we will talk about three major classes of immigrants. One is what are called refugees. These are people who come to this country who are seeking refuge from political persecution or other kinds of persecution in a foreign country, and they come to our shores seeking help and refuge in the United States.

What we say to those people, as the Senator from California referred to earlier, just like the Statue of Liberty says, we are open and we allow those people in, and we do even more. The Statue of Liberty did not say, ''Give us your poor, your hungry,'' and all the other things it says, ''and the Government will feed them.'' It says, come on in here and have a chance at American life, come on in and have a chance at the opportunity of America. Nowhere that I see on the Statue of Liberty does it say anything about the Government having welfare programs for everybody for as long as they are in this country. I do not think that is on there. I can check, but I am pretty sure it is not on there. What is on there is an opportunity that America presents to the people in this country, and we continue that, certainly.

Second, we, in this bill, provide for welfare benefits for refugees for 5 years. They are eligible for every benefit that a citizen of this country is eligible for.

Now, why 5 years? Because after 5 years, they are eligible for citizenship, and if they apply for citizenship and go through the program to get their citizenship and are successful, they are citizens and are eligible for every right with respect to social services as any other American. So that is why we limit it to 5 years.

Some would say, ''What you're doing here is sort of coercing people to become citizens.'' I think that is, frankly, not true. I do not think most refugees come here because they are looking for welfare benefits. I think most people come here because they are looking for the things that are on the Statue of Liberty; they are looking for the opportunity that is America. In fact, the vast majority of those people do not end up on welfare, for the long term, anyway. So what we do is we say, ''Look, we have an expectation in this country that people are not coming here for social services,'' and all we are doing is patterning a law to reflect that expectation.

What I just described with respect to refugees also applies to asylees. Asylees are people like the two players from the Cuban baseball team last week, or the week before, who were in this country and escaped from their hotel and claimed political asylum and were granted that asylum. Those two players are probably not going to be needing any welfare benefits, given their talent level.

But there are people who do claim asylum here and end up on welfare, and they are treated the same as refugees: 5 years until they are eligible for citizenship, and then the expectation is you can either decide to be a citizen of this country and avail yourselves of all the benefits and responsibilities of citizenship, or you take the option you are not going to be a citizen and no longer be eligible for these programs. That is a decision you make. It is not a decision we are forcing on anybody. You make that decision. I think that is a reasonable time. It is 5 years. It is a very generous offer. So that is the one side of the immigrant calculation.

The other side is what is called ''sponsored immigrants.'' Those are the majority of immigrants who come to this country. They are people who come here under what is called a sponsorship agreement wherein most—I would not say all—but in the vast majority of cases, these are family members under the family reunification provisions of the immigration law. They are mothers and fathers of people who live in this country; they are sisters and brothers or children of the people who live in this country. They come into this country under this sponsorship agreement.

What does the sponsorship agreement say? If you are the sponsor, if you are the citizen of the country who is bringing in your mother, then you sign a piece of paper that says, ''I will take responsibility for providing for the needs of the person I want to bring to this country. I will provide for them. My income, my assets will be deemed available to them for purposes of determining whether they are eligible for benefits.'' That is under current law.

What does the immigrant who comes to this country sign? They sign a piece of paper that says, ''I am willing and capable, able to work, and I will not be a public charge.'' They sign a legal document saying they will not be a public charge. You say, ''That should take care of it. That is pretty solid. They are contracts.'' One would think they are legally binding when they sign them. The fact is, they are not legally binding.

Mrs. BOXER. Will the Senator yield on that point for a question?

Mr. SANTORUM. Yes, I will yield.

Mrs. BOXER. I want to make sure the Senator realizes that Senator FEINSTEIN and I, in this amendment, do not change any of the things my friend is talking about. We do not touch anything in the underlying bill.

All the Senator does, and I back her 100 percent, as does the Senator from Florida, is to say that since we are changing the rules that have been in effect for a long time, let's make them apply to people who are coming as of September of this year rather than change the rules for the folks who are here now. But everything the Senator says, Senator FEINSTEIN's amendment does as much for future immigrants. I want to make sure the Senator was clear on that point.

Mr. SANTORUM. For the Senator to suggest the Feinstein amendment does not touch it is not accurate. You say it does not apply to anybody here, so you would remove all the provisions of this act with respect to people in this country.

Mrs. BOXER. It is prospective. Our amendment makes it prospective, but it says to the folks here, ''We are not going to change your rules in the middle of the game.'' All the things my friend is explaining, none of those are touched by the Feinstein-Boxer amendment.

Mr. SANTORUM. They are not touched prospectively. Again, all these provisions I am explaining do apply and will apply to people who are in this country. So, for example, if you have a sponsored immigrant who is in this country receiving welfare benefits, maybe has been receiving them for 20 years, we suggest after 20 years, if you are not a citizen, if you are here receiving welfare benefits, which in many cases—and I was getting to the point with respect to sponsored immigrants, because what has been happening is that we have seen a chronic trend, and the Senator from New Mexico was on the floor yesterday with a chart that illustrates this, what happens with a lot of the sponsored immigrants—and these people are in this country now—is that son and daughter are bringing over mom and dad, and mom and dad come into this country, they sign these documents, they have signed them already, but they are not legally enforceable, No. 1.

No. 2, the welfare departments in the States do not know what the Immigration and Naturalization Service is doing. They do not talk to each other. There is no communication. So mom comes into the country. She is 70 years old. She goes down to the SSI office, and guess what? She is on SSI. By the way, when she qualifies for SSI, she qualifies for Medicaid. When she qualifies for SSI, she qualifies for food stamps, and she qualifies for a whole variety of other programs, all paid for by the taxpayer.

So what we have become in this country, not prospectively, but now, is a retirement home for millions of people all over the world to come here and have you, the taxpayer, pay for their retirement.

Now, I do not think that is right. What the amendment of the Senator from California says is, ''Well, they are here, let them stay, and we'll continue to pay for them.'' If it is wrong, it is wrong. And whether it is prospective or not, it is wrong.

Mrs. FEINSTEIN. Will the Senator yield for a question?

Mr. SANTORUM. I will be happy to yield.

Mrs. FEINSTEIN. Thank you very much for yielding.

Let me make this point. Under present law, affidavits of support are not legally enforceable. In the immigration bill, that is one of the things that is achieved. It is a binding contract, an affidavit, so that in the future these contracts will be legally enforceable. I support that. I agree with you on this point. But the point that we are trying to make is that at present they are not. Therefore, there has been a kind of a change.

The other point that I want to make to you is that this is not the same as the Daschle bill. This bill is not the same as the Daschle bill on this point. The Daschle bill has certain exemptions. The disabled are exempted. Refugees are exempted. Battered women and children are exempted. Veterans are exempted. That is a point I really appreciate the opportunity to make.

Mr. SANTORUM. With respect to this list, I know in this bill—and I have not read every page of all of this—my belief is veterans are exempted, also. I say to the Senator from California, having worked on this issue for quite some time, I think you may have a legitimate point with respect to a refugee who is 90 years old who is in this country and has been here for a long time as to whether we want to knock them off this system. I suggest to the Senator that, while I will not be a conferee, I would be sympathetic and would communicate my sympathy with respect to some very difficult, isolated cases for the very old or the severely disabled who may be on these programs today. But yours goes well beyond that.

I mean, I think we can look at the hard cases, but I think what your bill does is basically let people who signed a document—it is true that it is not a legally binding document, but I can guarantee you when they set that in front of them, and it is fairly legal looking, when they signed that—I mean, I do not know about you, but when I sign a document, put my name

on something saying I am going to do something, I want to live up to that end of the bargain.

We want them to live up to their end of the bargain. What your bill does is let them off the hook. We do not want to let them off the hook. We want people who come to this country who say they are not going be a public charge and people who bring their relatives into this country who say they are going to take care of them to live up to the deal.

What your bill does is say there is no deal, you do whatever you want, and we will pay the charge. I do not think that is what we want to say in this country. I do not think that is what we want to do.

While I understand what your concern is—and the Senator from California is a thoughtful person, and I find myself in agreement with her many times. I think the point you have made with the impact on California, I cannot argue the fact that the impact on California will be disproportionate with respect to this particular provision.

The fact of immigration has, as you know, its pluses and its minuses. You can make the decision, not me, as to whether it is a plus or a minus in California. But what I say is the Congressional Budget Office has said—and I will read from their report that they sent to the Senator from Delaware with respect to unfunded mandates.

Both Senators from California talked extensively about the impact of unfunded mandates as a result of this legislation. Unfunded mandates was a bill that we passed last year that said that we are tired of the Government, the Federal Government, passing bills, imposing mandates on State and local Governments without coming up with the money for these State and local governments to fulfill the mandate, requiring them to do something but not paying them the money to do it.

According to the Congressional Budget Office, this bill does not have unfunded mandates. I will read the section. ''On balance''—obviously in every bill there are pluses and minuses. I accept that:

> On balance, spending by State and local governments on federally mandated activities could be reduced by billions of dollars over the next 5 years as a result of the enactment of this bill.

I, again, have some sympathy for the Senator from California because you have a disproportionate impact with respect to legal immigrants. You may be one of those States that is on the minus side while another State is on the plus side. But on balance, in this country, this is not an unfunded mandate. That is the way I think we have to look at things.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. SANTORUM. I will be happy to.

Mrs. FEINSTEIN. Just on that one point, if I may. I appreciate what the Senator is saying. But when you continue to read the report that you were reading from the Congressional Budget Office, it does say:

> While the new mandates imposed by the bill would result in additional costs to some States, the repeal of existing mandates and the additional flexibility provided are likely to reduce spending by more than the additional costs.

That cannot be true for California. In a way, it is a play with words because the numbers are so big in California in terms of 52 percent of the impact of this section of the bill with SSI falling on California. Fifty-two percent of all of the SSI users are in California. That is who you are talking about. Those are the elderly. Those are the blind. Those are the disabled. By this bill, boom, they are off. That is the issue that both of us are trying to bring respectfully to your attention.

What I do not understand is—and I understand the savings. See, the reason this section of the bill has the large amount of savings that it does is because of California, because $7 to $9 billion of it is California. The minute you transfer it and it goes to the county—because California alone is a proposition 13 State and cannot raise its property tax to accommodate the general assistance added burden—you could force some counties—and LA could be one under this; you just have to know this because the numbers are so huge in Los Angeles. It is a very precipitous situation.

Mr. SANTORUM. I suggest a couple things to the Senator from California. No. 1, this is a policy that I think needs to be changed, and, No. 2, the fact of the matter is that there are a lot of people on these programs who can and should be working, as a result of their coming into this country and signing this document, should be working under the law.

What your bill does is take those people off the hook. You can say, well, there is going to be a tremendous impact to these counties. Yeah, well, that may be true. But I guess the point I am making is, we should stand up for what people sign their names on, which is that they were going to not be a public charge and the people who are going to take care of them—I go back to the sponsorship agreement.

Mrs. BOXER. Will the Senator yield?

Mr. SANTORUM. Let me finish my point. I go back to the sponsorship agreement. What you are ignoring here is, you say, well, it is going to fall on the counties. Under what I described, under the system I described of SSI, for example, who should the burden fall on? Clearly, it should fall on the sponsor—not the county.

Sponsors, when they bring people into this country—there is a certain economic criteria to be able to bring someone in with a sponsor. These people have in fact taken a walk. They have said, well, you know, let the Government pick up this cost. I do not want to pick up mom's cost. I want to buy my other Mercedes. Well, let us not buy another Mercedes. Let us pay for mom.

What you are suggesting is that all these people who have three cars in their garage are going to let mom starve or put them on LA County's welfare rolls, which may not exist as you so eloquently state. I am saying that a lot of these people who sponsor people into this country are going to have to start footing the bill. That is what we are pushing here. You make the assumption that everybody who is on SSI is going to fall on to the county or the State. I do not make that assumption. I make the assumption that people who sign legal documents saying they were going to take care of people are going to now have to belly up. They are going to have to pay the bill.

Mrs. BOXER. Will the Senator yield?

Mr. SANTORUM. Yes.

Mrs. BOXER. We do not disagree with you. I want to make it clear. I want to make it clear. The senior Senator from California and I do not disagree with you. We believe that the sponsors who can, should and must pay for people they sponsor to come to the country.

But I want to make a point to my friend. It is worthy to note that approximately 400,000 legal immigrants receive AFDC in California. Out of those, 62 percent are refugees. They do not have a sponsor. This goes back to your debate with the Senator from Florida last night. We also have a situation where many of those on SSI, who are sponsored, something may have happened to their families or their sponsors in the interim.

So, my friend is talking about a principle that we agree with. But yet in the underlying bill there is no recognition of the fact that a lot of these legal immigrants do not have a sponsor to fall back on. A lot of these elderly do not have a sponsor to fall back on.

I think before we pass this sweeping reform, what Senator FEINSTEIN and my amendment does is say, we are willing to say as of September, even though we have some reservations and we know it is tough and we know it will hurt our State, we are willing to go along with it. But please, we say to you, Senator from Pennsylvania, taking a lead in this bill, consider what we are telling you. Rather than just have an argument, maybe there is some room here where we can work together so when we bring this bill out, we will not hurt a lot of kids and a lot of very sick, elderly, and blind people.

Thank you for your generosity.

Mr. SANTORUM. Reclaiming my time to make a couple of points. All the refugees you talk about have a 5-year exemption from the ineligibility for benefits. Anyone that is in this country is eligible for benefits up to the first 5 years they are in this country.

Mrs. BOXER. They are cut off after 5 years.

Mr. SANTORUM. After the fifth year they are no longer eligible. As the Senator from California knows they are eligible, after a 5-year period, to apply

for citizenship. Once they apply for citizenship and are accepted, they would again be eligible if, in fact, they need be.

As the Senator from California knows, the hurdle for getting their citizenship in this country is not extraordinary. So if people are, in fact, in such desperate condition as the Senator suggests, I think the answer would be, in fact, to get these people into citizenship programs. I suggest that is a positive thing.

As we all know, those who are noncitizens who do not know the language or cannot, in many cases, successfully interact into the economic mainstream of our country, obviously have a much more difficult time succeeding. So, in fact, forcing or encouraging citizenship would be a positive thing for many of the people that we are talking about here. I think that has to be looked at.

No. 2, we are talking about a 1-year transition. In some cases we will have people who have exhausted their 5 years who now say wait, I will not be eligible for benefits, and I will be brought in for some sort of redetermination here. It will be basically a year process. I suggest during that year process, if they still are concerned or they still are, in fact, disabled or believe they would not be able to work, they can begin to go through the process during that transition year to get their citizenship. I think we provide plenty of avenues for the truly disabled refugees and asylees to be able to stay on these benefits if, in fact, they are truly disabled. It takes some initiative on their part, but my goodness, should we not expect some initiative on the people's part, to create some link between themselves and this country in order to receive benefits?

I remind the Senators from California, I believe, and I can be corrected, but I believe we are the only country in the world who actually provides welfare benefits for their immigrants as soon as they come into this country. We are, in a sense, already very generous. I am not saying we should not be generous to those who are in need. But, at some point, like we are saying to moms who are having children and are on AFDC, there is a contract here. If we are going to limit moms with children on AFDC to 5 years, I think we have every right to limit refugees in this country who come here for 5 years. What we are saying to the refugees, unlike what we are saying to the moms, you get your citizenship in the fifth year, you can get back on the rolls. We do not let moms back on the rolls.

We are being painted as being cruel and knocking all these people off, when in fact what we are being is somewhat principled. I believe it will actually work to the benefit of the refugees who will seek citizenship, which will make them more likely to be successful in their economic life in America.

I think there are a lot of positive things we can say. This is not, as I am sure will be noted in some publications, any kind of immigrant-bashing—nothing like that. We think people who are sponsored immigrants should live up to their contract, and people who are refugees, and immigrants, and asylees should have a period of time in which we will help them, and then at some point they have to help themselves, just like a lot of other people who are going to be dealing with the welfare system with AFDC.

The PRESIDING OFFICER (Mr. KYL). The Senator from Pennsylvania has a minute and a half remaining, and the Senator from California has 1 minute remaining.

Mr. SANTORUM. I yield back the balance of my time.

Mrs. FEINSTEIN. I say, and I think I speak on behalf of my colleague, Senator BOXER, as well, we are not disputing that the time has come to make some changes. We are not even disputing that perhaps there are some who are on SSI or AFDC that can find other ways of support. What we are disputing is that this language is so ironclad that it throws the baby out with the bath water.

I was mayor of San Francisco for 9 years, a member of the board of supervisors for 9, for a total of 18 years. I know these communities. I can tell you that there are several hundred thousand people who do not have another source of support. In Los Angeles, I know, I have seen it with my own eyes. This bill does not allow for any fine tuning.

I think both Senator BOXER and I would be happy to sit down with the other side and try to work out a process of evaluation whereby you could fine tune this bill so people who truly are blind, who truly can barely walk down a street, who truly have no access to three meals a day can have a source of subsistence in this country.

The PRESIDING OFFICER. All time is expired.

Mr. SANTORUM. Mr. President, pursuant to section 310(d)(2), I raise a point of order against the pending amendment because it reduces outlay savings for the Finance Committee below the level provided in the reconciliation instructions, and the amendment would not make compensating outlay reductions or revenue increases.

Mrs. FEINSTEIN. Pursuant to Section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the Senator from Rhode Island is recognized.

Mr. CHAFEE. I understand I am recognized for 15 minutes.

AMENDMENT NO. 4931

(Purpose: To maintain current eligibility standards for Medicaid and provide additional State flexibility)

Mr. CHAFEE. Mr. President, yesterday we voted not to reform the Medicaid Program. This is a welfare bill we are on, not a Medicaid bill. We put off any Medicaid reforms, if you would, until another day. Because of the link between welfare eligibility and Medicaid eligibility, this bill will repeal the guarantee—the word I am using is ''guarantee''—it will repeal the guarantee of Medicaid coverage for 1.5 million children age 13 through 18, and 4 million mothers.

Mr. President, once again, this is not a Medicaid bill, yet we repeal existing Medicaid guarantees.

Under our amendment, the amendment I am presenting, and I send to the desk now on behalf of myself, Senators BREAUX, COHEN, GRAHAM, JEFFORDS, KERREY of Nebraska, HATFIELD, MURRAY, SNOWE, LIEBERMAN, REID, and ROCKEFELLER.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself, Mr. BREAUX, Mr. COHEN, Mr. GRAHAM, Mr. JEFFORDS, Mr. KERREY, Mr. HATFIELD, Mrs. MURRAY, Ms. SNOWE, Mr. LIEBERMAN, Mr. REID, and Mr. ROCKEFELLER, proposes an amendment numbered 4931.

Mr. CHAFEE. I ask unanimous consent reading of the amendment be dispensed with.

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

Beginning with page 256, line 20, strike all through page 259, line 4, and insert the following:

''(12) ASSURING MEDICAID COVERAGE FOR LOW-INCOME FAMILIES.—

''(A) IN GENERAL.—Notwithstanding any other provision of this Act, subject to the succeeding provisions of this paragraph, with respect to a State any reference in title XIX (or other provision of law in relation to the operation of such title) to a provision of this part, or a State plan under this part (or a provision of such a plan), including standards and methodologies for determining income and resources under this part or such plan, shall be considered a reference to such a provision or plan as in effect as of July 1, 1996, with respect to the State.

''(B) CONSTRUCTIONS.—

''(i) In applying section 1925(a)(1), the reference to 'section 402(a)(8)(B)(ii)(II)' is deemed a reference to a corresponding earning disregard rule (if any) established under a State program funded under this part (as in effect on or after October 1, 1996).

''(ii) The provisions of former section 406(h) (as in effect on July 1, 1996) shall apply, in relation to title XIX, with respect to individuals who receive assistance under a State program funded under this part (as in effect on or after October 1, 1996) and are eligible for medical assistance under title XIX or who are described in subparagraph (C)(i) in the same manner as they apply as of July 1, 1996, with respect to individuals who become ineligible for aid to families with dependent children as a result (wholly or partly) of the collection or increased collection of child or spousal support under part D of this title.

''(iii) With respect to the reference in section 1902(a)(5) to a State plan approved under this part, a State may treat such reference as a reference either to a State program funded under this part (as in effect on or after October 1, 1996) or to the State plan under title XIX.

''(C) ELIGIBILITY CRITERIA.—

''(i) IN GENERAL.—For purposes of title XIX, subject to clause (ii), in determining eligibility for medical assistance under such title, an individual shall be treated as receiving aid or assistance under a State plan approved under this part (and shall be treated as meeting the income and resource standards under this part) only if the individual meets—

''(I) the income and resource standards for determining eligibility under such plan; and

''(II) the eligibility requirements of such plan under subsections (a) through (c) of former section 406 and former section 407(a), as in effect as of July 1, 1996. Subject to clause (ii)(II), the income and resource methodologies under such plan as of such date shall be used in the determination of whether any individual meets income and resource standards under such plan.

''(ii) STATE OPTION.—For purposes of applying this paragraph, a State may—

''(I) lower its income standards applicable with respect to this part, but not below the income standards applicable under its State plan under this part on May 1, 1988; and

''(II) use income and resource standards or methodologies that are less restrictive than the standards or methodologies used under the State plan under this part as of July 1, 1996.

''(iii) ADDITIONAL STATE OPTION WITH RESPECT OF TANF RECIPIENTS.—For purposes of applying this paragraph to title XIX, a State may, subject to clause (iv), treat all individual (or reasonable categories of individuals) receiving assistance under the State program funded under this part (as in effect on or after October 1, 1996) as individuals who are receiving aid or assistance under a State plan approved under this part (and thereby eligible for medical assistance under title XIX).

''(IV) TRANSITIONAL COVERAGE.—For purposes of section 1925, an individual who is receiving assistance under the State program funded under this part (as in effect on or after October 1, 1996) and is eligible for medical assistance under title XIX shall be treated as an individual receiving aid or assistance pursuant to a State plan approved under this part (as in effect as of July 1, 1996) (and thereby eligible for continuation of medical assistance under such section 1925).

''(D) WAIVERS.—In the case of a waiver of a provision of this part in effect with respect to a State as of July 1, 1996, if the waiver affects eligibility of individuals for medical assistance under title XIX, such waiver may (but need not) continue to be applied, at the option of the State, in relation to such title after the date the waiver would otherwise expire. If a State elects not to continue to apply such a waiver, then, after the date of the expiration of the waiver, subparagraphs (A), (B), and (C) shall be applied as if any provisions so waived had not been waived.

''(E) STATE OPTION TO USE 1 APPLICATION FORM.—Nothing in this paragraph, this part, or title XIX, shall be construed as preventing a State from providing for the same application form for assistance under a State program funded under this part (on or after October 1, 1996) and for medical assistance under title XIX.

''(F) REQUIREMENT FOR RECEIPT OF FUNDS.—A State to which a grant is made under section 302 shall take such action as may be necessary to ensure that the provisions of this paragraph are carried out provided that the State is otherwise participating in title XIX of this Act.

Mr. CHAFEE. Mr. President, under our amendment, we make sure that no low-income mothers and children who are eligible for Medicaid under current law, under the existing law, will lose their health care coverage under Medicaid if the State lowers its eligibility standards for cash assistance or AFDC.

Now, this is not some open-ended lifetime entitlement to Medicaid coverage. I am sure that will be raised, and we are ready for that one. All this amendment does is apply current law income and resource standards and methodologies in determining eligibility for Medicaid. If a family's income increases, if there is no longer a dependent child in the home, these folks will lose Medicaid eligibility under our amendment, just as they would under current law.

Exactly who are we talking about, Mr. President? First, the individuals we are talking about, their incomes, on an average, are about 38 percent of the poverty level. Some will argue that we do not need this amendment because children under 100 percent of poverty are already covered. In other words, we are worried about these children. Some will say, oh, do not worry about them because if they are at 100 percent of poverty or less, they are covered. But that is not true, Mr. President. By 2002, they will all be covered up to the age of 18, but not until then. Thus, children between the ages of 13 and 18 will not be guaranteed coverage. Their mothers, unless they are pregnant, will lose the guarantees as well.

Mr. President, I refer everyone to this chart. Under the bill that we have, pregnant women continue to be covered. Children under 13 are covered. That is under 100 percent of poverty or less. The aged, blind, and disabled are covered. Who loses out? Who is losing out on the guarantees? It is nonpregnant women and children 13 to 18 that are going to fall through the cracks.

So, Mr. President, some will argue that we are backtracking from previous welfare reform measures by removing this guarantee. I want to remind my colleagues that both the House and the Senate-passed versions of H.R. 4, which passed here 87 to 12, had the very provision in it that I am talking about, which I am seeking to obtain. You might say, well, if the House version had it and the Senate version had it, then, obviously, when we came to conference, it was there. But it was dropped in conference, in some type of maneuver. Even though it was in both bills that were passed, it was dropped from the freestanding welfare reform bill that passed.

I also point out, Mr. President, that the welfare reform bill that passed yesterday in the House of Representatives has this same language that I am talking about here and trying to put into our legislation. Mr. President, if we really want this welfare reform proposal to achieve the results of moving women off of welfare and into work, we should not, in one fell swoop, remove their cash assistance and their medical coverage. This is a prescription, I believe, for failure of welfare reform.

Mr. President, I will conclude my section of the remarks before turning it over to the Senator from Louisiana by saying this. In the Finance Committee, we had all kinds of hearings in connection with welfare reform, and two points came clearly through; that, if you want to get individuals off of welfare—and we are particularly talking, in most of these cases, about women—they need support. One of the two things they need in the form of support is child care, adequate child care and the availability of that; second is Medicaid coverage for themselves and for their children.

So, Mr. President, I earnestly hope that this amendment will be adopted. I think it is one that the managers will accept.

I yield 5 minutes to the Senator from Louisiana.

Mr. BREAUX. Mr. President, I thank the distinguished Senator for yielding me some time and for his continued outstanding work in trying to make sure that whatever we do in this body is fair. All of us want to be tough on work. We have said that many times. We also should be fair to children and to pregnant women. We should be fair to those who are the neediest among us.

This legislation makes fundamental changes in the Medicaid Program, and that is not supposed to be what we are doing. Our Republican colleagues have offered an amendment which has taken Medicaid out of the equation. We are working on a welfare bill. But without the Chafee-Breaux amendment and a number of our colleagues, this legislation will still adversely affect those people who are on Medicaid and health care assistance. The question is, why? Very simple. Because under the current law, people who are eligible for AFDC assistance are also eligible for Medicaid. Therefore, under this legislation, the States could be changing all of the eligibility requirements for AFDC and, in doing so, kick off, potentially, 4 million people who are on Medicaid because of their eligibility for AFDC. It sounds complicated, but it is not really. We made a decision in the Congress and the people who run the Medicaid Program that the standards for AFDC would be the standards for Medicaid eligibility. That was a decision that should not now be changed without a careful consideration of whether that is good policy or not.

Nobody is debating Medicaid eligibility on this floor. But when you change the welfare program, you, in fact, will be changing the Medicaid eligibility for millions of Americans. As Senator CHAFEE shows, we are talking about pregnant women, children under 13, people who are the least able to take care of themselves in our country. I think that is just not what we are all about in this country.

It is interesting to note that both the House and the Senate bills that were passed last year contained a provision just like the Chafee amendment. We have already adopted this before. By a vote of 87 to 12, the legislation that

contains the Chafee-Breaux amendment was passed by this Senate body. That language in the House bill and in the Senate bill said very clearly that we would continue Medicaid coverage, health care coverage, for poor children and their parents who would have qualified for AFDC assistance under the rules in effect at that time.

Now we have essentially the same bill before the Senate, but it does not have that provision in it anymore. I do not know where it was dropped or how it got dropped. This is almost a technical amendment because we have already adopted this amendment. When the welfare reform bills were previously before the House and the Senate, there was no disagreement in the House and no disagreement in the Senate that the people who are Medicaid-eligible because of AFDC eligibility would continue to have that eligibility. That is what the policy should be. If we want to come back later on and change Medicaid eligibility, let us do it that way. Let us have a fair debate about whether we are going to take the aged, the blind, the disabled, pregnant women, or children, the people least advantaged among us, and kick them off of not only welfare but off of Medicaid, too. At least allow us to have some discussion about it.

With that, Mr. President, I reserve the remainder of the time that was yielded to me from Senator CHAFEE.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I will soon offer a second-degree amendment to the Chafee-Breaux amendment.

The PRESIDING OFFICER. The amendment would not be in order until the time has expired.

Mr. CHAFEE. Mr. President, I wonder if the Chair would be good enough to point that out again on a second-degree amendment? It cannot be offered until all time has expired?

The PRESIDING OFFICER. That is correct.

Mr. ROTH. Mr. President, let me discuss the purpose of my amendment. The purpose of my amendment to the Chafee-Breaux amendment is to ensure Medicaid coverage to all individuals currently receiving Medicaid benefits because of their eligibility through the current AFDC Program.

By this approach we would ensure that no child or adult currently receiving Medicaid benefits would lose coverage because of welfare reform.

Let me first explain that under our bill as currently written we believe that no child would lose Medicaid coverage because of welfare reform. The Congressional Budget Office has not scored any Medicaid babies because of the change in AFDC. But how can that be?

The overwhelming reason for this is because Medicaid eligibility is no longer tied exclusively to AFDC eligibility. Medicaid eligibility was expanded in the late 1980's and is now tied to the national poverty level as well as to AFDC eligibility. This is an important point. Medicaid eligibility is higher than State AFDC eligibility. We believe that children currently receiving Medicaid would not be affected by the change to the AFDC Program. The minimum Federal standard is that pregnant women, infants, and children, and children under the age of 6, under 133 percent of the Federal poverty level, must be covered by Medicaid. Children age 6 to 13 must be covered if under 100 percent of the poverty level.

Moreover, the General Accounting Office recently reported that 40 States have already expanded Medicaid coverage to pregnant women, infants, or children beyond these Federal mandates. One State has chosen to go as high as 300 percent of the Federal poverty level. Thirty-two States extend coverage to pregnant women and children up to 150 percent of the poverty level. Some States have extended coverage to children up to 19 years of age.

So the overwhelming evidence points to the conclusion that States are expanding Medicaid eligibility, not reducing it.

For 3 years President Clinton has been saying that the key to getting people off welfare is giving child care and Medicaid coverage. Governors already know this, and that is what they are doing. But to be on the cautious side, the bill, as amended, in committee provides for a 1-year transition period for anyone who may lose Medicaid eligibility as States change AFDC into the block grants, if there is still some concern that this is not enough. That is the reason that at the appropriate moment I will offer my amendment to grandfather in those individuals currently receiving Medicaid benefits so long as they are still under the poverty level.

Let me point out, Mr. President, that there is no difference between the Chafee-Breaux amendment and my amendment in the second degree in regard to individuals currently receiving Medicaid. As I have already indicated, those individuals will continue to receive Medicaid, an approach which I think is, indeed, fair and equitable. The difference is that the Chafee-Breaux amendment applies to categories rather than people. That means that someone 5 or 10 years from now may not qualify for Medicaid under a State's new welfare program. Nevertheless, they could claim eligibility under the old program.

It seems to me that this creates serious issues of inequity. I think it also is very burdensome to the State as it would require them to maintain these eligibility standards without end. I know that the Governors are deeply concerned about the Chafee-Breaux approach. They think it is unduly administratively burdensome to have to maintain two sets of systems. It is in contrast with the purpose of this legislation which is to create flexibility as we move forward with welfare reform, Medicaid, and other reforms. What we hope to do is to develop the kind of flexibility that will enable the States to develop approaches to these problems that brings some positive result. But it is hard to see how requiring a State to continue indefinitely an old program as the Chafee-Breaux amendment does. It is, indeed, hard to grasp.

So I hope that my good friends and colleagues, Senator CHAFEE and Senator BREAUX, would look at the amendment which I intend to offer as soon as all time has expired. As I said, it seems to me that this is, indeed, a fair and equitable approach. We are protecting those who are currently receiving Medicaid under AFDC. They will continue indefinitely to be eligible so long as they meet the requirements of AFDC. But I find it hard to see the equity, the fairness, the reason for, or the principle behind that we should continue in effect old programs that are going to be modified.

The basic purpose of welfare reform is to provide flexibility to the States. We think that the Chafee-Breaux amendment is a step in the opposite direction.

Mr. President, I yield the floor.

Mr. CHAFEE. Mr. President, I yield the Senator from West Virginia 2 minutes.

Mr. President, I have how much time?

The PRESIDING OFFICER. Five minutes.

Mr. ROCKEFELLER. Mr. President, I hope Members on both sides of the aisle will vote for this amendment offered by my colleagues from Rhode Island and Louisiana, Senators CHAFEE and BREAUX. It is the kind of amendment that deserves strong support from this body.

There is absolutely no reason for welfare reform to cause innocent children to lose health insurance. We can and we should enact a bill that is very tough and very clear about requiring adults to work or prepare for work if they want to get public assistance. But we do need to pass the Chafee-Breaux amendment to make sure that children who are eligible for Medicaid do not lose their health coverage as we change the welfare system. We need to pass this amendment to make sure that losing health care is not the price of leaving welfare and getting a job.

Mr. President, with this amendment, we are not proposing a new benefit or new spending. We are just trying to protect the way that poor children now can see a doctor when they're sick, get their vaccinations and their checkups, and receive basic medical care. Up to 1.5 million children and 4 million parents are at serious risk of losing their Medicaid coverage unless this amendment prevails.

Mr. President, I truly believe the American people, including West Virginians, want us to adopt this amendment. The public has made it very clear that they expect Congress to make distinctions between responsible

reform and reckless change. Americans want all children to have a chance in this country, and they know that health care is where that chance starts and lasts. You have to be healthy to learn, to grow, and to become productive.

As our constituents demand changes in welfare, they are not asking us to abandon children or take health care away from those who need it. In fact, they get pretty upset when they see Congress doing something that will hurt children or health care.

It is counterintuitive, counterproductive, and just plain wrong to push the parents of poor children into the workplace, and then pull health care out from under them. The mothers who succeed in leaving welfare for work are rarely going to start with jobs that offer health insurance for themselves or their families. According to one study, 78 percent of women who worked their way off welfare ended up in jobs that did not offer health insurance. Two-thirds of these women were still not able to get insurance after 18 months.

It is cruel to ask a mother to make the choice between working and holding onto health insurance.

This amendment is the critical way we can make sure parents have every reason to get a job and get off welfare—because Medicaid will be a source of coverage for a limited amount of time, for the transition from welfare to work.

Congress is going to make bold changes in the welfare system. But please, let's not take the country backward in this life-and-death issue of health care for children and their parents as they leave welfare for work. It's our responsibility to deal with this part of the health care system, because unfortunately, the private sector just isn't there. Medicaid has to be there for them, or these families and children join the uninsured and have a much more difficult time getting out of the rut they're trying to escape.

Ask any doctor, hospital, or community—when families don't have health insurance, they end up using the emergency room as their source of health care. That's costly, inefficient, and burdens the health care system.

Mr. President, as we act on welfare reform, I hope we realize it is not just about saving money. We want to promote personal responsibility, the work ethic, and stronger families. The Chafee-Breaux amendment is a very specific way all of us in this body can make sure that poor families are not punished in the cruelest way, by losing their health insurance. All we want to do is to make sure basic health care is still there for these children and families while we get much tougher about the parents getting work and getting off welfare for good. I urge all of my colleagues to support this amendment, which will make it even more possible for low-income parents to join the work force.

Congress decided more than 10 years ago that the Federal Government had an important role in setting minimum standards of health coverage for pregnant women and children. Congress voted for—and two Republican Presidents signed—legislation in 1986, in 1987, in 1988, in 1989, and in 1990 that no matter where they lived, children were guaranteed a decent standard of health coverage.

Texas currently sets its overall eligibility for Medicaid at 18 percent of poverty except for pregnant women and young children because, frankly, Congress forced it and many other States to set higher standards for pregnant women and children. While many of my colleagues do not want to, in any way, impinge on a State's flexibility, there is a time and place for decent minimal standards. Mr. President, this is the time, and this is the place. This is for some of our country's neediest children.

Mr. President, let us not go back in time, and repeal extremely important health care protections for pregnant women and children.

Mr. CHAFEE. Mr. President, I would like to save 2 minutes for the Senator from Florida, who is expected. So I will save that time for him.

The PRESIDING OFFICER. Who seeks recognition?

Who yields time?

The time runs equally if neither side seeks recognition.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes and 20 seconds.

Mr. CHAFEE. I will use up the remainder of my time.

Mr. President, the second-degree amendment, as I understand it, by the Senator from Delaware says that all those individuals who are currently eligible for Medicaid would be eligible in the future even though the eligibility standards might be lowered, and thus if a new person came along, they would not be eligible for Medicaid because the cash assistance payments standard would have been lowered.

Mr. President, to me that is a very impractical proposal because what you have to do is get a list of everybody who is currently, I presume, on Medicaid, who meets the eligibility standards, and then I presume that is the permanent list.

If somebody comes along who is at the same level, so you have two women side by side, one who qualifies because of the existing standards and another comes along in the future who does not quite get there by whatever date this bill passes and the AFDC standards or the cash assistance standards have then been dropped, this other woman does not qualify, she and her children. She has dependent children. You might say, ''Oh, no, do not worry about those children; they are taken care of under the 100 percent poverty.''

No, they are not. That is very clear—100 percent of poverty only covers those under 13. Next year it will be 14 and 15. But a woman who has a 15-year old child comes along, with the same financial situation as her neighbor, who came in time to qualify and gets it, and the second one does not, that is not very fair.

So I hope, Mr. President, when we come to vote on this second-degree amendment, as I understand it and as it has been explained, it will be rejected, and then we can get to the Chafee-Breaux amendment as originally proposed and take care of these individuals who are being knocked off—nonpregnant women and children 13 through 18.

How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROTH. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 3 minutes and 59 seconds.

Mr. ROTH. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. All time has been yielded or used.

AMENDMENT NO. 4932 TO AMENDMENT NO. 4931

(Purpose: To maintain the eligibility for medicaid for any individual who is receiving medicaid based on their receipt of AFDC, foster care or adoption assistance, and to provide transitional medicaid for families moving from welfare to work)

Mr. ROTH. Mr. President, I now call up my amendment in the second degree.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 4932 to amendment No. 4931.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

''(12) CONTINUATION OF MEDICAID FOR CERTAIN LOW-INCOME INDIVIDUALS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this Act, a State to which a grant is made under section 403 shall take such action as may be necessary to ensure that—

''(i) any individual who, as of the date of the enactment of the Personal Responsibility and Work Opportunity Act of 1996, is receiving medical assistance under title XIX as a result of such individual's receipt of aid or assistance under a State plan approved under this part (as in effect on July 1, 1996), or under a State plan approved under part E (as so in effect)—

''(I) shall be eligible for medical assistance under the State's plan approved under title XIX, so long as such individual continues to meet the eligibility requirements applicable to such individual under the State's plan approved under this part (as in effect on July 1, 1996); and

''(II) with respect to such individual, any reference in—

''(aa) title XIX;

''(bb) any other provision of law in relation to the operation of such title;

(cc) the State plan under such title of the State in which such individual resides; or

''(dd) any other provision of State law in relation to the operation of such State plan under such title, to a provision of this part, or a State plan under this part (or a provision of such a plan), including standards and methodologies for determining income and resources under this part or such plan, shall be considered a reference to such a provision or plan as in effect as of July 1, 1996; and

''(ii) except as provided in subparagraph (B), if any family becomes ineligible to receive assistance under the State program funded under this part as a result of—

''(I) increased earnings from employment;

''(II) the collection or increased collection of child or spousal support; or

''(III) a combination of the matters described in subclauses (I) and (II), and such family received such assistance in at least 3 of the 6 months immediately preceding the month in which such ineligibility begins, the family shall be eligible for medical assistance under the State's plan approved under title XIX during the immediately succeeding 12-month period for so long as family income (as defined by the State), excluding any refund of Federal income taxes made by reason of section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit) and any payment made by an employer under section 3507 of such Code (relating to advance payment of earned income credit), is less than the poverty line, and that the family will be appropriately notified of such eligibility.

''(B) EXCEPTION.—No medical assistance may be provided under subparagraph (A) to any family that contains an individual who has had all or part of any assistance provided under this part (as in effect on July 1, 1996, or as in effect, with respect to a State, on and after the effective date of chapter 1 of subtitle A of title II of the Personal Responsibility and Work Opportunity Act of 1996) terminated as a result of the application of—

''(i) a preceding paragraph of this subsection;

''(ii) section 407(e)(1); or

''(iii) in the case of a family that includes an individual described in clause (i) of subparagraph (A), a sanction imposed under the State plan under this part (as in effect on July 1, 1996).

Mr. ROTH. Mr. President, I have, of course, already discussed the purpose of my amendment. As I said, the purpose of my amendment is to ensure Medicaid coverage to all individuals currently receiving Medicaid benefits because of their eligibility through the current AFDC program. As I said, this would ensure no child or adult currently receiving Medicaid benefits would lose coverage because of welfare reform. I believe this is fair. I think it is equitable. I think it just makes common sense.

Yes, there are going to be changes in the future. That is the reason we are providing for welfare reform. Hopefully, at a later stage we will have Medicaid reform. I personally thought it was a mistake to separate the two reforms because they are interrelated. But it makes no sense to me, when we are trying to provide greater flexibility to the Governors, to require that two sets or systems of eligibility be maintained if a State changes the welfare program under TANF.

As far as the administrative burdens are concerned, I would say to my good friend from Rhode Island, that his plan, too, will require the maintenance of two books. The difference is that in time ours will become less important.

But I hope the sponsors of the basic amendment will review and look at my proposal, as I believe it is an approach that does provide for equity in that it guarantees all those who are currently receiving Medicaid benefits under AFDC would continue to do so.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, do I understand we have 15 minutes on the new amendment? Is that the proposal? I guess there was never any time agreement, was there?

The PRESIDING OFFICER. For the second-degree amendment there is 1 hour equally divided, controlled half an hour on each side.

Mr. CHAFEE. I will just take a couple of minutes.

Mr. President, it seems to me we have to make up our minds around here. Are we dealing with Medicaid reform or are we not? The ground rules were—what we did in the Finance Committee, we dealt with welfare, we dealt with Medicaid. Then we came to the floor and we dropped off the Medicaid provisions.

Now what we are trying to do, it seems to me, in a back-door way, is make very severe changes in Medicaid without us considering it a Medicaid bill. If we are dealing with Medicaid we get into all kind of different things. We get into the Boland amendment and matters we dealt with in the Finance Committee. But that is not the approach.

Yes, it was very clear, we are severing the two: Welfare is here, Medicaid is here; we are dropping Medicaid off and sticking with welfare. Yet in one fell swoop here, because of the eligibility standards of AFDC, or cash assistance, Medicaid goes along with it. And you have to be very, very careful then. When you have dropped the major Medicaid portions of the bill, what are you going to do about this group that loses their Medicaid coverage, the ones I am talking about? It does not do any good to say that is all right, we will take care of those on the list now. What about in the future? Are we going to let a State just drop right down on its cash assistance way below the levels they are not permitted to go now—which is May 1, 1988—and then go right down? OK, that is welfare reform. We say if they are 38 percent of poverty on May 1, 1988, if they want to go down to 15 percent of poverty, all right. That is welfare reform. But they should not, the individuals should not lose their Medicaid coverage in those changes. That is the problem with the second-degree amendment that was presented here.

We will have a chance to visit more on this, I presume. I do not know what the arrangement is for Tuesday. I suppose we will go right into the votes. Maybe a minute or 2 minutes equally divided and an explanation of some type, as we have done here today. I might say, as you know all, the amendments we voted on today and were debated last evening, all were under an arrangement of no second-degree amendments. Today is different, apparently. So the chairman of the Finance Committee came forward with a second-degree amendment.

Mr. President, I would like, on my time, to ask the chairman of the Finance Committee if I am correct in believing that you could end up with a situation where you have two similar individuals, let us say women on welfare currently. Let us just look ahead a year from now. Under this proposal, you could find one individual currently receiving Medicaid coverage and another individual in exactly the same position—exactly, children the same age, earned income exactly the same, welfare benefits exactly the same. One would be entitled to Medicaid coverage and one would not be, because that second woman is not on the rolls currently? Am I correct in that? I ask the distinguished chairman of the Finance Committee.

Mr. ROTH. Mr. President, I say to the Senator from Rhode Island, that is correct. What we have provided here is a transition rule, trying to ease the change by providing that all women and children who are currently receiving Medicaid benefits because of AFDC programs will continue to do so. But, to answer him directly, yes, that is true for a year from now and it will be true 5 years from now. It would be true 10 years from now.

Mr. CHAFEE. I wonder if I am also correct in suggesting that, under the proposal of the Senator from Delaware, under his second-degree amendment, you could have a situation where the woman is on the rolls now and therefore she is Medicaid eligible. Then suppose she goes off as a result of earnings. Can that individual come back on if her earnings fall below the earnings limitation? Yes, fall below, so she would be eligible once again for cash assistance? Would she get Medicaid?

Mr. ROTH. Once people go off the rolls, their eligibility in the future would depend upon the new program. So they would not go back on the basis of AFDC.

Mr. CHAFEE. So it seems to me that an individual who is locked in under the present system, as suggested by the second-degree amendment, that individual would make a great mistake to get off Medicaid, because, let's say, the eligibility was dropped and they would not currently qualify. So the key thing is to stay on Medicaid, do not get off.

Mr. SANTORUM. Will the Senator yield?

Mr. CHAFEE. Sure.

Mr. SANTORUM. I do not think that would be correct. If the person is no longer eligible for AFDC, what you are

suggesting is they should keep working in a low-wage job just for the purposes of keeping Medicaid and not try to get a promotion where you can get benefits and other kinds of things. I am not sure that would be a logical economic move for somebody.

Mr. CHAFEE. I am sorry, did I miss a question?

Mr. SANTORUM. I said, what you are suggesting is that someone who is no longer on AFDC but is Medicaid eligible because of this grandfathering is not going to have an incentive to take a better job, potentially with benefits, potentially with opportunities for greater advancement, because if they come into a situation where they lose that job, they would not be able to get back on Medicaid. I am looking at someone making an economically rational decision. To me that would not be an economically rational decision.

I think the grandfathering does take care of that situation, and if that mother does have a problem and falls back on AFDC, she is then eligible for Medicaid again. I do not think I see the problem that the Senator from Rhode Island has put forward.

Mr. CHAFEE. That is not the testimony that we had before the Finance Committee. The testimony we had was very clear that the Medicaid situation is a big factor, not just for the adult, but for the children likewise. It affects people's behavior.

Mr. SANTORUM. These are people who are not on AFDC anymore. These are people who are working, because if they were on AFDC, they would be included under the new program.

Mr. CHAFEE. What we are talking about here are two different standards. Let's say under current law, somebody is eligible for AFDC. Automatically that individual gets Medicaid. In the welfare reform bill that we have before us, we are saying to the States, ''You're not bound by that May 1988 level. You can go below that, if you want.''

OK, that is fine, we all agree with that. That is what we voted on. But let's say the May 1988 levels were in the State 50 percent of the poverty level, and the State decides, ''We're going to get tougher on welfare eligibility. We're going to make it so you can't get it if you are above 38 percent of the poverty level.''

Under the Roth proposal, he is saying, ''That is right, you drop it down, but if you are currently receiving Medicaid at the 50 percent level, that is all right, forget the 38 percent, you are taken care of.''

What I am saying is that that person who now is covered is going to be very, very reluctant to get off Medicaid and take a job, because that person cannot get back on, according to the information I received from the manager of the bill.

Mr. ROTH. Inherent in what the Senator from Rhode Island is saying is that the Governors, in developing new programs, are inherently going to shortchange those on welfare. The fact is, and as you know, in the Finance Committee, it was clearly shown that much of the spending in welfare, Medicaid and other programs is beyond what is required by the Federal Government. In fact, I think in the case of Medicaid, they were spending more than 50 percent on a voluntary basis.

So I think it is wrong to assume necessarily that the programs that are going to be developed under TANF are going to be less desirable.

Let me say, a family could increase earnings and drop off AFDC but still be eligible for Medicaid if less than 100 percent of poverty. So there are alternatives.

I yield the floor.

Mr. CHAFEE. I am ready to yield my time back, if the manager of the bill is ready to yield his back.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the Senator from North Dakota, Mr. CONRAD, will be recognized to offer his amendment.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I did not say I yielded my time back, I said ''ready to yield my time back.''

The PRESIDING OFFICER. The Chair misunderstood.

Mr. CHAFEE. So I still have time.

The PRESIDING OFFICER. The Senator has 26 minutes; the other side has 18 minutes.

AMENDMENT NO. 4933 TO AMENDMENT NO. 4931

(Purpose: To maintain current eligibility standards for medicaid and provide additional State flexibility)

Mr. CHAFEE. Mr. President, I do now yield back my time, and send a perfecting amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself, Mr. BREAUX, Mr. COHEN, Mr. GRAHAM, Mr. JEFFORDS, Mr. KERREY, Mr. HATFIELD, Mrs. MURRAY, Ms. SNOWE, Mr. LIEBERMAN, Mr. REID, and Mr. ROCKEFELLER, proposes an amendment numbered 4933 to amendment No. 4931.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. JEFFORDS). Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word and insert the following:

MEDICAID COVERAGE FOR LOW-INCOME FAMILIES.—

''(A) IN GENERAL.—Notwithstanding any other provision of this Act, subject to the succeeding provisions of this paragraph, with respect to a State any reference in title XIX (or other provision of law in relation to the operation of such title) to a provision of this part, or a State plan under this part (or a provision of such a plan), including standards and methodologies for determining income and resources under this part or such plan, shall be considered a reference to such a provision or plan as in effect as of July 1, 1996, with respect to the State.

''(B) CONSTRUCTIONS.—

''(i) In applying section 1925(a)(1), the reference to 'section 402(a)(8)(B)(ii)(II)' is deemed a reference to a corresponding earning disregard rule (if any) established under a State program funded under this part (as in effect on or after October 1, 1996).

''(ii) The provisions of former section 406(h) (as in effect on July 1, 1996) shall apply, in relation to title XIX, with respect to individuals who receive assistance under a State program funded under this part (as in effect on or after October 1, 1996) and are eligible for medical assistance under title XIX or who are described in subparagraph (C)(i) in the same manner as they apply as of July 1, 1996, with respect to individuals who become ineligible for aid to families with dependent children as a result (wholly or partly) of the collection or increased collection of child or spousal support under part D of this title.

''(iii) With respect to the reference in section 1902(a)(5) to a State plan approved under this part, a State may treat such reference as a reference either to a State program funded under this part (as in effect on or after October 1, 1996) or to the State plan under title XIX.

''(C) ELIGIBILITY CRITERIA.—

''(i) IN GENERAL.—For purposes of title XIX, subject to clause (ii), in determining eligibility for medical assistance under such title, an individual shall be treated as receiving aid or assistance under a State plan approved under this part (and shall be treated as meeting the income and resource standards under this part) only if the individual meets—

''(I) the income and resource standards for determining eligibility under such plan; and

''(II) the eligibility requirements of such plan under subsections (a) through (c) of former section 406 and former section 407(a), as in effect as of July 1, 1996. Subject to clause (ii)(II), the income and resource methodologies under such plan as of such date shall be used in the determination of whether any individual meets income and resource standards under such plan.

''(ii) STATE OPTION.—For purposes of applying this paragraph, a State may—

''(I) lower its income standards applicable with respect to this part, but not below the income standards applicable under its State plan under this part on May 1, 1988; and

''(ii) use income and resource standards or methodologies that are less restrictive than the standards or methodologies used under the State plan under this part as of July 1, 1996.

''(iv) TRANSITIONAL COVERAGE.—For purposes of section 1925, an individual who is receiving assistance under the State program funded under this part (as in effect on or after October 1, 1996) and is eligible for medical assistance under title XIX shall be treated as an individual receiving aid or assistance pursuant to a State plan approved under this part (as in effect as of July 1, 1996) (and thereby eligible for continuation of medical assistance under such section 1925).

''(D) WAIVERS.—In the case of a waiver of a provision of this part in effect with respect to a State as of July 1, 1996, if the waiver affects eligibility of individuals for medical assistance under title XIX, such waiver may (but need not) continue to be applied, at the option of the State, in relation to such title after the date the waiver would otherwise expire. If a State elects not to continue to apply such a waiver, then, after the date of the expiration of the waiver, subparagraphs (A), (B), and (C) shall be applied as if any provisions so waived had not been waived.

''(E) STATE OPTION TO USE 1 APPLICATION FORM.—Nothing in this paragraph, this part, or title XIX, shall be construed as preventing a State from providing for the same application form for assistance under a State program funded under this part (on or after October 1, 1996) and for medical assistance under title XIX.

''(F) REQUIREMENT FOR RECEIPT OF FUNDS.—A State to which a grant is made under section 403 shall take such action as may be necessary to ensure that the provisions of this paragraph are carried out provided that the state is otherwise participating in title XIX of this Act.

The PRESIDING OFFICER. Under the previous order, there is 1 hour for debate equally divided. Who yields time?

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. If I could just have 30 seconds to explain the perfecting amendment. What that does is make sure that that population that I was previously discussing, who now or in the future qualify under the present eligibility rules, will continue to be eligible for Medicaid.

The PRESIDING OFFICER. Who yields time?

Mr. SANTORUM. We yield back the remainder of our time.

Mr. CHAFEE. I yield back my time.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 4934

(Purpose: To strike the State food assistance block grant)

Mr. CONRAD. Mr. President, I call up my amendment that is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself, Mr. JEFFORDS, Mr. KERREY, Mr. LEAHY, Mrs. MURRAY, and Mr. REID, proposes amendment numbered 4934.

Mr. CONRAD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 8, line 24, strike ''for fiscal year 1996'' and insert ''for the period beginning October 1, 1995, and ending November 30, 1996''.

On page 9, strike lines 1 through 5 and insert the following:

''(ii) for the period beginning December 1, 1996, and ending September 30, 2001, $120, $206, $170, $242, and $106, respectively;

''(iii) for the period beginning October 1, 2001, and ending August 31, 2002, $113, $193, $159, $227, and $100, respectively; and

''(iv) for the period beginning September 1, 2002, and ending September 30, 2002, $120, $206, $170, $242, and $106, respectively.

Beginning on page 94, strike line 14 and all that follows through page 111, line 6.

Mr. CONRAD. Mr. President, I am proud to be joined by my colleague, Senator JEFFORDS, the distinguished occupant of the Chair, Senators KERREY, LEAHY, MURRAY, and REID in offering an amendment to preserve our Nation's Food Stamp Program by eliminating the food stamp block grant.

This is one of the most important issues in the pending welfare reform legislation. Members in this Chamber and people around the country often talk of the need for a real bipartisan effort to reform our welfare system. Our amendment is a true bipartisan undertaking.

I am hopeful that my colleagues will consider the amendment and the benefits it will provide for our Nation's children and elderly, our cities and our rural areas. Block granting the Food Stamp Program is a mistake for this country. I am confident that if my colleagues give careful consideration to the Food Stamp Program, how it works, who it serves, and how it was developed, that they will vote for our amendment.

I want to make clear to my colleagues and others who are watching what this amendment is about. It is about providing food to hungry people. That is what is at issue. This amendment is about making certain that hungry people are fed. That is the most basic test of the fundamental decency of any society. Are hungry people fed? This amendment provides the answer. It says that in America hungry people will not go without food.

Mr. President, I want to make clear at the outset that the cost of our amendment is fully offset over the 6-year budget period. This amendment reduces the standard deduction in order to provide the revenue necessary to pay for the amendment. With our amendment, the Agriculture Committee will still be in full compliance with its budget reconciliation target.

Mr. President, the Food Stamp Program is the anchor for our Nation's nutritional safety net. The program developed from a decision by Congress that no child, indeed no person, in our wealthy country with its abundant food supply should go hungry.

My colleagues will remember that former Senator Dole, the apparent Republican Presidential nominee, was a leader in this effort. So, too, was former Senator George McGovern, a former Democratic Presidential nominee. In fact, we ought to wish former Senator McGovern a happy birthday because this is Senator McGovern's birthday today.

So we had a fully bipartisan effort that formed the Food Stamp Program. It remains a valid goal for our country and for those of us in this Chamber who share with our colleagues in the House of Representatives and the President of the United States the responsibility for making these decisions.

My colleagues should know that fully 51 percent of food stamp recipients are children, 7 percent are elderly, and 9 percent are disabled.

To further illustrate, I have brought with me this chart indicating the distribution of food stamp benefits to households. And 82 percent of food stamp households are households with children. This chart shows that. Now, 82 percent of the food stamp eligible households in this country are households with children. Only 18 percent are without children.

Mr. President, I want to make clear, we are defending the basic notion of a Food Stamp Program. That does not mean that we are not supportive of changes to reform the Food Stamp Program, to improve its implementation and to save money, because this bill has substantial savings out of the Food Stamp Program, over $20 billion.

We are not affecting those savings. But we are saying, do not block grant the Food Stamp Program. Do not do that. That is a mistake for this country. And it will fundamentally undermine the Food Stamp Program and the nutritional safety net that it provides.

Mr. President, currently every child who needs food is eligible for food stamps. Under a block grant, a State would have no obligation to provide benefits to children—none, no obligation to provide for children. There are no standards whatsoever regarding who should receive benefits or how much in benefits they should receive under the bill we have before us.

Mr. President, block granting the Food Stamp Program would tear a hole in the safety net that makes certain 14 million children do not go to bed hungry at night or do not go to school with hunger pains. This is what preserving our Nation's Food Stamp Program is about. And these are the people we place at risk by block granting the Food Stamp Program and eliminating the food safety net.

The Food Stamp Program, as my colleagues know well, is a carefully crafted program that has a tremendously impressive history of responding to economic fluctuations in our country and changes in child and adult poverty levels. The Food Stamp Program has been successful in fighting hunger because it automatically covers more people when economic downturns or natural disasters push more Americans below the poverty line.

Block granting the Food Stamp Program would eliminate this automatic response to increases in poverty that the current program provides. I have brought two charts which illustrate the Food Stamp Program's responsiveness to fluctuations in poverty.

The first is a chart that shows from 1979 to 1993 how the Food Stamp Program responded directly to changes in the overall poverty rate. My colleagues can see the red line shows the poverty population in this country. The blue line shows food stamp participation. As poverty rates have changed, as the incidence of poverty has changed, one can see that the food stamp participation rate has moved in tandem with it. In other words, responding directly to increases in poverty.

The second chart is perhaps more compelling to those who think the Federal Government should protect kids but are less sympathetic to their parents. This chart illustrates how the Food Stamp Program responds to changes in the child poverty rate. Again, the red line shows increases in the child poverty rate from 1979 through 1993. Again, the food stamp participation rate tracks closely with it. Make no mistake, the Food Stamp Program is the most important part of our arsenal to fight the battle against poverty in America.

This responsiveness, the responsiveness of the Food Stamp Program to economic fluctuations, led the National Governors' Association and the drafters of this welfare bill to improve the AFDC block grant contingency fund trigger by basing it on an increase in food stamp participation.

Mr. President, it does not make sense to turn around and block grant the program and eliminate the program's ability to respond to dramatic changes caused by economic downturns or natural disasters. It makes no sense to take away that automatic stabilizer that is a central feature of the Food Stamp Program.

Again, this does not mean we cannot make changes in the Food Stamp Program. We can. We should. We should achieve additional savings, and we will. This amendment does not affect those changes and those savings.

A block grant with limited funding cannot respond to changes in poverty levels, nor can it respond to a severe economic downturn or to a natural disaster. The need for a State to help its children, elderly, and working families, would come precisely at a time when the State's economy is least able to support increased food assistance expenditures.

Let me just share with my colleagues the example from the State of Florida, because I think it is most instructive. I want to make clear this is not a question of Governors or States being mean-spirited or wanting to limit food stamps in a time of need. We are not questioning here the good faith of our Nation's Governors. We are not questioning the good faith of our Nation's State legislators. This is a question of economic reality. There simply is no way for any State to accurately plan in advance for dramatic increases in food aid required by severe economic downturns or natural disasters.

Governor Chiles of Florida gave testimony at the Senate agriculture hearing on nutrition in May of last year that illustrated this point. He included a chart with his testimony which outlined Florida's food stamp participation benefits from October 1987 to January 1995. I have brought the chart of Governor Chiles because I think it can help Members understand why block granting the Food Stamp Program could have unintended consequences we would all regret.

The way the food stamp block grant is structured in the bill before the Senate, a State is required to decide several months before the beginning of the next fiscal year if it wants to exercise the block grant option. A State would then be bound to its decision for the remainder of the fiscal year. Therein lies the problem, Mr. President.

We will look at the chart from Florida that Governor Chiles presented. From October 1987 to October 1989, we can see the demand for food stamps in Florida was level. No block grant demands were increasing. They were basically stable. So a Governor could have felt confident that his or her State would have been better off with the block grant and would not put anyone at risk of going hungry if they were basing that on the experience of 1987 to 1989.

However, from October 1989 to mid-1992, there was a national recession, and Florida's food stamp caseload exploded. One can see how the food stamp caseload just went up on almost a straight line in the State of Florida. No block grant could have responded to the increase in families that needed food stamps in Florida during this time. No State would be able to predict or prepare for this dramatic growth in demand for food assistance.

That was not the end of the story in Florida because we will recall the testimony of Governor Chiles. Then the big one hit, a natural disaster. The natural disaster was Hurricane Andrew, and its devastating blow was felt all across Florida. The sharp increase in demand for food aid help in September 1992 shows the impact of Hurricane Andrew. A block grant could not have responded to the immediate and massive need for food created by this natural disaster.

Mr. President, this is a central point with respect to this amendment. If we adopt a circumstance in which a State must commit to a flat amount of funding, a flat block grant amount for food stamps, and then that State is hit by either an economic downturn, impossible to predict, or a natural disaster, again, impossible to predict, and the demand for food aid skyrockets as it did in Florida, the need for food for that State's children and for other people could not and would not be met.

Mr. President, Florida is not alone. Natural disasters hit nearly every State in the last year, from a drought in Texas to flooding in Missouri, to earthquakes in California. We all know the litany of natural disasters over the last several years. Are we really going to abandon the children in those States to a flat amount of funding for food stamps with no ability to adjust for an economic downturn or a natural disaster? I think not. I think America is better than that. The National Food Stamp Program should respond to the needs of families that temporarily need food during these times of crisis.

As a matter of fact, using almost exactly the same formula as is in the current welfare proposal, the U.S. Department of Agriculture estimated if a block grant proposal had been enacted in 1990, in 1994 every State would have fallen short of the funding needed to provide food aid for their children. Choose any State and children would have suffered.

Mr. President, the case for this amendment does not end there. The obligation that is in the bill before the Senate could destroy the Food Stamp Program. I believe we have a strong national interest in ensuring that children and other vulnerable members of our society do not go hungry. Others may argue this is a State option, that the decision to take the risk that children go hungry should be left to each State.

It is not that simple, Mr. President. The block grant option contains within it the potential to destroy the National Food Stamp Program. That is because if States opt for the block grant, their representatives no longer have a stake in the Federal program. They could vote for deep cuts in the Food Stamp Program without any adverse impact on their States or districts.

Mr. President, I believe the underlying bill has in it the seeds of the destruction of the Food Stamp Program. Too many of us have labored for too long on a bipartisan basis to make certain that if people are hungry in this country, they have a chance of being fed, to allow that to happen.

I also want to emphasize there is a different rationale for block granting the AFDC Program than the Food Stamp Program. We have heard many calls for block granting the AFDC Program. That has a certain logic to it. Many States have indicated their desire to block grant the AFDC Program in order to make better use of the significant number of State dollars that are spent on the AFDC Program. States may also want block grants for AFDC, in the hope of eventually achieving savings at the State level. These arguments do not apply to the Food Stamp Program because it is a Federal program. Food stamp benefits are fully funded by the Federal Government. There is no State match. There is no State maintenance of effort requirement.

Mr. President, I also want to address the issue of State flexibility. I firmly believe that real welfare reform requires greatly increased State flexibility. I introduced an entire welfare reform package of my own, which provided for a dramatic increase in tax flexibility. That made sense. I have already explained why a block grant approach to food stamps is bad policy and completely undermines the benefits and integrity of the Food Stamp Program.

I know, however, that there are those in this Chamber who support the block grants solely on the basis of supporting anything that increases State flexibility. I will address this issue because it is important. Without the block grant, the welfare bill before us makes the

biggest steps to expand State flexibility in operating the Food Stamp Program that the program has experienced in two decades. States will have broad, new authority to simplify food stamp rules and develop their own policies to promote work and responsibility. That is as it should be.

States will have broad, new flexibility to streamline food stamp benefits to coordinate with their application of benefits under the AFDC block grant. They have the option to convert food stamp benefits to wage subsidies, and the option to determine if they want to provide benefits to people who are delinquent in child support payments. States also have almost complete flexibility to structure programs to promote employment and self-sufficiency and to impose strict work requirements.

Federal rules impeding implementation of State electronic benefit transfer systems would be eliminated under the current bill, as would a large number of provisions which micromanage food stamp administration. We do not change any of that, Mr. President. That dramatically increased State flexibility is completely preserved under the amendment we are offering. I understand and support the need for State flexibility. But, as I have already pointed out, this is a Federal program, part of a national commitment to ensure that children and vulnerable Americans do not go hungry. And it works. We here in the Senate have a responsibility to ensure that Federal tax dollars applied to the Food Stamp Program succeed in fulfilling this commitment. We should not use the doctrine of State flexibility to put millions of American children and seniors at risk of going to bed hungry at night. We are a better nation than that. We are a better people than that. We are a better Senate than that.

I hope my colleagues will join me in saying that, in America, the hungry will be fed.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. I thank the Chair. First, let me say, Mr. President, that we have had votes on block grants here in the Senate in the past. We had one on the bill last year. In fact, when it came out of the Agriculture Committee, there was no block grant. The block grant was offered here on the floor of the Senate and was passed in the Senate. It was included in the welfare reform bill that was passed here in the Senate. It was included in the bill that passed originally, as I said before, in the Senate, which passed 87 to 12. The Senator from North Dakota voted for that, as well as other provisions in the bill. The block grant included in the Senate bill—

Mr. CONRAD. If the Senator will yield, I would like to correct the RECORD. The Senator from North Dakota did not vote for the block grant. The Senator from North Dakota voted against the block grant. But when a Senator is presented with the question of supporting the overall bill, that is a different question.

Mr. SANTORUM. It was included in the Senate bill, which passed 87 to 12 here, in the reconciliation bill, and in the welfare bill that was vetoed by the President. In fact, the block grant provision that is in this bill actually has a lot higher hurdles for States to jump over to get a block grant, because in the bill that originally came through here, there was a requirement in the original Senate bill that 85 percent of the money be spent on food.

In this bill, 94 percent of the money has to be spent on food stamp aid. So States have a higher requirement. In this bill, you can get a block grant only if you have EBT, electronic benefits transfer, a computerized way of providing food stamps. In the other bill, there was no such electronic benefits transfer.

In this bill, you have to meet one of these criteria to get in. An error rate of under 6 percent. The national error rate is between 9 and 10 percent. So you have to have a pretty good error rate to be able to qualify for a block grant. There are only a few States who qualify—Massachusetts, Alabama, Kentucky, Arkansas, Louisiana, South Dakota, and the Virgin Islands. Maryland, Texas, and South Carolina qualify for electronic benefits transfer. If you have an error rate above 6 percent, you have to use State dollars to, in fact, pay down the error rate to make up the difference—obviously, an expense of the States.

So we have a much higher standard here of qualifying, and the standard is set for the purpose of making sure that the States that do take a block grant either have a technologically advanced program like electronic benefits transfer, where you get the debit card instead of the stamps, which you then use to purchase your food, or you have a good system which has a low error rate. I think when you consider the fact that only 7 jurisdictions out of the 50-some that we have receiving these programs have such a low error rate, I think we have set the standard pretty high here. So this is not an easy thing that lots of States are going to jump into. Most States will not qualify for these block grants. So we believe we have set an appropriate standard.

The Senator from South Dakota talked about the Florida rate and how it was going along at a nice rate, and then jumped up, and they got caught and they were stuck. Well, as the Senator from North Dakota knows, they are not stuck. Under this bill, as under the previous block grant proposals, the Governor and legislature of Florida can opt in, but they can also opt out. It is a one-time thing. You stay in, or when you go out, you are out forever. If they do not want to swim in the pond and do not like the water temperature, they can get out. They would have to sit on the beach and watch. They had their chance to swim. We think that is fair and that gives an adequate chance for States who run into difficult situations.

This is certainly a safety valve for a State that might find itself in some sort of cataclysmic situation. The other things we allow States to do, which is positive, is to take the money that they have had—I cannot see the exact years on the chart, but say they had 3 or 4 good years, where it was perking along at a low rate, and because we have given them a block grant, they do not have to comply with all the bells and whistles that we require in Washington; they can run their own program. As most Governors told me, they can run it a heck of a lot more efficiently than we make them run it out of Washington. So let us assume—and I do not think it is unreasonable to assume this—if the food stamp rate stays the same and we are giving increases in funding, then they would be able to save money. We allow them to keep up to 10 percent of the total amount that they—I will rephrase that. If they do not spend all of the money that has been allocated to them in the block grant, and they spend, let us say 95 percent of it, well, the 5 percent they do not spend they can put in a fund and carry it over. They can carry over up to 10 percent every year, and up to 30 percent of an annual allocation, which means they can have a rainy day fund here to take care of situations where you have that little spike because of a hurricane or something like that. That is what prudent State planners should do when it comes to these kinds of programs. We provide for that in this bill.

So we think that there are adequate safeguards there for these kinds of spikes in benefits. The Senator also said there is no maintenance of effort provision. Under the current Food Stamp Program, 50 percent of the administrative costs are paid for by the Federal Government, and 50 percent are paid for by the State government.

They said we do not require them to maintain their effort; in other words, require them to pick up 50 percent of the cost. That is true and it is not true. Specifically, do we require them to pick up the effort? No. But what we say, as I referred to earlier, is that now 94 percent of the money they get must go for food stamps; 6 percent is administrative. What is the average administrative cost for the Food Stamp Program today? Coincidentally, 12 percent. What does that mean? That means that 6 percent now is going to be federally funded. That is the 6 percent you can use for administrative costs, and, if they want to continue their spending at a rate of 12 percent for administrative costs, who is going to pick up the other 6 percent? The State with State funds. No, we do not specifically say you have to maintain effort. But we give you only half of the money you would normally use to administer the program. So, if they can do a better job

administering the program, if they get from 12 percent down to 10 percent, we say you can keep the savings, and you can use State dollars for the savings.

I do not think that is a bad thing. I think if they can reduce their administrative costs they should get the benefit of reducing those costs.

So we have set up a system that says we want to give you the opportunity, if you think you can run this program better than we can, if you think you can feed more people, if you think you can do it more efficiently, we are going to give you the opportunity. When you do that, you have to submit a plan to HHS. They have to get approval. You have to say in that plan how you are going to serve a specific population. As you know, when we submit plans here, as we had this discussion earlier today about getting waivers approved by the Department of Health and Human Services, that is not an easy thing to do sometimes.

So we put hurdles in place to make sure that these plans are adequate to serve the needs of hungry people in the respective States, and we require them to maintain a quality control program, and, frankly, you know that just makes sense. So we have adequate controls in there to make sure this is a good plan for the people of the State. We give them the option to do it. If they have a bad year, or some doom on the horizon, they can get out. So we give them the flexibility to get out. We give them the opportunity to save money on administrative costs by putting in a better system, and we set standards so they have to either be technologically advanced like an EBT system—that is a much more efficient system to get into this program in the first place—or they have to have lower error rates, which means they have to have a well-run program to get in here.

So, I believe we have come up with a plan here that provides adequate safeguards for the hungry in those respective States, gives States an incentive to be innovative, to be efficient, to provide actually more and better food services to the people in their State, and in the end provide the safety valve for States that might find themselves in the situation which Florida found themselves in with an escape hatch, a one-time escape hatch in the bill.

So, I think what this bill has done is it has taken what was—frankly, no offense to the author—a relatively crude Food Stamp Block Program that was offered here on the floor and has been refined through conference because some of these cases are made in the conference bill, and additionally refined by the Agriculture Committee, which the Senator from North Dakota and I both sit on. As you know, excellent work comes out of that committee. We have refined it, and now we are at the point where I suggest we have a fairly solid, responsible program that is going to be limited in impact because of the limitation of States and their ability to get in here and have adequate safeguards to make sure that not only people who are in this program are fed, but that States that run into problems can get out.

I reserve the remainder of my time.

Mr. CONRAD. Mr. President, our colleague from Pennsylvania has not only misplaced me by putting me in South Dakota—I represent North Dakota——

Mr. SANTORUM. I apologize. I am sorry.

Mr. CONRAD. But also misplacing his argument as well. The simple reality is Florida did not get advance notice of Hurricane Andrew. Nobody called up the Governor and said, when he would have had to make the decision under this bill to opt in and take the block grant that, ''Hey, Governor, 9 months from now you are going to be hit by a hurricane.'' You know, if the Governor would have looked back to the pattern back in 1987 to 1989, any Governor might have concluded it is a safe bet to go with a block grant.

The problem is people do not have advance notice of an economic downturn. That is what happened here. They do not have advance notice of an actual disaster. That is what happened here. All the opt in and opt out would not have done them a bit of good in Florida. When these hungry people showed up, these were not people who have been on the welfare rolls for 10 years, these were not people who did not work. These are people who were hit by a natural disaster and needed food. The State of Florida would not have been able to provide it under a block grant.

Is that what we want to do in this country? I think not.

Mr. SANTORUM. Will the Senator yield?

Mr. CONRAD. Let me conclude.

We want a plan and a program that is going to assure us, as the Food Stamp Program does now, that if people are hungry, if they have been hit by a sharp economic downturn and a natural disaster, that they are going to have a chance to be fed.

Let me just say, with respect to the notion of opt in and opt out, that you have a one-time opt out here; one time. Does that mean Florida is never going to be hit by another natural disaster? Does that mean that Florida is never going to be hit again by an economic downturn?

Mr. President, this is not well-crafted. This is not well thought through. It goes right to the heart of the Food Stamp Program. More importantly, it goes right to the heart of the question in America: Are we going to make sure that hungry people are fed?

I am happy to yield.

Mr. SANTORUM. Mr. President, in response to the last assertion that Florida would not be hit by another natural disaster if Florida opts out of a block grant, in the Federal entitlement program they are covered under the existing Food Stamp Program.

I do not understand why the opt out is such a bad idea. The fact is that what you want to accomplish is to put them back into the main program.

Mr. CONRAD. If I may say to my colleague, the opt out is not just a bad idea. What is a bad idea is the opt in because once you have opted in you are stuck for that year. You are stuck. Florida would have been stuck. They would not have been able to feed these people who are hungry. The problem is the opt in.

That is what this amendment seeks to say. It says, ''Look, we are not going to have a program that endangers children. We are not going to have a program that endangers people who are vulnerable.''

Mr. President, it seems to me that this is a circumstance in which we should all understand that half of the States are eligible immediately, I am told under this bill, to go under the Block Grant Program; 40 would be eligible within 2 years. This is not some narrow, finely crafted amendment. This is a wholesale assault on the Food Stamp Program. That is what this is.

I do not think that is what this Senate ought to be doing. I do not think that is what this Congress ought to be doing.

Further, there is no guarantee under this legislation that protects children who are now eligible. There is no individual guarantee to children in this legislation. And most serious of all, there is absolutely no protection for a State that is hit by a natural disaster or a sharp economic downturn. That is the reality of the underlying legislation.

I do not think we want to take that risk with America's kids. I do not think we want to take that risk with the States that may face something they are wholly unprepared for.

What is going to happen in California? What if California opted in and decided in July of a year that the next year they were going to be block granted? They are going to take a set amount of money for food stamps. And then California has the big one, has a huge earthquake, and millions of people are displaced and hungry, and they show up at Federal centers looking for food assistance. Are we really going to have a system that says that we are sorry, California is out of money; you just are going to have to go hungry, and maybe you can go over to Nevada and find some food over there?

This is not well thought through, this provision of block granting food stamps. We ought to make this change, the change that is contained in this amendment.

I say to my friend that he has established a new standard. The standard here is it is good because it passed the Senate sometime in the past, or that it is acceptable because it passed the Senate sometime in the past. That is a new standard. I do not think that is the standard we want to apply in judging whether or not legislation is well-crafted.

I am afraid all too often things that have passed this Chamber, perhaps even things that passed the other

Chamber, are things that need a lot more work. And that is why we have offered this amendment on a bipartisan basis.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, from the numbers that I have, I have four States that would be eligible for block grant under the EBT provision, seven States would be under the error rate of under 6 percent. That is out of 53 jurisdictions that are eligible for the program. So I have 11 jurisdictions of 53 that would be eligible today, not 40.

Now, I will say that all 53 jurisdictions are eligible, if the States are willing to pay down the error rate. That would be unlikely, we suspect, for any jurisdiction that would want to put up money, State money in advance to get a Federal block grant. So what we are looking at here is 11 States today.

Now, the Senator from North Dakota may be anticipating a lot more States going on with electronic benefits transfer, and I know that is being worked on in several States, but as we speak right now we are looking at 11 jurisdictions. So this is not opening the floodgates by any stretch of the imagination.

What the Senator also has talked about is the State of Florida being stuck if, in fact, they get hit with a bad economy and on top of that, in the case of Florida, a natural disaster.

I suggest that if the Senator from North Dakota looks at his chart, he will see several—I cannot tell the months or years, but an extended period of time where the rate did not go up, the number of people on food stamps did not go up. As I said before, under our program, States would be able to save a portion of the money, up to 10 percent of the annual block grant, and let it go into next year. So they could build up a rainy day fund or a reserve fund for bad times.

Now, if you look at the Florida example, and let us say Florida is one of those States that is a little skittish and wanted to get out, before Hurricane Andrew there looked to be a substantial period of time where benefits were increasing fairly dramatically prior to the hurricane. So they certainly would have had ample notice of a rising food stamp roll and been able to get out, if they were concerned, well before the hurricane.

That is just using Florida's example. They would have been able to get out during the period of economic downturn, but I think what is more important is that they are able to plan for this by taking the good times—and we have, as in most capitalist economies, economic business cycles. During the good times, they can save some money, and during the bad times, they can draw down that surplus.

The Senator from North Dakota also indicated that they would not be able to pay these people benefits; they would run out of money. Well, the Senator knows that hurricane, I think, occurred sometime in the summer, which is only halfway through the year.

At that point, they still have half the block grant left. They could move that funding forward and fill that need and then come in at the end, I would suspect, with State dollars to make sure they get to the end of the year. The State can always put up their own money to fill the need and, in fact, having created a plan which creates an entitlement for food stamps, they would be required to come up with their own money. Then they have to make the decision, as I said before, whether they want to continue a program that puts them at some sort of risk. My feeling is that is a decision for the States to make.

But to suggest that the State will have no money to pay people food stamps is just not accurate. They will have the money. It will be their own money, not the block grant. But that is the choice they make. The Governors and State legislators are not stupid. They know there are good times and there are bad times, there are natural disasters, and on balance they are going to make a decision that they can run a program so much better than we let them run it today that, given all these exigencies, and they know they exist, they are going to run a better program and save money in the process.

That is a decision we leave up to them to make. We trust the Governors in the State. We trust State legislators to be able to sit down and rationally come up with a decision, that they want to take responsibility for this because they can do it better and serve the needs of their people better. I want to give people the option to do it, but there are sufficient safeguards that they have a good program to start, which is why these hurdles are in place, and that they have a good plan and that they implement it, which is why we require HHS approval. And if they screw up, frankly, they have a chance to get out.

So we make them have a good plan to start. We require them to submit a good plan to continue, and if they end up having a lousy plan, they can get out. That, to me, is as well thought out as you can possibly get and is as flexible as you can possibly get for an opportunity for States to take control of this very important program that feeds millions of people.

I reserve the remainder of my time.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. The problem with the argument of the Senator from Pennsylvania is that it is wholly focused on what is in the interest of the State government. What he forgets about is who we are trying to serve here. We are talking about hungry people. He is worried about what happens to the structure of the State government. I am worried about what happens to the people who are hungry in that State if the State officials make this mistake.

Let us go back to the example of Florida. From 1987 to 1989, their caseload was flat. Then they had economic downturn and the caseload started to explode. They did not have advance warning of an economic downturn. More clearly, they did not have warning of what happened here where we see the spike in demand for food aid for people caused by a natural disaster. They would have had to make the decision to go to the block grant under this proposal back here in July of the previous year.

Now, unless they were prophetic, they might have thought if they had a pattern like they saw back in 1987 to 1989, it was safe to take a block grant. But then if they would have had a natural disaster like Andrew, what would have happened to the people who were hungry that lined up for help? The Senator says, well, the State could have put in their money. That is at the very time the State is having to put their money into every other part of this disaster.

You go find out about the budget of the State of Florida during this period. They were under enormous stress because of the combination of economic downturn and natural disaster. That is the very time this underlying bill would say: State, come up with some more money.

That is a dream. That is not connected to reality. That is a wish. That is a hope. People cannot eat wishes and hopes. People need food when they are hungry. This, to me, is one of those circumstances where we have before us a proposal that does not meet the needs of the people. I am not so worried about the State government. I am worried about the people who in my State or any other State would be denied food because of an economic downturn or a natural disaster that was unforeseen, unpredicted, and the State bet the farm that nothing bad was going to happen.

How much time remains?

The PRESIDING OFFICER (Mr. SANTORUM). Twenty-nine minutes.

Mr. CONRAD. I yield whatever time the Senator from Vermont desires.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I thank the Senator.

Mr. President, I rise to urge my colleagues to join Senator CONRAD, myself, and our cosponsors in supporting the amendment to remove the optional block grant from the welfare bill.

I have three major objections to block granting the Food Stamp Program. First, I am very concerned about the opportunity for fraud if we turn the Food Stamp Program over to the States. Second, I am fearful that a food stamp block grant could put our most vulnerable populations at risk. Finally, I believe the bill as crafted proposes a solid program that will afford the States a great deal of flexibility without irretrievably compromising our national nutritional safety net. I think the program proposed in the bill should be given an opportunity to prove itself.

Under current food stamp law, the USDA operates a sophisticated computer system that identifies suspicious food stamp redemption patterns. Federal undercover agents visit the suspicious stores and gather evidence of illegal activity. If food stamps are converted to a block grant, much of this responsibility will shift to the States. Few States will be able to match the antifraud capabilities and resources of this Federal operation. Although I understand the States' desire for greater flexibility, we know that at this time only a handful have developed an electronic system that could provide the assurances of fraud prevention that we have at the Federal level. In this time of quickly diminishing Federal resources, I am reluctant to sacrifice the efficiencies and success of the program that the Department of Agriculture has developed.

Next, let me share my concern that the optional food stamp block grant would end the assurance of a nutritional safety net under the Nation's poor—particularly its children. Poor families and elderly individuals would be left at serious risk during economic downturns in States opting for the block grant. The block grant fails to provide any adjustment during a recession for increases in unemployment and poverty. States also would receive no additional funds in the event that food prices rise unexpectedly. States would be forced to curtail eligibility and benefits during these times. Unemployed workers who need food stamps temporarily could end up on a waiting list—depriving their families of critical food assistance. After unemployment compensation, the Food Stamp Program is the Nation's principle countercyclical tool to respond to recessions.

Block granting the Food Stamp Program puts children at risk. Preserving national standards for food stamps takes on even greater importance if the AFDC Program is converted to a block grant since no poor child is assured of receiving cash assistance under an AFDC block grant. Maintaining the National Food Stamp Program at least guarantees that a food assistance safety net of last resort is in place for poor children. Given this very great risk, I frankly am not sure why a State would choose a block grant, nonetheless it is possible a State would, and I fear its poorest citizens could end up suffering the consequences.

Finally, I believe there is no reason for a State to choose a block grant—the welfare bill as drafted gives the States unprecedented flexibility to run their own food stamp programs without a block grant.

Under this reform bill:

States get flexibility to set their own food stamp benefit rules for families that receive AFDC. If they choose, States could drop many of the rules that now apply to families, and then substitute their own rules—without securing a waiver. States also may integrate food stamp and cash assistance benefit eligibility as they see fit. States have asked for a long time for this flexibility, and the bill as drafted gives it to them.

States can convert food stamp benefits to wage subsidies provided to employers. In other words, States may require food stamp recipients in wage subsidy projects to work for wages rather than food stamps. Again, this is something many States have asked for, and the bill as drafted gives it to them.

States have the flexibility to disqualify custodial parents who do not cooperate with efforts to establish paternity or child support orders. States may also disqualify absent parents who fail to make their child support payments.

States are freed from federally imposed administrative requirements. The bill lifts an array of Federal requirements regarding food stamp application forms, the application process, and how States should coordinate with other assistance programs would be removed. States can make their own decisions on how to administer their food stamp programs. This is flexibility the States asked for, and the bill gives it to them.

I have listed four ways that this bill provides much greater flexibility to the States than they have ever had in the Food Stamp Program—and there are many more provisions in the bill that give the States the flexibility they have asked for with regard to the Food Stamp Program.

For the reasons described above, I urge my colleagues to join me in supporting this amendment to remove the optional block grant from the bill.

Mr. KERREY. Mr. President, I am proud to be an original cosponsor of this amendment to strike the optional food stamp block grant. This bill provides States ample flexibility to develop their food assistance programs without a block grant structure. We should not place minimum national eligibility and benefit floors for this important food assistance safety net at risk in an effort to provide States with even more flexibility.

Maintaining the national standards for food stamps is particularly important under this bill. Children and their families may lose cash assistance under the welfare block grant—even if parents are unable to find work. The National Food Stamp Program ensures that a basic food assistance safety net is still available to these families and prevents children from being at risk for unmet nutritional needs. If we are going to cut funding for cash assistance and block-grant the welfare program, we need to be very conscious of the changes we make to other safety-net programs that also serve poor Americans.

Block grants will place both States and food stamp beneficiaries at risk. These block grants would not adjust for increases in unemployment or poverty, or unexpected increases in food prices. States would need to stretch their block grant dollars by providing fewer benefits to each enrollee under these circumstances—or they may be forced to cut eligibility.

States do not need an optional food stamp block grant. This bill provides States with substantial new flexibility to design their food stamp programs. For example:

States could largely develop their own food stamp benefit rules and they may integrate the food stamp eligibility process with welfare.

Federal requirements for employment and training programs related to food stamp eligibility would be repealed—States could design these programs as they choose.

States could convert food stamp benefits to wage subsidies.

Federal rules that make electronic benefit systems difficult to implement would be repealed, while Federal requirements for food stamp applications, coordination with other safety-net programs, and other administrative rules would also be deleted.

These are significant changes to the current Food Stamp Program. States will be better able to design and administer their programs using innovative approaches to promoting work and self-sufficiency for food stamp beneficiaries. We should not also establish a food stamp block grant, thereby eliminating the national floor for eligibility and benefits, thereby threatening low-income children and their families.

I encourage my colleagues to join me in voting for this amendment.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from North Dakota.

Mr. CONRAD. Mr. President, just a couple of quick additional points so we can, hopefully, persuade the occupant of the chair of the wisdom of this amendment. I think he is perhaps right on the brink, now, of coming over to our side. If we can just provide him some additional information, he will come to our side on this argument.

The Senator from Pennsylvania was indicating that just a handful of States would be eligible. That strikes me as an indication of the weakness of their argument. If the argument is this underlying bill is not so bad because only a handful of States can qualify, that does not speak very well of the position in the legislation. The fact is, not a handful of States qualify; every State can qualify. Every State can qualify. Every State could be in a position of not meeting the needs of hungry people at the time of economic recession or natural disaster.

The facts I have suggest that about half the States now could take block grant with no cost. Others could come in by paying a small cost. But within 2 or 3 years, nearly 40 States would be in a position to be in the block grant at no cost. In addition to that, with respect to what happens to participation rates during a recession, I have a chart that shows what has happened in various States during an economic downturn, during the period of 1989 to 1992, when the country was in a recession.

Nevada's participation rate went up over 90 percent; Florida's rate went up over 100 percent; Delaware's rate went up over 70 percent; Vermont's rate went up nearly 60 percent. These are not things that a State does a very good job of forecasting. They even do less well at forecasting natural disasters.

In my own State of North Dakota, we had a natural disaster back in 1988 and 1989. It was a drought. Nobody forecasted the drought was coming. Out of the blue we have a drought. All of a sudden our participation rates jumped, and not just in food stamps, but other programs as well. Food stamps are different because we are talking about hungry people. We are talking about preventing people who cannot get food from having some alternative that is humane.

The Florida example is just as clear as it can be. You have to opt in the year before. If they had opted in, they would have been stuck with the level of funding provided for in this block grant. If you look at it, in 1994, Florida, their actual money, because of the flexibility of the National Food Stamp Program—they got $1.4 billion. Under the block grant they would have gotten $440 million. That is a $1 billion hole that would have had to be filled in somewhere.

The Senator from Pennsylvania suggests they just take it out of other State money. What other State money? Every State I know budgets their money right up to the full ability of the State revenue sources to cover those expenditures. They may have a bit of a rainy day fund, but it is not enough to cover a natural disaster when the State is faced with expenditures for all manner of other requirements. They have to deal with roads. They have to deal with bridges. They have to deal with all kinds of other extraordinary expenses at the time of a natural disaster. The last thing we should have people worrying about is whether, in the midst of a natural disaster, hungry people are going to get fed. That is what this amendment addresses. I hope my colleagues will support it.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, the Senator from North Dakota keeps mentioning how, under this program, we are not worried about people who are in need of food. The very fact is, States must submit a plan to be approved by HHS to satisfy the Department of Health and Human Services of that very fact, whether we are going to meet the needs. In fact, we require them to specify how they are going to serve everybody, and specific populations.

To suggest we have not set up adequate safeguards to make sure, through these block grants, people will be adequately served is not reflective of what is actually in the legislation.

Second, you mentioned——

Mr. CONRAD. Will the Senator yield on that point?

Mr. SANTORUM. Sure.

Mr. CONRAD. I ask my colleague, what in the State plan enables it to deal with a natural disaster like Hurricane Andrew? The State plan has the States setting out what they are going to do with the resources that they have under the block grant. When they are hit with a natural disaster and the need skyrockets, they are not given any more money. What good does the plan do that does not anticipate this disaster? Obviously, they would not be taking the option of going to the block grant if they were anticipating it, so clearly it would not be in their plan.

Mr. SANTORUM. To answer your question, as the Senator from North Dakota knows, the State of Florida during the time of Hurricane Andrew was eligible for disaster assistance, and that covers a variety of things. Having just gone through that in Pennsylvania, a substantial amount of disaster assistance was funneled through the Department of Agriculture, and, in fact, there are programs available for people to meet some of the needs that are there during the time of disaster.

Mr. CONRAD. Will the Senator yield?

Mr. SANTORUM. We are not attempting nor would I recommend we block grant emergency assistance. So you keep pointing back to one State in one instance and draw a bad case for that. It would be—I am not arguing there would not be a severe strain. But I suggest the Governor of Florida and the State Legislature of Florida knows that occasionally they are hit by hurricanes. It is not like these hurricanes are just, ''Gee, wow, in Florida we had a hurricane. We never see that.'' They see them all the time and they know they can be disastrous, and that should go into their calculation whether they want to go into this in the first place.

We are assuming, and I think it is a good assumption, that the Governor and the State legislature are not going to take on this enormous responsibility without having thought through what the different consequences would be, given natural disasters or given economic downturn, and a whole lot of other things.

We believe that there still will be States out there that, because of the enormous burden that the Federal Government forces upon them with this program that drives up costs for them and makes their program inefficient, can take the money and take the risk and still do a better job, and they are willing to assume that risk.

They do so with eyes open wide. If their eyes were not open, they certainly are open now as a result of our discussion. That if they do not have the money, if they have an economic downturn or disaster, they have to come up with their own State money.

I will announce to State Governors now, if you take a block grant under this proposal and run out of money at the end of the year, it is your responsibility. Now everybody has been warned, and they are going to have to make a decision based on what they think is the best thing to do.

I think what this whole welfare reform bill is about is trying to get away from the paternalism of the Federal Government and the inefficiency of the Federal Government in trying to micromanage programs out of Washington, DC, for Fargo, ND, and other places. What we are trying to do here is assure, to the extent we can, that States that get involved have good programs. We make sure they have low error rates or high technology to run an efficient system.

We ensure that when they take the program, after they now run a good program, that when they opt for a block grant, which is to cut the ties to the Federal program, in fact, take it and let them run it themselves, that they have to submit a plan, which adequately covers all the people we are concerned about, and is approved by HHS. Again, a prudent step to making sure they are not taking the money and spending it on a fleet of Volvos for all the Cabinet Secretaries; that, in fact they are spending it on helping the poor who need food.

We have adequate safeguards in here to make sure that the poor who are in need of food assistance get it; that the States run a good operation. We have those safeguards in place.

One other thing. The Senator from North Dakota voted for in committee and supported in committee an amendment that was put forward by the Senator from Vermont, the ranking member, Senator LEAHY, as a further, frankly, disincentive for these States to take a block grant.

Under the old formula, States could either take the 1994 allocation for food stamps or the average of 1992, 1993, and 1994. Senator LEAHY, and others on your side of the aisle, were saying, ''Gee, well, with the reductions in food stamp benefits under our bill, that may be a very attractive thing for them to take—take that high figure, since our numbers are going to be coming down.''

So what you added in committee was a provision that said that in no case could either the 1992, 1993, 1994 average or 1994 allocation be higher than the 1997 levels after the reforms have been put in place. So you make it even less tantalizing to go ahead and take a block grant.

All I suggest is, we spent a lot of time on this amendment. It has been a good debate and discussion. I hope those who were listening are still listening after an hour of this debate. I think it has been informative. I think what we have seen here is we set very high hurdles; we have not made this to be the most attractive block grant proposal out there. What we have said to States is, ''If you think you can do it better, given these high hurdles to get into this program, we are going to give you the opportunity to do it.''

I think that is only fair to give States the opportunity to run a better program that helps the people in their State.

Mr. CONRAD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. CRAIG). The Senator has 17 minutes 5 seconds remaining.

Mr. CONRAD. Mr. President, the argument of the Senator from Pennsylvania with respect to a natural disaster reveals the weakness of his argument. The Senator from Pennsylvania suggests, if you have a natural disaster and you are stuck with this block grant program that provides only a set amount of money, it cannot be adjusted for the magnitude of the disaster, that, well, you have economic assistance.

Economic assistance is not for food assistance, that is why we have the Food Stamp Program. Economic assistance is to meet the other disaster needs that a State meets in a circumstance of unforeseen natural disaster. Economic assistance programs are not designed to replace the Food Stamp Program.

Mr. President, if that is what he is suggesting is out there for people to be counting on, if they face a natural disaster, those people are going to be in a world of hurt.

I might also say, the notion that Governors are put on notice because we in the Senate have a debate at 3 o'clock in the afternoon on Friday is probably not a very reliable thing for any of us to depend upon. I doubt if any Governor is watching this debate or paying very close attention to what goes on in the Senate Chamber.

Mr. SANTORUM. I will be happy to send each Governor a copy of this debate so they will be fully informed as to what they are getting into.

Mr. CONRAD. I welcome that. No question, they will be riveted by the comments of the two of us this afternoon.

Let me just end on this note. The harsh reality is, if a State opts into this block grant—and we go back to the example of Florida, but we do not need Florida's example, we could take dozens of examples of what has happened to States in times of economic downturn or natural disaster—what we would find, without exception, is that these things are unpredictable; that if a State had opted into the block grant, taken a flat amount of money to provide for the food needs of its people and then have something unforeseen occur, whether it was an economic downturn, a drought, a hurricane, an earthquake, they only have that set amount of money, no matter what the need is.

What happens to those people? What would have happened to hungry people in Florida if there was not the automatic adjustment provided by the Federal Food Stamp Program? I can tell you what would have happened. The State of Florida would have been presented with an impossible choice: meet the other disaster needs of the State in that circumstance or divert money to food which would have otherwise been provided for with the Federal Food Stamp Program.

What a hellacious choice to present the State officials of Florida or the State officials of Pennsylvania. They have had natural disasters. They just had one. Or the State of North Dakota, or the State of California. We saw California beset by one disaster after another. We saw them have landslides, fires, earthquakes all in 1 year. Their caseload skyrocketed. But if they would have had a set amount of money for food stamps, some people who had legitimate needs would not have been served.

Mr. President, America is better than that. America is better than that. This Senate is better than that. When there is a disaster, we have a spirit of neighborliness in this country and we go to help out. When there was a disaster in Pennsylvania, the Federal Government helped out. When there was a disaster in my State, the people of America rallied, through their Federal Government, and helped us, and it made a difference in people's lives.

This bill, as it is written, is just a mistake. We should not leave a circumstance in which people who are hungry do not have the opportunity to be fed.

This amendment, which is a bipartisan amendment, addresses that need. I hope my colleagues will support it.

Mr. SANTORUM. Mr. President, I yield back the remainder of our time.

Mr. CONRAD. I yield back the balance of our time.

AMENDMENT NO. 4935

(Purpose: To deny welfare benefits to individuals convicted of illegal drug possession, use or distribution)

Mr. SANTORUM. Mr. President, I send an amendment to the desk on behalf of Senator GRAMM of Texas.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] for Mr. GRAMM proposes an amendment numbered 4935.

Mr. SANTORUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 364, between lines 14 and 15, insert the following new section:

SEC. . DENIAL OF BENEFITS FOR CERTAIN DRUG RELATED CONVICTIONS.

(a) IN GENERAL.—An individual convicted (under Federal or State law) of any crime relating to the illegal possession, use, or distribution of a drug shall not be eligible for any Federal means-tested public benefit, as defined in Section 2403(c)(1) of this Act.

(b) FAMILY MEMBERS EXEMPT.—The prohibition contained under subsection (a) shall not apply to the family members or dependants of the convicted individual in a manner that would make such family members or dependents ineligible for welfare benefits that they would otherwise be eligible for. Any benefits provided to family members or dependents of a person described in subsection (a) shall be reduced by the amount which would have otherwise been made available to the convicted individual.

(c) PERIOD OF PROHIBITION.—The prohibition under subsection (a) shall apply—

(1) with respect to an individual convicted of a misdemeanor, during the 5-year period beginning on the date of the conviction or the 5-year period beginning on January 1, 1997, whichever is later; and

(2) with respect to an individual convicted of a felony, for the duration of the life of that individual.

(d) EXCEPTIONS.—Subsection (a) shall not apply with respect to the following Federal benefits:

(1) Emergency medical services under title XV or XIX of the Social Security Act.

(2) Short-term, non-cash, in-kind emergency disaster relief.

(3)(A) Public health assistance for immunizations.

(B) Public health assistance for testing and treatment of communicable diseases if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of such disease.

(e) EFFECTIVE DATE.—The denial of Federal benefits set forth in this section shall take effect for convictions occurring after the date of enactment.

(f) REGULATIONS.—Not later than December 31, 1996, the Attorney General shall promulgate regulations detailing the means by which Federal and State agencies, courts, and law enforcement agencies will exchange and share the data and information necessary to implement and enforce the withholding of Federal benefits.

Mr. SANTORUM. This amendment, to my understanding, is an amendment that says that if you are convicted of a Federal drug crime, that if it is a misdemeanor crime you are ineligible for a means-tested benefit for 5 years, if it is a felony you are ineligible permanently. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 4903

Mr. GRAHAM. Mr. President, on behalf of Senator EXON, I ask unanimous consent that the amendment offered and withdrawn by the Senator from Washington, Senator MURRAY, remain on the list of amendments that are in order to offer today or Monday.

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

Mr. GRAHAM. Thank you, Mr. President.

Mr. President, I am going to be offering an amendment prior to that. I also ask unanimous consent that the amendment which I am going to offer be subject to modification prior to the time of the vote on Tuesday.

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

Mr. GRAHAM. Thank you, Mr. President.

AMENDMENT NO. 4936

(Purpose: To modify the formula for determining a State family assistance grant to include the number of children in poverty residing in a State)

Mr. GRAHAM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself and Mr. BUMPERS, proposes an amendment numbered 4936.

Mr. GRAHAM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 196, strike line 16 and insert the following:

DEFINED.—Except as provided in subparagraph (C), as used in this part, the term

On page 198, between lines 9 and 10, insert the following:

''(C) RULES FOR FISCAL YEARS 1997, 1998, 1999, 2000, AND 2001.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), in the case of fiscal years 1997, 1998, 1999, 2000, and 2001, the State family assistance grant for a State for a fiscal year shall be an amount equal to the sum of—

''(I) the applicable percentage for such fiscal year of the State family assistance grant for such fiscal year, as determined under subparagraph (B), and

''(II) an amount equal to the State child poverty allocation determined under clause (iii) for such fiscal year.

''(ii) APPLICABLE PERCENTAGE.—For purposes of this subparagraph, the applicable percentage for a fiscal year is as follows:

''If the fiscal year is:	*The applicable percentage is*
1997	80
1998	60
1999	40
2000	20
2001	0.

''(iii) STATE CHILD POVERTY ALLOCATION.—For purposes of this subparagraph, the State child poverty allocation for a State for a fiscal year is an amount equal to the poverty percentage of the greater of—

''(I) the product of the aggregate amount appropriated for fiscal year 1996 under subparagraph (G) and the child poverty ratio for such State for such fiscal year, as determined under clause (iv); and

''(II) the minimum amount determined under clause (v).

For purposes of this clause, the poverty percentage for any fiscal year is a percentage equal to 100 percent minus the applicable percentage for such fiscal year under clause (ii).

''(iv) CHILD POVERTY RATIO.—For purposes of clause (iii), the term 'child poverty ratio' means, with respect to a State and a fiscal year—

''(I) the average number of minor children in families residing in the State with incomes below the poverty line, as determined by the Director of the Bureau of the Census, for the 3 preceding fiscal years; divided by

''(II) the average number of minor children in families residing in all States with incomes below the poverty line, as so determined, for such 3 preceding fiscal years.

''(v) MINIMUM AMOUNT.—For purposes of clause (iii), the minimum amount is the lesser of—

''(I) $100,000,000; or

''(II) an amount equal to 150 percent of the total amount required to be paid to the State under former section 403 for fiscal year 1995 (as such section was in effect on June 1, 1996).

''(vi) REDUCTION IF AMOUNTS NOT AVAILABLE.—If the aggregate amount by which State family assistance grants for all States increases for a fiscal year under this paragraph exceeds the aggregate amount appropriated for such fiscal year under subparagraph (G), the amount of the State family assistance grant to a State shall be reduced by an amount equal to the product of the aggregate amount of such excess and the child poverty ratio for such State.

''(vii) 3-PRECEDING FISCAL YEARS.—For purposes of clause (iv), the term '3-preceding fiscal years' means the 3 most recent fiscal years preceding the current fiscal year for which data are available.

''(D) PUBLICATION OF ALLOCATIONS.—Not later than January 15 of each calendar year, the Secretary shall publish in the Federal Register the amount of the family assistance grant to which each State is entitled under this paragraph for the fiscal year that begins on October 1 of such calendar year.

On page 198, line 10, strike ''(C)'' and insert ''(E)''.

On page 200, line 11, strike ''(D)'' and insert ''(F)''.

On page 200, line 17, strike ''(C)'' and insert ''(E)''.

On page 200, line 23, strike ''(C)'' and insert ''(E)''.

On page 201, line 5, strike ''(C)'' and insert ''(E)''.

On page 201, line 20, strike ''(C)'' and insert ''(E)''.

On page 201, line 25, strike ''(C)'' and insert ''(E)''.

On page 202, line 5, strike ''(C)'' and insert ''(E)''.

On page 202, line 9, strike ''(E)'' and insert ''(G)''.

Beginning with page 205, line 4, strike all through page 211, line 3.

Mr. GRAHAM. Mr. President, if there is one phrase that has characterized the debate on welfare reform, it is the phrase that ''we are going to end welfare as we have known it.'' What we have known welfare as has a number of dimensions. We have focused a great deal of attention, for instance, on the issue of what will it take to cause welfare to be seen as a temporary program, not as a permanent lifestyle.

There is another dimension to welfare as we have known it. And that is how the Federal Government has participated financially with the States in financing the cost of welfare. And I speak specifically to the cash payments under the Aid to Families with Dependent Children.

The current law is essentially a matching formula in which the States indicate what they are prepared to commit to this program and then the Federal Government matches that amount. There are nuances to that statement but that is fundamentally the status quo.

This bill, with a minor modification, intends to retain that aspect of welfare as we have known it. That is, we would continue to maintain the State by State Federal allocations as they have developed under the current system. And those State by State allocations, as you would imagine, are extremely divergent.

As an example, to use the State of the Presiding Officer, Idaho, in 1996, per child in poverty—that is of all the children in Idaho who live at or below the poverty level—if you divide the number of dollars that are coming from the Federal Government to the State of Idaho by that number of children, the result is $495. That is what Idaho receives per poor child.

Just to move across the line into your adjoining State of Washington, the State of Washington, with the same mathematical formula, in 1996 will receive $1,948 or approximately four to five times, per child in poverty, what Idaho receives.

That result is now going to be cast into the stone of block grants. That is the basis upon which Idaho will be receiving its money between now and the year 2001 so that essentially those same discrepancies will be maintained.

What has not been retained, however, Mr. President, is what is the purpose of the allocation of funds. Under the current system, the purpose of the allocation of funds from the Federal Government to the States and into the eligible families is essentially economic support. It pays for the rent, the lights, the food, the school supplies, the diapers, all the things that a family needs.

What we are now about to do is shift to a different goal. And that different goal is to, yes, continue to provide some economic support, but with a heavy emphasis on funding those activities which will facilitate people getting off of welfare and into work.

What are those kinds of activities that are now going to be funded? Well, they include job training. They include child care. They include some of the support services such as transportation for people to get to the job training or to get to the job. Those types of expenditures, within a range, tend to be fairly consistent from State to State.

It does not cost a great deal less or more to provide that set of services in Moscow, ID, as in Spokane, WA. Yet Washington is going to have four to five times as many dollars per child in poverty to pay for those services as is Idaho. Therefore, Idaho is going to have a much more difficult time financially in terms of being able to pay for those kinds of transitional services and have anything left over to cover the economic needs of families who are in poverty than will States that commence this process at a much higher level.

That, Mr. President, is the preface for the amendment that is offered today by Senator BUMPERS and myself entitled ''Children's Fair Share.'' And our premise is that we ought to, over time, have as a national goal to treat each child in poverty in America as being of equal worth, and equal dignity and equal importance to their opportunities for the future of our Nation.

Our approach is a simple one. Rather than take the status quo, which is predicated on the old welfare system and the old objectives, we should focus on a needs-based formula. As a result, over time, States would receive funding based on the number of poor children in their State.

Why are Senator BUMPERS and I offering this amendment? Any formula

allocation should be guided by some underlying principles and policy justifications. One fundamental principle is fairness—fairness to America's children, fairness to the States, fairness to the Nation. If we are going to block grant welfare, we must be very careful that we are block granting with fairness.

The General Accounting Office issued a report in February 1995 entitled, ''Block Grants: Characteristics, Experience, and Lessons Learned.'' What are the lessons that have been learned from our previous history with block grants that we should take into account as we start on the block grant for welfare?

The General Accounting Office report stated, ''Because initial funding allocations used in current block grants were based on prior categorical grants, they were not necessarily equitable.'' That, Mr. President, describes the circumstance that we face this afternoon with this legislation—inequitable allocations of block grant funds because they were based on prior categorical grants.

Senator BUMPERS and I propose a funding formula that would clearly meet the following principles. First, block grant funding should reflect need or the number of persons in the individual States that would need assistance. Think about that principle, that one that seems rational.

Second, a State's access to Federal funding should increase if the number of people in need of assistance increases; conversely, a State's access to Federal funding should decrease if the number of people in need of that assistance decrease. Does that sound logical and reasonable?

Third, States should not be permanently disadvantaged because of the old categorical policies. In this case, the policies and circumstances surrounding welfare as we have known it, which we are attempting to discard.

Fourth, if requirements and penalties are to be imposed upon the States, as envisaged by this bill, then fairness dictates that all States have an equitable and reasonable chance of reaching those goals.

Mr. President, I suggest these principles sound rather simple. In sharp contrast, the legislation which is before the Senate fails to meet these tests of fairness. In fact, the formula used in this bill would perpetuate inequities into the future. Those inequities would, in fact, grow.

Let me give an example. I cited the example of two neighboring States, Idaho and Washington. Let me cite two neighboring jurisdictions, the District of Columbia and the State of Virginia. Today, the District of Columbia per child in poverty receives $1,611; in the State of Virginia, $728. That is what the situation is today.

Now, what is the proposal of the underlying bill for the year 2001? Are we going to bring these together? Are we going to move toward eliminating the $680 difference between the District of Columbia and the State of Virginia? Unfortunately, it is just the opposite, Mr. President. In the year 2001, under the plan that is before the Senate, the District of Columbia will receive $1,752 per child in poverty; the State of Virginia will receive $748. Rather than closing toward fairness, we will see a widening in which, in the year 2001, the District of Columbia will have approximately $1,000 more per child in poverty than does the State of Virginia. I find it hard to think of a policy rationale that would justify such a result.

Mr. President, ironically, in the name of reform, in the name of change, we are locking in past inequities, repackaging them as block grants and failing to take into account future populations or economic changes among the States, failing to take into account the very obligations we are about to give to the States to perform and the necessity that if all States are going to achieve those objectives and if all States are going to be held to both sanctions and rewards for their success or failure in achieving those objectives, that all States should commence this new adventure of welfare reform from an essentially equitable position.

By allocating future spending on the basis of 1995 allocations, this bill fails to distribute money based on any measure of need. It fails to take into account population growth or economic changes. It would permanently disadvantage States well into the future based upon choices and circumstances of 1995. It would unfairly impose penalties on States.

The formula in this welfare bill would result in extreme disparities between States in Federal funding for poor children. I have given four examples to date. I might say all of these examples and all of the statistics I am using are the product of a report done by the Congressional Research Service dated July 18, 1996.

In this report, it points out that under the underlying bill the State of our leader, the State of Mississippi, would receive $355 per child in poverty, while the State of New York would receive $1,998, or almost six times more than the poor child in Mississippi. In fact, if we combine the amount per poor child in the States of Alabama, Arkansas, Louisiana, South Carolina, and Texas, the total of funds per poor child in those five States would not equal what a poor child, for instance, in the State of Massachusetts would receive. To put it another way, the Federal Government effectively values some poor children five times more than it does children in the State of Alabama, Arkansas, Louisiana, South Carolina, and Texas.

That is not the end of it, Mr. President, because under this bill, States that fail to meet the work requirements, States that are not able to put the money into effective job training, job search, job placement, child care, transportation, the other activities that have been found as necessary in order to get people from welfare to work, they are going to be subject to a penalty.

Now, in a previous version of this bill, that penalty was 5 percent of the State's grant. So if the State was going to receive $1 million, it would be penalized 5 percent if it failed to meet the work requirement. This bill, Mr. President, if we believe it, makes that 5 percent cumulative, so that in the first year, you are penalized a percent; if you fail in the second year, you get penalized 10 percent; in the third year, you get penalized 15 percent, and so forth, up until you are penalized one quarter, or 25 percent of your State grant.

That is not the only penalty in this bill, Mr. President. The language goes so far as to say a State can be penalized up to 25 percent per quarter in terms of the allocation of grant funds.

Mr. President, today is a historic day. It is the opening of the centennial Olympics in Atlanta. Much of the world's focus for the next few days will be on Atlanta and on the Olympic events. I would liken this funding formula dilemma to a variation of one of the most celebrated contests in the Olympics. Let us say you have Dennis Mitchell and Gail Devers lined up at the start of the 100-meter dash. Then you have a less talented runner lined up 30 yards behind these two Olympic superstars. Then you have Senator BUMPERS—who, unfortunately could not join us this afternoon, but will make some remarks on Monday—and I, who have been assigned a position 200 yards behind these superstars. The gun goes off. Now, we are all going to be judged on whether we can reach the finish line in the 100-meter dash in under 11 seconds. If you do, you get the acclaim of the crowd and you may even get a medal. If not, you are subject to penalty.

Well, not surprisingly, Dennis and Gail reach that goal easily. The runner that started 30 meters further behind makes it in about 13 or 14 seconds, failing to meet the goal despite a valiant attempt. Now, Senator BUMPERS and I, I hate to admit, we do not even come close to making the goal. Even Michael Johnson, the world-record holder, can only run the 200-meter dash in 19.66 seconds. However, even he would be penalized in this scenario. That would be a travesty of the Olympic spirit. That would be a sad race to observe.

But, Mr. President, it gets worse. Since Senator BUMPERS and I lost the race, and the runner at 130 yards also failed to meet the standard, we would have to move further back for the next race. Since they had reached the goal, Dennis and Gail would move 10 meters closer for the next race.

That is essentially the structure of this bill. Those who start out in an advantaged position are placed in the prospect that they will get rewards because they have achieved the goals. Those who start—as Senator BUMPERS

and I are going to have to do—200 yards behind the regular starting line and therefore have relatively little expectation of reaching the goal, we are going to be further penalized, now having to be 300 yards behind the starting line.

That, Mr. President, is an absurd result. However, it is exactly the situation that our States must deal with if this bill passes with its combination of funding formulas, incentives, and penalties.

Mr. President, as we change welfare as we know it, we should recommit ourselves to the value that we place upon all of America's children. We should want to see that all of those children have the same opportunity to succeed and that they start from the same place in life's starting line. There is no justification for poor children to be treated with less or more value by the Federal Government depending upon in which State they happen to live.

Mr. President, I urge the adoption of the Graham-Bumpers amendment.

Mr. SANTORUM. Mr. President, I rise in opposition to the amendment. I will respond as to why. The Senator from Florida repeatedly talked about how those States that are currently disadvantaged that are way behind from the start are going to get put further behind, as if the States who were far behind were there—as I heard this term a lot on the floor—through ''no fault of their own.'' I hear that all the time. They are disadvantaged for no fault of their own. The fact is that the reason they are so far behind is directly a result of the decisions that those States made with respect to how much money they want to put forward in State dollars to help the poor in their States.

If you look at the chart of the Senator from Florida, the majority of the States that are advantaged, according to him, by the current system are States like New York, Pennsylvania, Michigan, Ohio, California New Jersey—those States who have invested significant State dollars in AFDC, Medicaid, and a lot of other programs that are aimed at helping the poor. They are high-benefit States; they are States that are willing to spend tax dollars to meet a Federal match, to help the poor in their State. Therefore, they have a higher per capita spending rate on the poor than States like Florida, Texas, Arkansas, and the others.

So when it comes to them redoing the formulas in a block grant, we look at what States are spending now and what the Federal Government puts in now. What the Federal Government puts in now is based on what the State puts in. It is a match. So the Federal share, yes, in Pennsylvania is higher than it would be if you start all over and say we are going to pay so much for everybody. But, by doing what, you would take Pennsylvania and a program in Pennsylvania that has been established for a long time and has been supported by the State and just cut the legs out from under it to give it to a State who has not been providing those services in the past. How is that fair?

If you want to talk about fair, you have a State actually spending dollars, putting forth an effort and putting together a program they believe better meets the needs and is willing to spend money to help the poor, and you are going to create a block grant and take money away from them because they were being better neighbors—I will use that term. I do not think that is fair. The whole premise of the Hutchison formula—Senator HUTCHISON was the one who worked tirelessly, and I mean tirelessly, because there have been a lot of contentious issues I have dealt with in the area of welfare reform over the past 2 years. I do not want to use too strong of a term, but nothing approaches the animosity that is raised on an issue than when you are talking about dollars for the States back home. That is really where people draw the line.

So to be able to come up, as we have done, with a compromise formula that says we want to make sure no one is hurt, that no State is cut, that they are held harmless in the allocation they get from the Federal Government, and we set a separate growth fund for States that are hydro-States to give them money, a separate pot of money, $800 million, almost $1 billion, to use for growth. Florida gets over $100 million of the $800 million in that fund. We try to take care of both. For those who have been doing a good job, spending resources, taking care of the poor in their States, hold them harmless and, at the same time, provide for growth for the other States that, frankly, have not been meeting the national average when it comes to providing services for the poor.

We think that is a fair balance. If we had all the money in the world, we would give everything to everybody. But we do not. We do not have enough money to provide the same level for everybody that the State of New York, for example, provides for their beneficiaries. So we have to make, as the Senator from Florida, and I am sure everybody listening, realizes, you have to compromise. This was the compromise we came up with. Is it perfect? Absolutely not. Is it fair from an objective standpoint? I think the Senator from Florida can make the argument that, no, it is not fair. Is it fair given where we had to start? I make the argument that, yes, given the situation we found ourselves in, it is. If we were going to redo this and go back to 1965, instead of developing an AFDC Program, or whatever current revision of the AFDC Program was created, and start all over, would we have done it differently? Absolutely. But we are not there. We are here. We have a history of States that have invested. We have a history of programs. And to go in and just decimate those programs because of this block grant, I think would be tragic to a lot of people and a lot of States, and certainly it would be an enormous hardship on, frankly, the States that are having some of the very worst budgetary times and a lot of economic problems like in the Northeast, in the upper Midwest, and in the case of California and the west coast.

So we think what we have done here is a balance given where we had to start. It is not—and I agree with the Senator from Florida—from an objective position, as if we were starting from day one a fair solution. I will not argue that. But what I will argue is that given where we had to start, which is a long history of providing services to the poor, this is the best and the fairest we could come up with given those set of circumstances and the hand we were dealt.

So, I do not fault at all the Senator from Florida for standing up, as he has done not only on this bill but last year on several amendments, and articulately advocating for his State and for other States that do not get as much money as they think they deserve. He certainly has a right to do that, and he is certainly justified in doing that. I think what we have done here is to accommodate him and his State as best we can given the circumstances, in providing funds for them to be able to get some more resources.

I will anticipate the comment, which is that it is not enough. I cannot even argue that it is not enough. But what I am saying is you would find that the States like Pennsylvania and New York, which are not going to see any growth at all in their allocation, would tell me that is not enough. Nobody has enough. This is a situation where everyone is getting squeezed, and we are hoping that even though they are getting a smaller allocation, that they will be able to take this block grant and be able to redesign this program. That is what this is all about—giving them the flexibility. Yes, less money in a sense, but more flexibility to be able to design a program that more efficiently provides for the poor in their States, that more efficiently transitions people off welfare into productive lives than the current system does, which will save money if they do so in a proper fashion.

So, we think there is a good balance between enough money and certainly maximum flexibility to be able to accomplish the purpose without any additional money, or any change in the funding formulas here.

I reserve the remainder of my time.

Mr. GRAHAM. Mr. President, let me just make a few points.

The Senator from Pennsylvania has made a very good argument, if we were going to leave the welfare program as we have known it for the last three-plus decades. The whole premise of us being here today until this job is done is that we want to change that welfare system as we have known it.

So, to say that we are going to change the whole chassis drivetrain

and other aspects of this vehicle, but keep the engine of how we distribute the money to pay to make the vehicle mobile, exactly the same as we had in the past, is, I think, an intellectual disconnect. If we are going to change the program, we have to look at what is going to be required on a nationwide basis and on a State-by-State basis in order to accomplish the objectives of the new—not the old—welfare system.

The fact is that the change that is going to be most fundamental to the States is that they are now going to take on the requirement subject to both carrots and sticks in sanctions to move people from welfare to work. We have had some experience with this, Mr. President. Two of the longest term pilot programs in welfare reform are in the cities of Gainesville and Pensacola, FL. They have been working for several years to try to determine, not in theory, but in practice, with real people.

What does it take to get folks off welfare? What does it take to get them that first job and then get them in the position that they can hold the job in the future? The fact is it takes, for many of those people, a significant investment. We have to invest in job training for people who do not have any job skills. You have to invest in job placement for people who have never gone out to get a job before. You have to invest in child care so that there is somebody there to look after the kids while the mother is in training and in the first months of employment.

Those all have significant costs. Those costs are within ranges fairly consistent from State to State across the country. Yet, we are going to start some States with four, or five, or six times more money than others with poor children in order to be able to pay for those common transitional expenses.

I am afraid that we are about to build into the architecture of welfare reform failure for many States, and then after we have built in failure, we are going to impose heavy sanctions on those States that fail, which will make it even less likely that they will be able to achieve success.

I fear that the result of all of that is going to be that we will waste several years in accomplishing the objectives that we all see, which is to move people from dependence to independence and self-sufficiency and pride that comes with the ability to support oneself, that we are going to lose that opportunity over the next period as we start this process with a fundamentally, structurally failed architecture.

Mr. President, if I thought that we were starting this from a suspect place but that was just a necessary political accommodation in order to get off the blocks, and then we would soon be moving towards a greater level of equity, I could accept that as a pragmatic means of moving from the old to the new.

Are we going to be making that transition? Let us just look at two of the States that I cited: the State of Mississippi and the State of New York. How long under the Hutchison amendment will it take for the State of Mississippi to reach the State of New York in its funds available for poor children? Will the Senator from Pennsylvania think that maybe when we celebrate the 300th anniversary of the country in the year 2076, would we have done it by then? Sadly not. Will we have done it when we celebrate the 400th anniversary of the country in the year 2176? Mr. President, sadly not.

It will, in fact, not be until the year 2202, exactly 206 years from today, 2202, before Mississippi will finally close the gap and be the equivalent of New York. That means that it will be some six to seven generations before that gap is closed.

My colleague and friend from Pennsylvania is a patient man. He is prepared to wait until the year 2202 to achieve equity. I am more impatient. I do not believe that my life expectancy is going to extend to that year. I would like to see some more reasonable date at which we will begin to achieve parity among the States so we can then expect the States to be subject to a parity of sanctions and incentives in terms of whether they have, in fact, achieved the goal of moving people from welfare to work.

We have suggested a 5-year transitional plan to achieve that result. The Senator from Pennsylvania was very gracious in recognizing that this is a legitimate concern, and I recognize that it is not easy to do. You have people who have been operating under the old system with certain sets of expectations. But, frankly, we are asking lots of people to change their whole pattern. We are asking people who have been essentially waiting to receive a check once a month now to get up every day and go to work. That is a change. We are asking communities that have previously closed the door to employment opportunities for many of these people to open the door and create the chance for them to become self-sufficient.

I think that we ought to, as politicians, challenge ourselves, be willing to make some of the same kinds of adjustments in this new system. And certainly one of those adjustments ought to be fundamental fairness in the way we treat American children wherever those children happen to live in this great Nation.

That is the purpose of the Graham-Bumpers amendment. Mr. President, as I indicated earlier, by unanimous consent I have reserved the right to modify this amendment up to the time of the vote on Tuesday. We would be receptive to further ideas as to how to better achieve this objective.

I also indicated that my friend and cosponsor, Senator BUMPERS, will utilize some time on Monday to speak further on this matter. I hope that over the next few days my colleagues will study this issue of fundamental fairness—the fact that some 35 States would be benefited as we move, over time, toward fairness—and ask themselves, is it not time as we change welfare as we have known it to also change a pattern of expenditure of Federal funds which has seriously disadvantaged many of the poorest children in America?

Thank you, Mr. President.

Mr. SANTORUM. Mr. President, if I could just make one quick comment, and that is I think the Senator's example of Mississippi and New York actually illustrates the point as to why the formula in the underlying bill is a fairer formula. To suggest the cost of living to provide for a poor child in Mississippi is the same as it is to provide for a child in Manhattan I think is obvious. It is not the same. The cost of living in a lot of areas in this country is substantially lower than it is elsewhere. California is one of the States that would be harmed by the Senator's amendment. There is a much higher cost of living in the States that are highlighted than in the other States.

So there is a disparity, and one of the reasons that States like Pennsylvania, California, and New York have to spend more money is because the Federal grants are set at a flat level, which may be very adequate for Mississippi but certainly not for New York City or San Francisco or Philadelphia and a lot of other places. So the States have had to make up that difference and, in fact, drawn more Federal dollars as a result. There is in a sense, it sounds, an inequity, that a child in Mississippi should be given the same as a child in New York when in a sense the child in Mississippi, to maintain the standard of living, needs less money than a child in New York, where the cost of living is higher.

So that is part of what makes these discussions on formulas so incredibly complex and difficult, and very difficult to resolve. But I think we have done the best we possibly can.

Mr. President, I yield back the remainder of my time. If the Senator from Florida is finished, if he will yield back his time, we will then move on to the next amendment.

Mr. GRAHAM. Mr. President, I yield back the remainder of my time.

I would like to, however, submit for the RECORD a list of the penalties and rewards contained in this bill as a means of underscoring the discrepancy in the likelihood of States being subject to sanction or receiving incentives based on the amount of funds that they will receive under this bill per child in poverty.

I ask unanimous consent that ''Use of Rewards and Penalties for the Welfare Work Requirements'' be printed in the RECORD.

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

USE OF REWARDS AND PENALTIES FOR THE WELFARE WORK REQUIREMENTS

PENALTIES

Failure to Satisfy Minimum Participation Rates

Failure to Comply with Paternity Establishment and Child Support Enforcement Requirements

Failure to Timely Repay a Federal Loan Fund for State Welfare Programs

Failure of Any State to Maintain Certain Level of Historic Effort

Substantial Noncompliance of State Child Support Enforcement Program Requirements

Failure of State Receiving Amounts from Contingency Fund to Maintain 100% of Historic Effort

Failure to Comply with Provisions of IV–A Or the State Plan

Required Replacement of Grant Fund Reductions Caused by Penalties

REWARDS

Reduction of Required State Spending from 80% to 72% for States that Achieve Program Goals

Grant to Reward States that Reduce Out-of-Wedlock Births

Bonus to Reward High Performance States

AMENDMENT NO. 4937

(Purpose: To Change retention rates under the food stamp program)

Mr. SANTORUM. Mr. President, on behalf of the Senator from South Dakota, Mr. PRESSLER, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for Mr. PRESSLER, for himself and Mr. DASCHLE, proposes an amendment numbered 4937.

The amendment is as follows:

Beginning on page 70, strike line 21 and all that follows through page 71, line 3, and insert the following:

''(c) RETENTION RATE.—The provision of the first sentence of section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)) is amended by striking ''25 percent during the period beginning October 1, 1990'' and all that follows through ''section 13(b)(2) of this Act'' and inserting ''35 percent of the value of all funds or allotments recovered or collected pursuant to subsections (b)(1) and (c) of section 13 and 20 percent of the value of all funds or allotments recovered or collected pursuant to section 13(b)(2) of this Act''.

Mr. DASCHLE. Mr. President, I want to take a few minutes to explain the pending amendment. Eliminating food stamp fraud and abuse is of paramount importance, both in my State of South Dakota and across the Nation. Clearly, if there are steps that can be taken to curb the fraudulent use of food stamps, then we, as lawmakers, have a responsibility to take them. This amendment is one such step, and I believe it is fundamentally sound policy.

This amendment provides States incentives to police the fraudulent use of food stamps. By granting States the authority to retain 35 percent of a food stamp overissuance in instances of intentional fraud and 20 percent in the event of nonintentional overissuance, they are encouraged to pursue perpetrators to the fullest extent of the law. A recent study by the South Dakota Department of Social Services demonstrated unequivocally that a two-tiered system, such as the one proposed by this amendment, is far more effective at encouraging States to pursue food stamp fraud than the flat retention rate system proposed in the underlying reconciliation bill.

Moreover, this amendment has been scored by the Congressional Budget Office as having no significant cost. I urge my colleagues on both sides of the aisle to support the amendment.

Mr. SANTORUM. Mr. President, this amendment has been agreed to by both sides, and I ask unanimous consent it be agreed to and that the motion to reconsider be laid upon the table.

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

The amendment (No. 4937) was agreed to.

AMENDMENT NO. 4930

(Purpose: To strengthen food stamp work requirements)

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

I call up amendment No. 4930 which is at the desk, and I ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from North Carolina [Mr. HELMS], for himself, Mr. FAIRCLOTH, Mr. GRAMM, Mr. NICKLES, Mr. SHELBY, and Mr. SMITH, proposes an amendment numbered 4930.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike section 1134 and insert the following:

SEC. 1134. WORK REQUIREMENT.

Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015), as amended by section 1133, is amended by adding at the end the following:

''(o) WORK REQUIREMENT—

''(1) DEFINITION OF WORK PROGRAM.—In this subsection, the term 'work program' means—

''(A) a program under the Job Training Partnership Act (29 U.S.C. 1501 et seq.);

''(B) a program under section 236 of the Trade Act of 1974 (19 U.S.C. 2296); or

''(C) a program of employment or training operated or supervised by a State or political subdivision of a State that meets standards approved by the Governor of the State, including a program under subsection (d)(4), other than a job search program or a job search training program.

''(2) WORK REQUIREMENT.—Subject to paragraph (3), no individual shall be eligible to participate in the food stamp program as a member of any household if the individual did not—

''(A) work 20 hours or more per week, averaged monthly;

''(B) participate in and comply with the requirements of a work program for at least 20 hours or more per week, as determined by the State agency; or

''(C) participate in and comply with the requirements of a program under section 20 or a comparable program established by a State or political subdivision of a State.

''(3) EXEMPTIONS.—Paragraph (1) shall not apply to an individual if the individual is—

''(A) a parent residing with a dependent child under 18 years of age;

''(B) mentally or physically unfit;

''(C) under 18 years of age;

''(D) 50 years of age or older; or

''(E) a pregnant woman.''.

Mr. HELMS. Mr. President, as we so frequently say around this place, I will be brief. The pending amendment, offered by Senator FAIRCLOTH and me, and cosponsored by the distinguished Senator from Texas, [Mr. GRAMM], the distinguished Senator from Oklahoma, [Mr. NICKLES], the distinguished Senator from Alabama, [Mr. SHELBY], and the distinguished Senator from New Hampshire, [Mr. SMITH], is very simple. It requires able-bodied food stamp recipients to go to work for at least 20 hours a week—if they expect to continue to receive food stamps free of charge—at the expense, I might emphasize, of those taxpayers who work 40 hours a week or more to pay the bill.

I must be candid—other food stamp proposals do not go nearly far enough, in my judgment, in making workfare a reality. I do not believe it is fair to working Americans, many of whom have to work two jobs or more in order to feed and clothe their families, to have to pay taxes to support those who are not motivated to get off their rear ends and join the work force of America.

Who knows, Mr. President, if they tried it, they might like it. If they are obliged to go to work a little bit for their free food stamps, they might just be surprised to discover that it is rewarding to work regularly and permanently like most other Americans have to do.

Excluded from the requirements of this amendment—let me emphasize this—excluded are young people under 18, although some young people under 18 are busy many nights shooting each other, parents of youngsters under 18, physically disabled people, pregnant women, and people over 50 years of age.

Credible evidence indicates there are at least 12 million able-bodied people in this country presently receiving food stamps, many without doing one lick of work to get them. My fellow sponsors of this amendment and I are simply proposing that these people must start working for at least 20 hours a week to qualify for free food stamps. That will leave the other 20 hours for them to get busy and find full-time jobs so that they can be supported by themselves instead of the Federal taxpayers.

I am convinced that there are many kinds of honest work for food stamp recipients to do. The pending amendment allows recipients to sign up for job training programs at the Federal level as well as for employment and training programs at the State level.

The pending amendment puts accountability into the Federal Food Stamp Program by putting an end to

giving food stamp benefits to able-bodied people who just refuse to work. If they are not willing to work, then the working taxpayers should not be forced to finance deliberate idleness.

Mr. President, in a moment I shall move to table my own amendment because I have been informed that an effort is being contemplated to try to avoid an up-or-down vote on it. I want to go on record regarding the significance of what this amendment proposes, and I want all other Senators to go on record likewise.

So I will move to table this amendment (No. 4930) and ask for the yeas and nays. And, of course, I will vote against tabling, as will the other Senators who are cosponsoring this amendment, and I do hope that there will be enough Senators who will vote against tabling to make it a viable amendment.

I am quite confident that some attention will be given to how Senators will vote on this tabling motion. So let me reiterate, just to make it perfectly clear, that Senators favoring the requirement that able-bodied food stamp recipients must go to work for at least 20 hours a week in order to be eligible for free food stamps, those Senators should vote against tabling this amendment as I will vote against tabling. Senators not favoring this work requirement for those receiving free food stamps should, of course, vote aye, in favor of tabling the amendment sponsored by the Senator from North Carolina.

Therefore, Mr. President, I move to table amendment No. 4930. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I yield the floor and yield such time as I may have.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, our colleague, Senator LEAHY of Vermont, was unable to be here this afternoon. He has asked me to make a statement on his behalf in reference to the amendment that has just been offered by the Senator from North Carolina.

Speaking on Senator LEAHY's behalf:

I oppose the Helms amendment. It would deny food stamps to millions of unemployed workers, including factory workers who have worked for 10 or 20 years and then are laid off when a plant closes. The Helms amendment would replace the tough work requirements already in the bill with a flat prohibition on the provision of food stamps to unemployed workers between the ages of 18 and 50 who are not disabled and do not have children under the age of 18. The Senate defeated a version of Senator HELMS' amendment last year by a vote of 66 to 32. Under the Helms amendment, no unemployed worker without a minor child in the household, no such worker could receive food stamps unless he or she was working at least 20 hours per week in a workfare slot. If the worker was furloughed or laid off, he or she generally would be immediately removed from the Food Stamp Program.

The amendment does not provide funding to create workfare positions to which these individuals could be referred. The amendment simply denies food stamps to laid-off workers who are looking for a new job but have not yet found one.

Mr. President, I offer that statement in behalf of our colleague, Senator LEAHY.

The PRESIDING OFFICER. The record will so note.

AMENDMENT NO. 4936

Mr. GRAHAM. Mr. President, I ask for the yeas and nays on the amendment which I offered.

The PRESIDING OFFICER. Is there objection to it being in order? Without objection, it is so ordered.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4938

(Purpose: To preserve eligibility of immigrants for programs of student assistance under the Public Health Service Act)

Mr. GRAHAM. Mr. President, I ask unanimous consent I may offer an amendment on behalf of the Senator from Illinois, Senator SIMON.

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

Mr. GRAHAM. Mr. President, I send an amendment to the desk for Mr. SIMON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for Mr. SIMON, proposes an amendment numbered 4938.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

In Section 2403(c)(2)(H), after ''1965'' and before the period at the end, add '', and Titles III, VII, and VIII of the Public Health Service Act''.

Mr. GRAHAM. Mr. President, I ask unanimous consent all time on this amendment be yielded back.

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

Mr. GRAHAM. Mr. President, I ask the amendment be laid aside.

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

Mr. GRAHAM. I thank the Chair.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, my colleague, Senator SHELBY, from Alabama, will be coming over shortly to lay down an amendment in relation to adoption tax credit. In cosponsoring this amendment with him to the welfare reform bill that would provide a refundable tax credit for the adoption expenses, I am excited about this legislation and feel that this is an important time to move it.

It has not even been a year since our last joint effort to pass the amendment to H.R. 4. That amendment was overwhelmingly supported, and I hope my colleagues will respond to our efforts today in an equally positive manner. This amendment provides tax credit support to families as they struggle with the bureaucratic process involving adoption. Many people who are aware that I have become an adoptive parent recognize the roadblocks that all of us face when we choose this course in the process of building a family.

I have had that experience. I do not want others to have the kind of difficulty that many families do in this process. That is why I have worked with others to assure that we make all-out efforts to build an adoption tax credit so that adoptive families, or those who use adoption to build families, can find it as rewarding and no more difficult than those who are successful in building a family in a natural way.

This amendment changes the Internal Revenue Code of 1986 by providing a refundable tax credit for adoption expenses. It also excludes employees and military adoption assistance benefits and withdrawals from IRA's used for adoption expenses from gross income.

What does an adoption tax credit have to do with welfare reform? Frankly, not much, Mr. President, if we are discussing our current welfare system, but a great deal, I think, if we are discussing a dramatically reformed system. Then we want innovation and creativity. The current welfare system has created a dependence on Federal programs while the envisioned system encourages independence. Welfare spending has been growing at an alarming pace, but so has the number of children living in poverty, and so has the number of children who need families.

Providing a future for these children by uniting them with loving families who can provide not only their financial welfare but also their emotional welfare has to be a goal of this Congress. As we move toward a system that promotes greater strength in the American family, we ought to encourage efforts like this by using the adoption tax credit.

Too often we read stories about the tragic experiences couples have endured in order to adopt a child. It is my hope that our work here will lead to more happy stories and fewer heartbreaking reports.

Adoption is a too often overlooked option to get the best of all worlds: uniting a child with a loving, nurturing family. I think we need to keep focused on that single fact by continuing our efforts to improve this process.

I am pleased to be here again, with my colleague from Alabama, Senator SHELBY to offer this important amendment today. We need to give adoptive families a fairer shake. I urge my colleagues to support improving access to adoption, by voting for the SHELBY amendment.

I certainly hope this Senate will respond as willingly as they did on H.R.

4 in the inclusion of this amendment in our welfare reform package.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

Mr. LEVIN. Mr. President, it was my intent to send an amendment to the desk which would strengthen and accelerate the work requirement that is contained in this bill. My amendment, in the form of the Levin–Dole amendment, was added to the Senate-passed welfare reform bill last September. I offered it, Senator Dole at that time cosponsored it, and it was adopted.

The reason that I offered the amendment then and support this approach now is that I believe work requirements should be clear and should be strong and should be applied promptly.

The amendment would add a requirement that welfare recipients either be in job training, be in school, or be working in private-sector jobs within 3 months of the receipt of benefits. That was the heart of the Levin–Dole amendment.

If private sector jobs cannot be found, then those recipients would be required to perform community service employment. Community service employment is the backup in the Levin–Dole amendment, in the approach which is essential, and it would be required that somebody engage in that community service within months.

This requirement would be phased in to allow States the chance to adjust administratively, and States would be permitted the option to opt out of the requirement by notification to the Secretary of Health and Human Services.

The bill before us requires welfare recipients to work within 2 years of the receipt of benefits—2 years. The question is, why wait 2 years? Why should an able-bodied person receiving welfare benefits not be required to work for 2 years? That was a flaw in the bill last time, which was corrected with the Levin–Dole amendment; it is a flaw in this bill, which would have been corrected in the Daschle substitute; and is now, hopefully, going to be corrected in a manner that I am going to describe.

But the heart of my approach, which we have fought for now for 2 years, is that able-bodied welfare recipients who are not in private sector jobs, who are not in job training, who are not in school, work within months and not be allowed to go without working for 2 years. There is no reason to wait 2 years when we are talking about able-bodied people receiving welfare benefits. There is no reason why those folks should not be working within months.

Last night, I shared with the Democratic and Republican staffs my amendment, which would do the same thing as the Levin–Dole amendment did last year. We were informed this morning that the Democratic staff had been able to clear this amendment on this side. We were awaiting clearance on the Republican side.

Earlier today, Senator D'AMATO offered an amendment on this subject. We have now had a chance to review the D'Amato amendment. The D'Amato amendment, with one or two very technical changes, is the Levin–Dole amendment. So we are happy to cosponsor the D'Amato amendment. It is indeed the same amendment.

Mr. President, I ask unanimous consent that I be listed as a cosponsor of the D'Amato amendment immediately following Senator D'AMATO's name.

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

Mr. LEVIN. Mr. President, when the D'Amato amendment was offered, since the Democratic staff had not had an opportunity to review the amendment to see if it was the same amendment, to see whether or not it could be cleared on this side, it was not cleared on this side at that time. As I said, we have subsequently had the opportunity to read this amendment. It is the same amendment. I am happy to cosponsor it.

I see no particular reason, unless somebody wishes there to be a rollcall, why this ought to be necessarily held up for a rollcall. It makes no particular difference to me because I think it will pass overwhelmingly if it is put to a rollcall.

But I do want to inform the Chair and our colleagues that, as far as I know, this amendment has been cleared on our side because, in fact, my amendment had been cleared on this side. So I will yield the floor and simply state that, should the floor managers wish to have a voice vote on this amendment at this time, as far as I know on this side that would be fine.

Mr. President, I ask unanimous consent that the so-called Levin–Dole amendment and the two amendments that I have referred to in my remarks be printed in the RECORD.

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

LEVIN-DOLE AMENDMENT NO. 2486, AS MODIFIED

On page 12, between lines 22 and 28, insert the following:

(G) COMMUNITY SERVICES.—Not later than 2 years after the date of the enactment of this Act, consistent with the exception provided in section 401(d), require participation by, and offer to, unless the State opts out of this provision by notifying the Secretary, a parent or caretaker receiving assistance under the program, after receiving such assistance for 3 months—

(i) is not exempt from work requirements; and

(ii) is not engaged in work as determined under section 401(c)

in community service employment, with minimum hours per week and tasks to be determined by the State.

AMENDMENT TO REQUIRE TANF RECIPIENTS TO PARTICIPATE IN COMMUNITY SERVICE EMPLOYMENT

Section 402(a)(1)(B) of the Social Security Act, as added by section 2103(a)(1), is amended by adding at the end of the following:

''(iii) Not later than 2 years after the date of the enactment of this Act, unless the State opts out of this provision by notifying the Secretary, a State shall, consistent with the exception provided in section 407(e)(2), require a parent or caretaker receiving assistance under the program who, after receiving such assistance for 3 months and is not exempt from work requirements and is not engaged in work, as determined under section 407(c), to participate in community service employment, with minimum hours per week and tasks to be determined by the State.

AMENDMENT NO. 4927

Section 402(a)(1)(B) of the Social Security Act, as added by section 2103(a)(1), is amended by adding the end the following:

''(iii) Not later than 1 year after the date of enactment of this Act, unless the State opts out of this provision by notifying the Secretary, a State shall, consistent with the exception provided in section 407(e)(2), require a parent or caretaker receiving assistance under the program who, after receiving such assistance for 2 months is not exempt from work requirements and is not engaged in work, as determined under section 407(c), to participate in community service employment, with minimum hours per week and tasks to be determined by the State.''

Mr. LEVIN. Mr. President, I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I send an amendment to the desk.

Mr. LEVIN. I wonder if the Senator would yield?

Mr. SHELBY. Certainly.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I wonder if I could make inquiry of the manager of the bill on the other side whether or not it is their wish to continue to list this, now the D'Amato-Levin amendment, for a rollcall on Tuesday or whether they would like to have this voice voted now since it has been cleared on this side.

Mr. ROTH. I say to my distinguished friend from Michigan that, as he knows, the yeas and nays have been ordered. There are people on this side who want a recorded vote.

Mr. LEVIN. I thank my friend. And I thank my friend from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 4939

(Purpose: To amend the Internal Revenue Code of 1986 to provide a refundable credit for adoption expenses and to exclude from gross income employee and military adoption assistance benefits and withdrawals from IRAs for certain adoption expenses)

Mr. SHELBY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself, Mr. CRAIG, Mr. Grams, Mr.

COATS, and Mr. HELMS, proposes an amendment numbered 4939.

Mr. SHELBY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert:

SEC. . REFUNDABLE CREDIT FOR ADOPTION EXPENSES.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

''SEC. 35. ADOPTION EXPENSES.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year the amount of the qualified adoption expenses paid or incurred by the taxpayer during such taxable year.

''(b) LIMITATIONS.—

''(1) DOLLAR LIMITATION.—The aggregate amount of qualified adoption expenses which may be taken into account under subsection (a) with respect to the adoption of a child shall not exceed $5,000.

''(2) INCOME LIMITATION.—The amount allowable as a credit under subsection (a) for any taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to the amount so allowable (determined without regard to this paragraph but with regard to paragraph (1)) as—

''(A) the amount (if any) by which the taxpayer's adjusted gross income exceeds $60,000, bears to

''(B) $40,000.

''(3) DENIAL OF DOUBLE BENEFIT.—

''(A) IN GENERAL.—No credit shall be allowed under subsection (a) for any expense for which a deduction or credit is allowable under any other provision of this chapter.

''(B) GRANTS.—No credit shall be allowed under subsection (a) for any expenses to the extend that funds for such expense are received under any Federal, State, or local program.

''(c) QUALIFIED ADOPTION EXPENSES.—For purposes of this section, the term 'qualified adoption expenses' means reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal and finalized adoption of a child by the taxpayer and which are not incurred in violation of State of Federal law or in carrying out any surrogate parenting arrangement. The term 'qualified adoption expenses' shall not include any expenses in connection with the adoption by an individual of a child who is the child of such individual's spouse.

''(d) MARRIED COUPLES MUST FILE JOINT RETURNS.—Rules similar to the rules of paragraphs (2), (3), and (4) of section 21(e) shall apply for purposes of this section.''

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period '', or from section 35 of such Code''.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following:

''Sec. 35. Adoption expenses.
''Sec. 36. Overpayments of tax.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. . EXCLUSION OF ADOPTION ASSISTANCE.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 137 as section 138 and by inserting after section 136 the following new section:

''SEC. 137. ADOPTION ASSISTANCE.

''(a) IN GENERAL.—Gross income of an employee does not include employee adoption assistance benefits, or military adoption assistance benefits, received by the employee with respect to the employee's adoption of a child.

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

''(1) EMPLOYEE ADOPTION ASSISTANCE BENEFITS.—The term 'employee adoption assistance benefits' means payment by an employer of qualified adoption expenses with respect to an employee's adoption of a child, or reimbursement by the employer of such qualified adoption expenses paid or incurred by the employee in the taxable year.

''(2) EMPLOYER AND EMPLOYEE.—The terms 'employer' and 'employee' have the respective meanings given such term by section 127(c).

''(3) MILITARY ADOPTION ASSISTANCE BENEFITS.—The term 'military adoption assistance benefits' means benefits provided under section 1052 of title 10, United States Code, or section 514 of title 14, United States Code.

''(4) QUALIFIED ADOPTION EXPENSES.—The term 'qualified adoption expenses' means reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal and finalized adoption of a child by the taxpayer and which are not incurred in violation of State or Federal law or in carrying out any surrogate parenting arrangement. The term 'qualified adoption expenses' shall not include any expenses in connection with the adoption by an individual of a child who is the child of such individual's spouse.

''(c) COORDINATION WITH OTHER PROVISIONS.—The Secretary shall issue regulations to coordinate the application of this section with the application of any other provision of this title which allows a credit or deduction with respect to qualified adoption expenses.''

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 137 and inserting the following new items:

''Sec. 137. Adoption assistance.
''Sec. 138. Cross references to other Acts.''

(c) EFFECTIVE DATE.—The amendments made this section shall apply to taxable years beginning after December 31, 1996.

SEC. . WITHDRAWAL FROM IRA FOR ADOPTION EXPENSES.

(a) IN GENERAL.—Subsection (d) of section 408 of the Internal Revenue Code of 1986 (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

''(8) QUALIFIED ADOPTION EXPENSES.—

''(A) IN GENERAL.—Any amount which is paid or distributed out of an individual retirement plan of the taxpayer, and which would (but for this paragraph) be includible in gross income, shall be excluded from gross income to the extent that—

''(i) such amount exceeds the sum of—

''(I) the amount excludable under section 137, and

''(II) any amount allowable as a credit under this title with respect to qualified adoption expenses; and

''(ii) such amount does not exceed the qualified adoption expenses paid or incurred by the taxpayer during the taxable year.

''(B) QUALIFIED ADOPTION EXPENSES.—For purposes of this paragraph, the term 'qualified adoption expenses' has the meaning given such term by section 137.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1996.

Mr. SHELBY. Mr. President, I rise today to offer an amendment on behalf of myself, Senators CRAIG, GRAMS, COATS, and HELMS. The amendment will help provide, Mr. President, homes for thousands of children who are waiting to be adopted in this country. This amendment is the same amendment which was agreed to by a vote of 93 to 5 right here in the Senate during its consideration of welfare reform this past fall.

Mr. President, this strong bipartisan vote shows that the Senate is committed—committed—to making adoption more affordable for working families in America.

Mr. President, regardless of what kind of welfare reform we pass in this Chamber, the grim reality is that the out-of-wedlock birthrate in this country is projected to reach 50 percent very soon after the turn of the century, which is only a few years away.

Mr. President, we are not far from having one out of every two children born in this country born into a home where there is no father. That is a profound change in our culture which will have enormous consequences for American society as we have known it. One of these consequences, no doubt, will be an increase in the number of children neglected and, yes, abandoned. It is therefore more important than ever—more important than ever—for us to help find ways to provide for these children.

Mr. President, study after study shows and common sense tells us that a child is much better off being adopted by a stable, two-parent family than being shipped around from foster homes to State agencies, and back again. There are currently hundreds of thousands of children in America waiting to be adopted. But the current financial burden prevents many parents from doing so.

Many people do not realize how expensive it is to adopt a child. There are many fees and costs involved with adopting a child, including maternity home care, normal prenatal and hospital care for the mother and the child, preadoption foster care for an infant, ''home study'' fees and, yes, legal fees. These costs range anywhere from about $13,000 to $36,000 according to the National Council for Adoption.

Mr. President, I know of many families in my State, and perhaps your State, that would love to adopt a child into their family but simply do not have $13,000, much less $36,000 to do so. As a result of this enormous cost, children are denied homes, and parents are denied children.

Mr. President, the amendment I am offering today will help make adoption financially possible for many children and families. It provides a $5,000 fully

refundable tax credit for adoption expenses. It also provides that when an employer pays for adoption expenses incurred by an employee, the employee does not have to count that assistance as income for taxable purposes.

Finally, Mr. President, this amendment provides that withdrawals from an IRA can be made penalty free and excluded from income if used for qualified adoption expenses. These measures are a first step in tearing down the massive financial barriers to adoption in this country.

Mr. President, I believe the question before us today is not if the number of abandoned children is going to increase over the next few years; no one disputes that. We know the answer to that. The real question for us to answer is, what are we going to do about it? This amendment would be a big first start in America. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I agree with my good friend, Senator SHELBY, that we need tax incentives to promote adoptions. Adoption is good for the child, is good for the family, and it is good for society. It was for this reason that the Finance Committee unanimously passed out of committee an adoption tax credit bill.

The Shelby amendment, unlike the Finance Committee adoption tax credit bill, provides a refundable tax credit. The Finance Committee decided against a refundable credit in its legislation because of the very, very serious history of problems we have had with fraud in refundable credits.

I also point out that unlike the Shelby amendment, the Finance Committee bill, which, as I said, passed out of the committee unanimously, provides not only a $5,000 credit for non-special-needs adoptions, but also a $6,000 credit for special-needs adoptions. I think this is a very important provision of this legislation that addresses a very, very special need.

Going back to the Shelby amendment, I must point out also that it is not paid for. If the Shelby amendment were to pass, we would be required to find additional savings in the welfare bill of $1.515 billion over the next 6 years. The Finance Committee bill, on the other hand, is fully offset.

Let me also say that I have been assured by the majority leader that he will schedule the adoption tax credit legislation which passed out of the Finance Committee for floor consideration before the end of the year.

Although I strongly support giving tax incentives for the promotion of adoptions, Senator SHELBY's amendment is not germane to the welfare legislation. Therefore, it is my intent when the time on this amendment has expired to make a point of order.

Mr. SHELBY. The Senator from Delaware talked about refundables. Why do we have in our bill a refundable tax credit? Basically, because many low-income people in America want to adopt a child and would not have the $5,000 tax liability, and thus would not benefit as much from the Finance Committee proposal. The adoption community supports our version. I hope the Senate will continue to support it.

I yield back the remaining time, if the Senator from Delaware will yield back his time.

Mr. ROTH. I make the additional comment that under our legislation, the tax credit can be carried over for 5 years. I believe, therefore, we have addressed the problem about which Senator SHELBY is concerned.

I yield back the balance of my time. It is my understanding the Senator has yielded back his time.

Mr. SHELBY. I yield back my time.

Mr. ROTH. Mr. President, I make a point of order against the Shelby amendment under sections 305 and 310 of the Budget Act on the grounds that the amendment is not germane.

Since the amendment, if adopted, would reduce revenue by $1.515 billion over the next 6 years, I also make a point of order against the amendment under section 310(d)(2) of the Budget Act.

Mr. SHELBY. Mr. President, I move to waive any provisions of the Budget Act which might impinge upon my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, the Frist amendment is a sense of the Senate amendment which would state the view of Congress that the President should ensure that the Secretary of the Department of Health and Human Services approve some 22 welfare waiver requests submitted from 16 States.

I cannot support such a sweeping blanket amendment.

My own State of Michigan has a waiver application pending which was submitted late in June which contains some 75 individual waivers. This request has much merit. The proposal contains work requirements which seem to be similar to legislation which I succeeded in adding to the Senate-passed welfare reform bill last year and which I will offer to this bill. However, we have not been given any opportunity to evaluate the various waiver requests of the other 15 States embodied in this amendment. We just do not know the details of welfare waiver submissions from Utah or Georgia or Kansas or Wyoming or other States included in the amendment.

The President and the Department of Health and Human Services have approved more than 60 waivers, more than any previous President. I support this kind of flexibility. I hope that before this session of Congress ends, we will have, in law, comprehensive bipartisan welfare reform which makes such waivers unnecessary.

I want to comment on several other amendments to the pending legislation.

I cannot support two Ashcroft amendments which would mandate that States take specific actions with respect to drug testing and with respect to recipients who have not immunized their children. The underlying bill permits States to test welfare recipients for use of illegal drugs and to sanction recipients who test positive. The bill also does not preclude States from sanctioning recipients who are negligent in failing to properly immunize their children. Requiring States to take these actions is not consistent with the intent of this legislation which is to provide greater flexibility to the States to better design their specific welfare measures in ways that better suit needs and circumstances in their States and localities.

I support the Graham amendment to strike certain provisions relative to legal, I repeat, legal, immigrants. The underlying bill goes too far because it would deny food stamps to severely disabled legal immigrants who have worked, and then become disabled, and because it would take food stamps away from legal immigrants, who waited their turn and came here under the rules, retroactively. I will support a Feinstein amendment which would make the prohibition against legal immigrants receiving food stamp assistance prospective. That is more fair. That will serve as a warning to future immigrants that they cannot expect to receive these benefits, but it does not yank the rug out from under legal immigrants who have played by the rules.

Mr. LIEBERMAN. Mr. President, the country's primary welfare program—aid to families with dependent children [AFDC]—is a failure, both for those participating in it and for those paying for it. What started as a well-intentioned program in the 1930's to help widows today has become an enormous program that takes basic American values—work, reward for work, family, and personal responsibility—and turns them on their head.

The incentives in the current welfare system contradict our shared values and motivates harmful behavior by welfare recipients. Today's welfare program financially rewards parents who don't work, don't marry, and have children out-of-wedlock.

The program is failing to move welfare recipients off dependency and into the work force. It is a factor in the breakdown of two-parent families and the buildup of teen pregnancy. AFDC started as a program to assist families in poverty but now is seen as a program that perpetuates poverty.

Mr. President, there is bipartisan agreement that our welfare system must be changed so welfare incentives reward our society's shared values of work, marriage, and personal responsibility. Both parties have included work requirements as integral parts of their welfare proposals. I believe that

Democrats and Republicans alike wish to use our Nation's welfare programs to combat social ills—particularly the growth in out-of-wedlock pregnancies among teenagers. I am convinced that members of both parties are concerned with the impact of any type of welfare reform on children—who comprise 9 of the 14 million recipients of Federal AFDC dollars.

The first priority for welfare reform is to put welfare recipients to work. The public demands that we stop giving cash to adults on welfare, and start giving them jobs, and they're right. Virtually all welfare experts, both liberal and conservative, agree that work and its rewards are the solution to the welfare crisis.

We have considerable experience with work programs. The Job Opportunities Basic Skills Program, which has come to be known as JOBS, was passed in 1988 under the leadership of Senator MOYNIHAN. Evaluations of the JOBS Program that have been conducted have shown that the programs have had some success; they have begun to make a difference.

Our experience with that program has taught us several important lessons. First, programs that emphasize placing welfare recipients in jobs as quickly as possible are the most successful and cost-effective. Inevitably, setting placement as a priority creates a degree of conflict with other program goals such as assisting in training and education. Yet, long delays in job placement can occur while welfare recipients are routed through a succession of training programs.

Second, assessing recipients' individual needs and addressing those needs is critical to placing them successfully. Do they have appropriate child care? Do they need supplementary education or training? Do they have the skills and ability necessary for the proposed job? Little purpose is served in placing a welfare recipient in a job if their child care needs can not be addressed, transportation to and from the job is unworkable, or special skills are needed.

Third, successful programs form strong links with local employers and work hard to maintain those links with the local employers, who are the source of the jobs. The work requirements in the bill before us will apply to over 1.5 million adults. By comparison, approximately 4 million individuals currently work at or below the minimum wage. Finding jobs for an additional 1.5 million adults, without simply displacing current workers, is going to be a massive challenge.

I am pleased that the current legislation includes funds for a performance bonus to States that move people into real jobs and off of welfare. In the current welfare system, income maintenance is the focus—processing applications and mailing checks to people. The welfare proposals that I voted against last fall, equated reform with savings rather than returning recipients to work. We must change that focus, and put a premium on getting people into the work force, where their lives can be sounder on a sounder foundation. States that embrace the ''work first'' philosophy and turn their welfare systems into effective employment offices ought to be rewarded. Otherwise, a welfare maintenance system will be perpetuated.

The performance bonus requires the Secretary of Health and Human Services (HHS) to develop and publish a formula that allocates the bonus fund to States based on the number of welfare recipients who become ineligible for cash assistance because of employment in an unsubsidized job. The incentive payments provided by this amendment will be distributed based on the State's success in getting long-term recipients off welfare and into lasting jobs and on the unemployment conditions of a State.

I am also pleased to introduce amendments to reduce teen pregnancy and help young mothers and their children avoid the cycle of long-term welfare dependency. As part of last year's welfare debate, I joined with Senator CONRAD to introduce an amendment that proposed numerous provisions to prevent teen pregnancy. Most of the provisions in that amendment are included in the bill before us, and I appreciate that very much. The legislation requires teen mothers to live at home or in safe, adult-supervised living arrangements—so-called second chance homes. It establishes national goals regarding education strategies and reduction of pregnancy rates. It includes a sense of the Senate provision attacking pregnancies that result from statutory rape.

However, there is more that can be done. The birth rate for single teenage parents has tripled since 1960, signaling that the battle against teenage pregnancy is ever more critical. The power to change any community must involve an internal structure at the grassroots level. The battle against teenage pregnancy must begin at the local level, because changing the attitudes and behavior of teens requires an intimate, hands-on involvement.

My amendment requires States to dedicate 3 percent of their share of the title XX social service block grant—an amount equal to $71.4 million—to programs and services that stress to minors the difficulty of being a teenage parent. By teaching minors to delay parenthood, these programs will infuse our children with a clear understanding of the consequences of teenage childbearing.

I will also offer an amendment to reduce the incidence of statutory rape in the Nation which many studies link to teenage pregnancies in the Nation.

Shockingly, the majority of the men who father the families of teenage mothers are adults. The National Center for Health and Statistics reported in 1991 that almost 70 percent of births to teenage girls were fathered by men age 20 or older. Moreover, the younger the mother, the greater the age gap between her and the father. There are men who are impregnating girls age 14 and younger, and they are on average 10 to 15 years older, according to a 1990 study by the California Vital Statistics Section. Similar studies bear out this result.

These adult men are impregnating an increasing number of girls age 11–14. Despite a slight drop in the overall teen birth rate in the last few years, the birth rate for girls age 14 and under increased 26 percent in the late 1980's. These girls are not just young mothers—they are children. And sexual predators are taking advantage of their inability to form and articulate a decision about their bodies. In order to choose abstinence for young girls and to make this choice clear to adult men, the Federal Government must focus some resources on predatory adult men in order to both stop and hopefully dissuade them from their illegal behavior.

Kathleen Sylvester of the Progressive Policy Institute says that the most recent research indicates that in those States where awareness of this problem has been raised, prosecutors have organized themselves to be aggressive and obtained adequate sentences for convicted offenders. California, Connecticut, and New York have all established special units in their district attorneys' offices to target sexual predators and counsel their victims. Florida is getting tough as well. Pending legislation would charge a man over the age of 18 who has intercourse with a girl under the age of 15 with second-degree statutory rape, a felony. To spur the other States to follow their example and stop these criminals, the Federal Government must send them unequivocal proof that we are serious in this intent.

To this end, I applaud the inclusion in the present bill that it is the sense of the Senate that States should aggressively enforce statutory rape laws. I propose an amendment which would add three additional steps for us to take. First, it appropriates $6 million to the Attorney General of the United States to fight statutory rape, particularly by predatory older men who commit repeat offenses. The appropriation will enable the Justice Department to pay strict attention to the crime of statutory rape, as part of its violence against women initiative. The money should be used to research both the linkage between statutory rape and teen pregnancy, as well as those predatory older men who are repeat offenders. It should also provide for the education of State and local law enforcement officials on the prevention and prosecution of statutory rape.

Second, my amendment requires the States to work to reduce the incidence of statutory rape. Activities would include the expansion of criminal law enforcement, public education, and counseling services, as well as the restructuring of teen pregnancy prevention

programs to include men. Third, it requires States to certify to the Federal Government that they are engaged in such activities to stop statutory rape.

A 1992 sampling of 500 teen mothers revealed that two-thirds had histories of sexual abuse with adult men averaging age 27. Another study conducted in Washington State studied 535 teen mothers and discovered that 62 percent of them experienced rape or molestation before their first pregnancy, and the mean age of the offenders was 27. Clearly, the reality of mothers sacrificing educational opportunities to give birth to fatherless babies and live in poverty is not a choice but a symptom and a result of a greater problem. Large numbers of older men are crossing legal and social boundaries to engage in sexual activity with girls below the age of consent, and thereby emotionally rob them of their power to say ''no'' in later years.

This bill makes strides in demanding the responsibility of fathers. It stipulates and enforces their duty to own up to their paternity, to pay child support, and to set a good example for their children by working in private sector or community service jobs. It should further impress upon a certain group of men their duty to refrain from sexually preying on young girls and dispossessing them of their fundamental right to make sexual, educational, and career choices.

Although the American public supports tough welfare measures, they are reluctant to cut people off and leave defenseless children without some means of basic support. Welfare reform, therefore, must balance cutbacks with programs that create training and employment opportunities. The reform movement must include a component that provides those on public assistance with the necessary skills and training required to genuinely compete in the work force. Welfare reform demands accountability not just from the poor, but from government as well.

The Senate bill is better than the House bill in many ways. Welfare must change to focus on work and on personal responsibility—but it need not be unfair to children. The Senate bill contains more funding for child care, it maintains existing child protection programs such as adoption assistance, foster care, and child abuse and neglect. It does not require, but gives States the option to employ a family cap and to deny payments to minor, single mothers, and it does not allow States to penalize mothers who can't work because they can't find or afford child care.

There are still serious problems with the Senate bill most of which have to do with the prospects for children who parents are not acting responsibly.

Under the proposed bill, States can opt out of the Federal Food Stamp Program and receive a State block grant. This provision will put many poor children and elderly at risk. Under a flat block grant, States will be unable to meet the needs of poor families during periods of recession or high unemployment. The Food Research and Action Center estimates that S. 1795 will reduce food and nutrition assistance to 14 million children and 2 million elderly persons due to the overall cuts in the Federal Food Stamp Program.

The bill repeals the Mickey Leland Child Hunger Relief Act which removed the cap on the food stamp shelter deduction for low income families. Food stamp shelter deduction provides families who are not receiving housing aid additional food stamp benefits. The Senate Finance-passed bill will reduce cash assistance for families who qualify for this deduction—forcing them to choose between providing food for their children or paying the rent.

The new legislation will also have a very unfair and potentially very harmful impact on nearly a million legal immigrants. The bill bans legal immigrants, many of whom have been here over 10 years, from the Supplemental Security Income [SSI] assistance program, Medicaid and food stamps. Recipients of SSI, most of who are poor elderly or disabled immigrants will remain impoverished. The rapid phase-in period will leave many who are currently receiving assistance without any basic means of support.

The bill also does little to maintain a contingency fund and serious maintenance of effort requirements for the States. And it fails to provide sufficient bonuses to States that are successful in moving welfare recipients into unsubsidized jobs.

This bill is far from perfect, but it can bring some measure of consistency back to our values and the incentives in our welfare system. It can lead a national effort to cut down on the number of people on the welfare rolls and add to the number in to jobs. It can attack the intertwined problems of teenage pregnancy and welfare dependency.

There is a tragic link between welfare and a host of other problems facing our society today, including crime, illegitimacy, drug abuse, poverty, and illiteracy. This legislation attempts to severe that link. In effect, we're trying to destroy the welfare cycle and return welfare to its original purpose—a temporary form of assistance for the very poor as they seek to work their way out of hard times.

If the promise of the legislation is realized, millions of American families will move off welfare into real jobs, and we will see a resulting decrease in poverty, crime, illegitimacy, and an increase in economic development and family stability.

I hope that my amendments will be adopted so that we can obtain improvements in the conference committee with the House of Representatives.

ASSETS FOR INDEPENDENCE AMENDMENT

Mr. COATS. Mr. President, many of the congressional efforts at reforming the welfare system have focused on the elimination of the Federal bureaucracy, the devolution of Federal authority, and the transfer of funds to the State bureaucracy. In some respects, these reforms may be effective and efficient. In other areas, the devolution will prove too limited in that authority and funds remain remote from the people and communities who would most benefit from change and who are most capable of effecting that change.

Devolution to the States almost certainly will not change one critical flaw in traditional welfare programs—a focus on income maintenance and spending instead of a focus on asset-building and saving. The current welfare system in fact punishes the accumulation of assets by terminating eligibility for assistance when minimal asset levels are achieved.

There is then a need to help low-income individuals and families, whether working or on welfare, to develop and reaffirm strong habits for saving money and to invest that money in assets rather than spending it on consumer goods or other items that may not help lift the individual or family from poverty. There is particularly a need to focus on the building of assets whose high return on investment propels them into economic independence and personal and familial stability.

In addition, there is a recognized need to help revitalize low-income communities by reducing welfare rolls and increasing tax receipts, employment, and business activity with local enterprises and builders.

Mr. President, the assets for independence amendment approved by the Senate yesterday would allow States to use part of their block grant moneys to establish an individual development account [IDA] savings accounts to help welfare recipients and low-income families build the family's assets and strengthen its ability to remain independent from Government income-maintenance programs.

In some respects, IDA's are like IRA's for the working poor. Investments using assets from IDA savings accounts are strictly limited to three purposes: purchase of home, post-secondary education, or business capitalization. These purposes are connected with extremely high returns on investment and can propel both the communities and the families benefiting from the home, education, or small business into a new economic and personal prosperity.

Just how might an IDA work? The individual or family deposits whatever they can save—typically $5 to $20 a month—in the account. The sponsoring organization matches that deposit with funds provided by local churches and service organizations, corporations, foundations, and State or local governments. With Federal block granted welfare funds, a State match of these deposits can also be deposited in the account.

Just what are some of those benefits? Most fundamentally, participants will develop and reaffirm strong habits for

saving money. To assist this, sponsor organizations will provide participating individuals and families intensive financial counseling and counseling to develop investment plans for education, home ownership, and entrepreneurship.

In addition, participating welfare and low-income families build assets whose high return on investment propels them into independence and stability. The community will also benefit from the significant return on an investment in IDA's: We can expect welfare rolls to be reduced; tax receipts to increase; employment to increase; and local enterprises and builders can expect increased business activity. Neighborhoods will be rejuvenated as new microenterprises and increased home renovation and building drive increased employment and community development.

In fact, it is estimated that an investment of $100 million in asset building through these individual accounts would generate 7,050 new businesses, 68,799 new job years, $730 million in additional earnings, 12,000 new or rehabilitated homes, $287 million in savings and matching contributions and earnings on those accounts, $188 million in increased assets for low-income families, 6,600 families removed from welfare rolls, 12,000 youth graduates from vocational education and college programs, 20,000 adults obtaining high school, vocational, and college degrees.

Source: Corporation for Enterprise Development, ''The Return of the Dream: An Analysis of the Probable Economic Return on a National Investment in Individual Development Accounts,'' May 1995.

IDA's are planned or now available on a small scale across the country, including Indiana, Illinois, Virginia, Oregon, and Iowa. The assets for independence amendment has been developed after a review of numerous, similar, successful programs, and most notably one run by the Eastside Community Investments community development corporation in Indianapolis, IN. The amendment incorporates a number of protections developed with their assistance and based on their experience. For example, accounts will be held in a trust. In addition, sponsor organizations must cosign any withdrawal of funds; withdrawals are strictly limited to home purchase, education, and microenterprise.

I challenge this Congress to consider the $5.4 trillion we have spent on welfare programs in the past 30 years. Have these programs that focus on income maintenance been successful? Do we honestly believe that we can give money to low-income citizens and have them spend their way out of poverty? Or is it time to consider a new approach, not just an approach that focuses on a Federal bureaucracy or even a substituted State bureaucracy, but an approach that empowers families and communities directly to build assets with high returns on investment—returns whose economic and personal growth approaches the exponential?

The assets for independence amendment does just this. It does not concentrate on Government programs but focuses on community efforts to put high-return assets in the hands of families. I am very pleased that we have included it in this vital legislation.

COATS-WYDEN KINSHIP CARE AMENDMENT

Mr. WYDEN. Mr. President, I rise in support of the Coats-Wyden kinship care amendment, which was agreed to by the Senate last night. I would like to thank my colleague, Senator COATS, for his assistance with this important amendment.

Grandparents caring for grandchildren represent an underappreciated natural resource in our Nation. They hold tremendous potential for curing one of our society's most pressing maladies: The care of children who have no parents, or whose parents simply aren't up to the task of providing children a stable, secure, and nurturing living environment.

There is such a great reservoir of love and experience available to us, and more especially to the tens of thousands of American children who desperately need basic care giving. We provide public assistance to strangers for this kind of care, but the folks available to provide foster care homes are in short supply.

It is time that States and the Federal Government begin to promote policies that open doors to relatives who are ready, willing and able to care for these children. Some States have already been moving in this direction for over a decade. Over the past 10 years the number of children involved in extended family arrangements has increased by 40 percent. Currently, more than 3 million children are being raised by their grandparents. In other words, 5 percent of all families in this country are headed by grandparents.

However, in many places States still lack a system that includes relatives in the decisionmaking process when children are removed from the home. I have heard case after case of relatives who never heard from the child protection agency when a grandchild or other related child was removed from the home. Once the child was taken, extended family members had no contact and no way of finding out what then happened to the children. Sometimes brothers and sisters have been separated and a grandparent has spent years in court trying to reunite their family.

I have repeatedly heard the frustration of grandparents whose grandchildren, as far as they knew, disappeared in the night, and once the children entered the State child protection system they literally disappeared from their families' lives.

The amendment that we proposed, similar to one that was adopted by the House last spring, and to language that has been in almost every welfare bill since then, would give relatives preference over stranger caregivers when the State determines where to place a child who has been removed from the home. It's time we start developing policies that make it easier, instead of more difficult, for families to come together to raise their children.

As we rethink our child protection system, we need to rededicate ourselves to looking to families, including extended families, for solutions. When a child is separated from their parents, it is usually a painful and traumatic experience. Living with people that a child knows and trusts gives children a better chance in the world and gives families a better chance to rebuild themselves.

Again, I thank my colleague from across the aisle, Senator COATS, for his help with this amendment.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that we go into morning business with Senators allowed to speak for up to 5 minutes each.

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

THE FEDERAL OIL AND GAS ROYALTY SIMPLIFICATION AND FAIRNESS ACT OF 1996

Mr. BINGAMAN. After extensive negotiations over the past year with the Department of the Interior, the affected States, and the industry, the Federal Oil and Gas Royalty Fairness Act is now before the Senate for final passage. This bipartisan reform of the Federal Royalty Program is identical to the version passed by the Senate Energy and Natural Resources Committee in May.

The Federal Oil and Gas Royalty Fairness Act will result in a simpler, fairer and more cost effective way to administer oil and gas royalty collections on Federal lands. This is important legislation for the independent producers in New Mexico and for independent producers throughout the Nation.

The bill, H.R. 1975, amends the Federal Oil and Gas Royalty Management Act of 1982 with respect to royalty collections on Federal lands and the Outer Continental Shelf. It does not apply to Indian lands.

The bill establishes a statute of limitations to ensure royalty audits and collections are final within 7 years from the date of production; establishes reciprocity with respect to payment of interest on royalty overpayments and underpayments; simplifies

recordkeeping and reporting requirements; and expands the Federal royalty functions that may be delegated to a qualifying State.

In short, The Federal Oil and Gas Royalty Simplification and Fairness Act will streamline the process, reduce the burden on industry while protecting the revenues of New Mexico and the Federal Government. I worked hard to make this a bill the President would sign. I urge that we pass this bill as soon as possible and send it to the President for his signature.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SMALL AIRPORT SAFETY COSTS

Mr. PRESSLER. Mr. President, I am very concerned as to how the current airport safety situation may affect smaller airports. We certainly want our citizens who must fly in smaller airplanes with smaller companies to be safe. On the other hand, we do not want such an expensive layer of regulations that these smaller planes and smaller companies cannot operate because of prohibitive costs.

As we go forward with improving safety, I think of the smaller airports in South Dakota where people must fly in smaller aircraft and with smaller companies. We must keep those safe. We must meet the same standards applying to larger aircraft and larger companies. But let us remember that one size does not fit all. In achieving these safety goals, let us be certain we keep in mind the smaller airports of our country. This is a concern not only in South Dakota but also in Fresno, CA, for example, where I have relatives. People must fly in smaller aircraft if they are going to travel from Los Angeles to Fresno. Upstate New York has the same situation. If you are going to fly to Martha's Vineyard, you probably fly on a smaller aircraft.

So the point is that as we move forward quickly in possibly implementing new regulations, let us be certain we keep in mind the fact that at least half of Americans must originate their flights in what we call smaller airports. I certainly want them to be considered in this process.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, July 18, the Federal debt stood at $5,168,794,319,428.25.

On a per capita basis, every man, woman, and child in America owes $19,481.00 as his or her share of that debt.

THE DEATH OF U.S. DISTRICT JUDGE T.F. GILROY DALY

Mr. DODD. Mr. President, I would like to pay tribute to a great public servant and one of the most honorable figures ever to serve on the Federal bench in the State of Connecticut, U.S. district judge T.F. Gilroy Daly, who died of cancer on Thursday, July 14.

A true giant of jurisprudence, Judge Daly was a former Army Ranger who stood 6 foot, 6 inches and presided over his courtroom with a regal presence. People commonly described Judge Daly as the epitome of what a judge should be. He was known for his impeccable character, his sense of fairness, and his unwavering commitment to the ideals of justice.

Judge Daly brought a wealth of life experience to the court, which shaped his career on the bench. After serving our country in the Korean war, Judge Daly worked as an assistant U.S. attorney, prosecuting organized crime cases in the Southern District of New York. After leaving the Justice Department, Judge Daly held a number of full and part time statewide posts in Connecticut, including deputy attorney general, deputy treasurer, and insurance commissioner.

Judge Daly gained prominence as a trial lawyer and demonstrated his sense of justice in the early 1970s when he took an unpaid leave from his State position to defend a young man who had been wrongly convicted of murder. After a 6-week hearing, he won a new trial for his client, and charges against the young man were eventually dropped after a grand jury investigation cleared him.

In 1977, President Jimmy Carter appointed Judge Daly to the Federal bench. he served as chief judge from 1983 to 1988, and he is credited with modernizing the Connecticut court system and significantly reducing the backlog of cases before the court. During his time on the bench, he presided over a number of high-profile trials and earned a reputation among defense attorneys and prosecuters as a stern, but fair-minded jurist. He ruled on numerous complex and potentially volatile issues involving discrimination in municipal hiring, State police interrogation methods, and public corruption.

He was particularly known for handing down harsh sentences to corrupt public officials who came before him. Being a man of such high moral standards, Judge Daly held a particular disdain for anyone who betrayed the trust of the general public. Judge Daly believed that without the people's trust, government cannot function effectively, and his career was dedicated to maintaining the integrity of the Constitution and protecting the rights of the general public.

Judge T.F. Gilroy Daly never lost sight of the fact that law is a public service profession, and his legacy will live on for years to come. He will be remembered as one of the most accomplished figures ever to preside in a Federal court, and he will be sorely missed by the people of Connecticut.

My thoughts and prayers go out to his wife Stuart, and his four children Timothy, Loan, Matthew and Anna.

TRANSPORTATION EMPOWERMENT ACT

Mr. MACK. Mr. President, yesterday I introduced legislation entitled the Transportation Empowerment Act which will return primary transportation program responsibility and taxing authority to the States. I intend to be brief today. But, I will be back on the floor to speak to this proposal periodically over the remainder of the Congress and again early in the next Congress as debate begins in earnest on the reauthorization of the transportation bill known as the Intermodal Surface Transportation Efficiency Act [ISTEA].

The era of Big Government is over. The highway system is a relic of this era and a perfect example of a program that ought to be returned to the States.

In the 1950's, the Federal Government began building the Interstate Highway System. Its construction was slated to last 13 years and cost $25 billion. It has lasted 40 years at a cost of about $130 billion. At the same time, the Federal-Aid Highways Program was also expanded to include more than $170 billion in other programs and projects.

The antiquated system of collecting and distributing gas tax dollars to fund these programs as well as the transportation priorities of the States and local governments is inefficient, costly, and bureaucratic.

The Interstate Highway System is complete. Now it's time to change directions to provide State and local governments the authority and the flexibility to move forward without succumbing to the bureaucratic whims of Washington.

This legislation does just that—it reempowers States to make their own decisions. This bill uses a 2-year transition period to lower the Federal gas tax, eliminate most highway trust fund programs, relieve States of an array of regulations and restrictions, and remove Federal roadblocks to infrastructure privatization.

This proposal provides that the Federal Government would retain a core Federal transportation program including maintenance of the current Interstate System. Federal participation would also continue for Indian reservation roads, public lands, parkways and park roads, and emergency relief.

The bottom line is this—for far too long Washington has had a stranglehold on States' transportation needs. It's past time for Washington to let go and let the States take responsibility for their own surface transportation needs.

Mr. President, I have included several letters on this issue which I have previously sent to my Senate colleagues and I ask unanimous consent

that they be printed in the RECORD. I also ask unanimous consent that a summary of this legislation be printed in the RECORD.

I ask my colleagues to review this proposal and to consider joining me as a cosponsor of this legislation which will re-empower States and end Washington's micromanagement of States' transportation dollars and priorities.

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

U.S. SENATE,
Washington DC, March 7, 1996.

DEAR COLLEAGUE: Several weeks ago, I sent you a letter informing you of my plan to introduce legislation which largely repeals the federal gas tax and returns the primary transportation program responsibility and taxing authority to the states. I am currently drafting this legislation as well as exploring options to ensure a smooth transition from a federal to a state program.

In light of this effort, I thought you might be interested in the attached article which highlights a major problem with the current federal transportation system.

This article, from the February 23, 1996 edition of the ''American Association of State Highway and Transportation Officials (AASHTO) Weekly Transportation Report,'' contains excerpts of a speech by Deputy Highway Administrator, Jane Garvey. Ms. Garvey predicted future transportation funding will fall dramatically short of previous years' levels and she further indicated future transportation funding will be spent on non-transportation priorities.

Our states have consistently asked that their highway trust fund dollars be reserved for infrastructure requirements and that they be returned unencumbered by federal restrictions and mandates. It is my belief this request can only be accomplished by removing these transportation dollars from the federal coffers. The simple fact is that, if left in federal hands, these funds will always be a temptation for a Congress which must contend with competing priorities and declining discretionary funding levels.

I hope you will consider the benefits of returning transportation program responsibility and primary taxing authority to the states and join me in this effort. Should your staff have any questions or comments, please have them contact Patrick Kearney of my staff at 224–3102.

Sincerely,

CONNIE MACK,
U.S. Senator.

THE AASHTO JOURNAL,
Washington, DC, February 23, 1996.

LESS FUNDING, MORE ALTERNATIVE FINANCING PREDICTED

Predicting lean years ahead for federal transportation funding, Jane Garvey, Deputy Administrator, of the Federal Highway Administration, this week outlined alternatives for funding future transportation projects, and some of the issues the Administration will address in reauthorization of federal transportation programs.

Garvey discussed the status of the Administration's FY 1997 budget proposal and provided a future outlook for transportation funding during a Women in Transportation Seminar luncheon on Wednesday. She said that the budget submitted by the Administration on February 6 provided a broad framework of the cuts the Administration hopes to achieve next fiscal year. She added that specific figures as to how transportation funding would be affected have not been made available.

Garvey stated that the President would submit a detailed budget proposal on March 18, and that representatives from the FHWA would be appearing before the House Transportation Appropriations Subcommittee on March 20 to discuss their budget proposal (see related article).

Contending that transportation made out well during FY 1996, Garvey predicted that future funding levels will fall dramatically short of previous years' levels. All discretionary funding categories are expected to take a hit in FY 1997, Garvey stated, and infrastructure spending will have to compete with other priorities. She added that an 18 percent reduction in transportation spending between FY 1997 and FY 2002 is expected, from $38.9 billion in FY 1996 to $32 billion in 2002.

To address this situation, Garvey stated that it was essential for federal, state and local transportation organizations to convey how important the nation's transportation system is to the welfare of the economy and its citizens. In addition, states and localities must be able to maximize what funding is made available to them to the greatest extend possible, according to Garvey.

U.S. SENATE,
Washington, DC, February 14, 1996.

DEAR COLLEAGUE: Soon after the Senate returns from the President's Day recess, I will introduce legislation to substantially reduce the federal role in transportation and return the primary program responsibility and taxing authority to the states. At a time when Governors and Congressional leaders are talking about providing greater freedom for states, it just does not make sense to continue the current system.

States do no want to receive transportation funding with federal strings attached. They do not want restrictions on how transportation funding can be spent and have funding withheld for noncompliance with mandates. Moreover, Governors are rightly concerned over the prospect of seeing more of their transportation funding diverted to other spending programs. Congress' record in this regard is abysmal and is unlikely to improve as other priorities compete for budget dollars in the future.

The legislation I plan to introduce will leave in place those portions of the gas tax set aside for deficit reduction as well as a few additional cents to sponsor a modest federal program. This federal program will be comprised of the Interstate Maintenance, Interstate Bridges, Federal Lands and Emergency Disaster programs.

The remainder of the tax will be repealed after DOT has met all of its current obligations. DOT has estimated these obligations will be met approximately 15 months after the expiration of the existing authorization. This time delay provides states ample time to take whatever actions may be necessary to implement their own funding measures.

We need to return primary program responsibility and taxing authority for transportation programs to the states. I look forward to having you join me in this effort. If your staff has any questions or comments, please have them contact Patrick Kearney of my staff at 224–3102.

Sincerely,

CONNIE MACK,
U.S. Senator.

U.S. SENATE,
Washington, DC, April 25, 1996.

OFF BUDGET—A SYMPTOM OR THE SOLUTION?

DEAR COLLEAGUE: Last week the House of Representatives voted by a wide margin to remove the transportation trust funds from the Unified Budget. This vote reflected the frustration of the House members, and their respective states, with the manner in which the federal government manages transportation spending. However, in my view the legislation approved by the House is not a solution to the core problem—a federally run transportation program.

Before developing a solution the problem must be defined. And, the problem is much greater than that suggested by the House legislation. It is, in fact, a three part problem consisting of:

Withholding our state's gas tax dollars; Redistributing states' gas tax dollars; and Federal micro-management.

Regrettably, the House-passed legislation only addresses the first of these parts and ignores the other two. It fails to address the redistribution of states' contributions to the trust fund which strikes me as peculiar now that the Interstate system is complete. Additionally, the House legislation doesn't address federal micro-management of this funding which has plagued our states' transportation officials for years. The legacy of a program run through the federal government is one which has provided: funding restrictions on various program areas, mandatory spending requirements with penalties for non-compliance, and redundant administrative requirements.

For these reasons, I ask you to consider a real solution rather than simply alleviating one symptom. Please join me and consider exploring a truly off-budget proposal, one that phases out most of the federal transportation program and returns transportation program responsibility and primary taxing authority to the states.

Sincerely,

CONNIE MACK.

U.S. SENATE,
Washington, DC, July 9, 1996.

''Turning Back'' the Highway Trust Fund

DEAR COLLEAGUE: Over the last several months I have written to you on a number of occasions regarding proposed legislation to return primary transportation program responsibility and taxing authority to the states. Attached is a summary of this legislation which I plan to introduce next week.

With the completion of the Interstate System, it is time for us to examine the lessons of the past and explore our options for the future. Although it was initially envisioned as a ten year, $30 billion highway program, the Federal Aid Highway program exploded into one that has lasted 40 years and has cost nearly $300 billion. Additionally, the existing program is plagued by an enormous bureaucracy that inhibits states' flexibility and withholds states' scarce transportation dollars.

Rather than continue the tired and troubled practices of the past, shouldn't we as a Nation look for a better way to address our infrastructure needs? I believe the legislation I am proposing will allow states to better serve the driving public as we head into the 21st Century.

It is my intention to introduce this legislation early in the week of July 15, 1996. Congressman John Kasich (R–OH) will be introducing companion legislation in the House of Representatives. If you wish to be an original cosponsor of this legislation please contact my office by Friday, July 12, 1996. Should your staff have any questions or require additional information please do not hesitate to have them call Patrick Kearney of my staff (x4–3102).

Sincerely,

CONNIE MACK,
U.S. Senator.

TRANSPORTATION EMPOWERMENT ACT—SENATOR CONNIE MACK. REPRESENTATIVE JOHN KASICH

SUMMARY

The Federal government collects about $24 billion in dedicated transportation taxes, skims money off the top for demonstration projects, skims more of the top to fund the Washington highway bureaucracy, runs the remainder through a maze of formulas, and then returns gas taxes of the states. Understandably, states complain that this approach is needlessly complicated and denies them the funding flexibility and stability they deserve.

The Mack/Kasish bill re-empowers states in transportation financing and decision making. Our bill uses a two-year transition period to lower the Federal gas tax, eliminate most highway trust fund programs, relieve states of myriad federal restrictions and regulations, and remove federal roadblocks to infrastructure privatization. Each state would be free to replace the Federal gas tax and keep those dollars within the state.

The Mack/Kasich legislation retains federal oversight of the maintenance of the current interstate system. Federal programs also remain in place for Indian reservation roads, public lands, parkways and park roads, and emergency relief. The Mack/Kasich bill also creates an Infrastructure Special Assistance Fund for critical programs the Congress may elect to fund, including providing transitional assistance.

IMPLEMENTATION

This legislation provides a two year transition. During the transition period of fiscal years 1998 and 1999, this legislation keeps in place the current 14¢ gas tax dedicated to transportation purposes.

7¢ in 1998 and 2¢ in 1999 are dedicated to the remaining downsized federal program, to pay off existing obligations, and to fund the Infrastructure Special Assistance Fund.

The remainder of the gas tax (7¢ in 1998 and 12¢ in 1999) is returned to the states in a block grant based on their contributions to the trust fund. The block grant could be used for transportation purposes without restriction from Washington.

At the beginning of fiscal year 2000, the federal gas tax is reduced to 2¢.

This two-year transition gives states time to prepare to regain control over their highway program and raise their state gas taxes if they choose. Any money collected would stay within the state to be used as the state sees fit without restriction from Washington.

OTHER PROVISIONS

The Mack/Kasich legislation acknowledges that states will need to cooperate on many transportation issues. The bill authorizes states to establish multi-state ''compacts'' for planning, financing and establishing safety and construction standards.

The legislation will encourage innovative approaches on the part of the states, such as use of infrastructure banks and privatization. The bill repeals the requirement that states repay federal grants associated with transportation infrastructure which is slated for privatization.

This legislation only addresses gas taxes currently dedicated to transportation purposes. it does not address the 4.3¢ currently dedicated to deficit reduction.

Currently, other transportation funding ''reform'' proposals are being discussed on the Hill. Generally, these proposals seek to reform the highway program by increasing flexibility and revising current formula which returns gas tax dollars to the states. However, because gas taxes would continue to be funneled through Washington, these formulas invite the re-emergence of Washington micro management and changes to the formulas in future authorizing legislation.

The Mack/Kasich bill permanently returns control over America's infrastructure to the states by phasing out much of the Federal program *and* reducing the gas tax. This greatly reduces the risk of Washington micro management in the future.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3454. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report relative to the rule entitled ''Notice 96–37,'' received on July 16, 1996; to the Committee on Finance.

EC–3455. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, a report relative to a rule entitled ''Notice 96–39,'' received on July 16, 1996; to the Committee on Finance.

EC–3456. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds,'' received on July 11, 1996; to the Committee on Finance.

EC–3457. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing Payments by Banks and Other Financial Institutions of United States Savings Bonds and United States Savings Notes,'' received on July 17, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3458. A communication from the Comptroller General, transmitting, pursuant to law, a report relative to the financial statements of the Resolution Trust Corporation for the calendar years 1994 and 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–3459. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled ''Groundfish of the Gulf of Alaska,'' received on July 17, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3460. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Groundfish of the Gulf of Alaska,'' received on July 17, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3461. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled ''Groundfish of the Gulf of Alaska,'' received on July 17, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3462. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled ''Groundfish of the Gulf of Alaska,'' received on July 17, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3463. A communication from the General Counsel, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Consumer Products: Procedures for Consideration of New or Revised Energy Conservation Standards for Consumer Products,'' (RIN1904–AA83) received on July 15, 1996; to the Committee on Energy and Natural Resources.

EC–3464. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, a report relative to the American Discovery Trail; to the Committee on Energy and Natural Resources.

EC–3465. A communication from the General Counsel, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Administrative Procedures and Sanctions,'' received on July 15, 1996; to the Committee on Energy and Natural Resources.

EC–3466. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dihydroazadirachtin,'' received on July 17, 1996; to the Committee on Environment and Public Works.

EC–3467. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''NRC Enforcement Manual,'' received on July 17, 1996; to the Committee on Environment and Public Works.

EC–3468. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to amend the Act of May 13, 1954; to the Committee on Environment and Public Works.

EC–3469. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report regarding the rule entitled ''Revenue Procedure 96–40,'' received on July 17, 1996; to the Committee on Finance.

EC–3470. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report regarding the rule entitled ''Action on Decision in Estate of Cristofani v. Commissioner,'' received on July 15, 1996; to the Committee on Finance.

EC–3471. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report regarding the rule entitled ''Action on Decision in Simon v. Commissioner,'' received on July 15, 1996; to the Committee on Finance.

EC–3472. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report regarding the rule entitled ''Action on Decision in Tele-Communications, Inc. v. Commissioner,'' received on July 15, 1996; to the Committee on Finance.

EC–3473. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report regarding the rule entitled ''Action on Decision in Estate of Clack v. Commissioner,'' received on July 15, 1996; to the Committee on Finance.

EC–3474. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report regarding the rule entitled ''Action on Decision in Lauckner v. United States,'' received on July 15, 1996; to the Committee on Finance.

EC–3475. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report regarding the rule entitled ''Action on Decision in Murphy v. Commissioner,'' received on July 15, 1996; to the Committee on Finance.

EC–3476. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report regarding the rule entitled ''Action on Decision in Fisher v. Commissioner,'' received on July 15, 1996; to the Committee on Finance.

EC–3477. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report regarding the rule entitled ''Revenue Ruling 96–36,'' received on July 3, 1996; to the Committee on Finance.

EC–3478. A communication from the Chief of the Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rules of Origin for Textile and Apparel Products,'' received on July 17, 1996; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MACK, from the Committee on Appropriations, with amendments:

H.R. 3754. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 1997, and for other purposes (Rept. No. 104–323).

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1831. A bill to amend title 49. United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes (Rept. No. 104–324).

By Mr. HATFIELD, from the Committee on Appropriations, with amendments:

H.R. 3675. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes (Rept. No. 104–325).

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 969. A bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes (Rept. No. 104–326).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MCCONNELL (for himself, Mr. CRAIG, Mr. KEMPTHORNE, Mr. GRASSLEY, and Mr. COCHRAN):

S. 1975. A bill to amend the Competitive, Special, and Facilities Research Grant Act to provide increased emphasis on competitive grants to promote agricultural research projects regarding precision agriculture and to provide for the dissemination of the results of the research projects, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. D'AMATO:

S. 1976. A bill to authorize the President to enter into a trade agreement concerning Northern Ireland and certain Border Counties of the Republic of Ireland, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM:

S. 1977. A bill to designate a United States courthouse located in Tampa, Florida, as the ''Sam M. Gibbons United States Courthouse'', and for other purposes; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL (for himself, Mr. CRAIG, Mr. KEMPTHORNE, Mr. GRASSLEY, and Mr. COCHRAN):

S. 1975. A bill to amend the Competitive, Special, and Facilities Research Grant Act to provide increased emphasis on competitive grants to promote agricultural research projects regarding precision agriculture and to provide for the dissemination of the results of the research projects, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE PRECISION AGRICULTURE RESEARCH, EDUCATION, AND INFORMATION DISSEMINATION ACT OF 1996

• Mr. MCCONNELL. Mr. President, today several colleagues and I are introducing the Precision Agriculture Research, Education, and Information Dissemination Act of 1996.

This legislation emphasizes research on precision agriculture technologies. These technologies are very existing and will enable the United States to maintain and augment our competitive edge in global agricultural markets. The legislation amends the Competitive, Special and Facilities Research Grant Act of 1965 by modifying the National Research Initiative [NRI] to give the Secretary of Agriculture authority to provide research, extension, and education competitive grants and programs that emphasize precision agriculture technologies and management practices.

This legislation represents a compromise between various interests. The bill is supported by the Fertilizer Institute, National Center for Resources Innovations, Experiment Station and Extension Service Directors, Lockheed Martin, and a consortium of other high tech companies.

An identical bill H.R. 3795 was introduced by Congressman LEWIS and Congressman CRAPO on July 11, 1996.

Precision agriculture technologies are rapidly advancing, and it is crucial that the agricultural community invest in this field of research so that all farmers will be able to benefit. This bill will not only increase the investment in precision agriculture, but it will also emphasize an educational process that will assist all farmers in adopting precision agriculture technologies and applications.

Emerging technologies in production agriculture are changing and improving the way farmers produce food and fiber in this country. New technologies such as global positioning satellites field mapping, georeference information systems, grid soil sampling, variable rate seeding and input applications, portable electronic pest scouting, on-the-go yield monitoring, and computerized field history and record keeping are just a few of the next generation technological tools in use today.

These technologies allow the agriculture producer to adjust hundreds of variables in the farm field, form soil pH to nutrient levels to crop yield, on a 2 foot by 2 foot grid that were previously far too costly to calculate for each field. Today, these technologies can map these variables and data instantaneously as an applicator or combine drives across the field. In short, each farm field using precision technology becomes a research pilot. And in the down months or winter season a farmer can collect the data from the previous growing season and adjust dozens of important agronomic variables to maximize the efficient use of all the farmers inputs: time, fuel, commercial inputs, seed rate, irrigation—the list goes on and on.

These precision farming tools are already proving to help farmers increase field productivity, improve input efficiency, protect the environment, maximize farm profitability and create computerized field histories that may help increase land values. Collectively, these and other emerging technologies are being used in a holistic, site-specific systems approach called precision agriculture. Progressive and production minded farmers are already using these technologies. In a decade, they may be as commonplace on the farm as air-conditioned tractor cabs and power steering.

Precision farming seems to offer great promise for improving production performance. Inherently, it just sounds very appealing to be able to evaluate production conditions on an individual square foot, yard, or acre basis rather than that of a whole field. It would seem that we should be able to treat any situation more appropriately the

smaller the plot we are considering. There have been great strides in measuring things on the basis of smaller and smaller units on the ground than we have ever realistically envisioned in the past. Measuring yields as we harvest. Being able to collect soil samples on a very small pilot basis and apply prescribed corrective measures ''on the go.'' All of these things are possible. They are being done on an experimental basis in many locations. Some producers have adopted the new technology and are using it.

Precision farming is, in its simplest sense, a management system for crop production that uses site-specific data to maximize yields and more efficiently use inputs. The technology is quickly gaining acceptance and use by producers, farm suppliers, crop consultants, and custom applicators.

Precision farming links the data-management abilities of computers with sophisticated farm equipment that can vary applications rates and monitor yields throughout a field.

Mr. President, the capabilities of precision agriculture technologies are rapidly increasing. The economic and environmental benefits of these technologies have not been fully realized. Increasing the use of these technologies and development of complementary new technologies will benefit American agriculture, the U.S. economy, and both domestic and global environmental concerns. In Kentucky, this type of research can help producers increase their yield while protecting environmental concerns such as water quality.●

By Mr. D'AMATO:

S. 1976. A bill to authorize the President to enter into a trade agreement concerning Northern Ireland and certain border counties of the Republic of Ireland, and for other purposes; to the Committee on Finance.

THE NORTHERN IRELAND FREE TRADE, DEVELOPMENT AND SECURITY ACT

● Mr. D'AMATO. Mr. President, I introduce the Northern Ireland Free Trade, Development and Security Act.

The resurgence of sectarian unrest that we have witnessed in the last weeks in Northern Ireland has seriously jeopardized the chances of a lasting peace in that province. The current uncertainty brought about by the recent confrontation between the Catholic and Protestant communities does not augur well for the prospect of a prosperous and progressive Northern Ireland adhering to the principles of democracy, restraint and mutual respect.

Throughout the six counties the ancient drums of a harsh and unbending history have been once again been replaced by the fierce and acrimonious sounds of cross community hatred. Shattering glass and car bombs have once more become part and parcel of daily life in parts of Northern Ireland.

Mr. President, voices throughout Ireland continually echo the need for restraint and reconciliation. These are the voices of Northern Ireland's future. Voices which for so long have fallen on deaf ears. These voices Mr. President must be heard. It is in everyones self-interest to go forward. It is in no ones self-interest to slow down the peace process. Sadly this process may have come to a grinding halt, sadly too, the good and honest people of Northern Ireland will once again be the victims of a tyranny of violence and intransigence. The legislation that I introduce today is a marker that says that the men and women of Ulster are not alone in this period of instability and hour of need. We must verify hope, not concede to dispair.

Mr. President, the Northern Ireland and Border Counties Free Trade, Development and Security Act, that I introduce today, is modeled on the Gaza/West Bank Free Trade Act pending in this body. Both bills are based on the premise that a country or region that has a vibrant, growing and exporting economy requires underlying economic and social cohesion and cooperation. The legislation that I am introducing promises an open, liberalizing trade arrangement between Northern Ireland, the border counties of the Irish Republic and the United States. It will act as a primary inducement and incentive for indigenous Irish business to trade and flourish. This program will mean real jobs for the people of Northern Ireland, jobs that will prove to be crucial if the improvement of social and economic life in the North of Ireland is to be realized. In doing so, it will not only assist in revitalizing Northern Ireland's economy but it will help to rid Ulster of the religious and racial hatred which has plagued its people for more than 300 years.

Mr. President, the paradox of Northern Ireland is that she has given so much to other cultures and lands but has been incapable of fully reaping the rewards of her own peoples skills and strengths at home. The unfortunate reality is that as in the Republic of Ireland, a large majority of the North's highly educated and skilled younger generation has been forced to emigrate due to high unemployment levels which are as high as 70 percent in some areas. These disadvantaged areas are the ones which this legislation has been especially designed to target. Joint cooperation and joint economic development between the United States, Northern Ireland, and the European Union will integrate the most distressed parts of Northern Ireland and the border counties into a dynamic economy that—while firmly rooted in the European Union—continues to expand and cement new trading relatonships beneficial to all trading partners.

Mr. President the coming days in Northern Ireland will mean that serious risks will have to be taken. The way forward is not entirerly clear. Great strains have been placed between our good friends Great Britain and the Republic of Ireland. A close and harmonious relationship between these two nations is a necessary prerequisite to future progress in Northern Ireland. I would ask both of these close friends to join this effort to help forge a new and innovative way forward for their own citizens. Indeed current events call for new approaches, new modalities, and reinvigorated efforts.

To the men and women of Northern Ireland and the border counties, I say that your best days are in front of you. Stand steadfastly. Both communities can work together to create a future that will outshine Northern Ireland's dark but proud past and will significantly increase the prospects for the youth of Northern Ireland who hold the key to the success of this project. Take from your past the virtues of your forefathers—industry, faith, and imagination but leave behind the quarrels of other centuries. Just like the unity of Catholic and Protestant at the Somme, I ask that those heroic deeds be emanated. This time ahead will take courage, strength, and determination on all sides. I remind you once more you are not alone. As this country stood by you at the Somme this country stands by you now.

Northern Ireland's peace process must move forward and the aspirations and goodwill of the vast majority of its citizens must be accompanied by hard work and endeavour. The proposed establishment of a free trade area in these designated areas must be passed into legislation if the predicted 3,000 to 10,000 jobs are to be created. A more prosperous economy with more evenly spread and meaningful job opportunities can only serve to bridge the social and economic disparities that exist in this region. In conclusion this opportunity cannot be overlooked, after 25 years since the outbreak of the ''troubles,'' the people of Northern Ireland have suffered enough violence and depravity. Now it is time to embark on a rebuilding process that will give no chance to the terrorist but every chance to peace and reconciliation.●

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 1477

At the request of Mrs. KASSEBAUM, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1477, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

S. 1505

At the request of Mr. PRESSLER, the name of the Senator from Alabama

[Mr. HEFLIN] was added as a cosponsor of S. 1505, a bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

S. 1729

At the request of Mrs. HUTCHISON, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1729, a bill to amend title 18, United States Code, with respect to stalking.

S. 1897

At the request of Mrs. KASSEBAUM, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1897, a bill to amend the Public Health Service Act to revise and extend certain programs relating to the National Institutes of Health, and for other purposes.

S. 1899

At the request of Mr. STEVENS, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 1899, a bill entitled the ''Mollie Beattie Alaska Wilderness Area Act''.

S. 1965

At the request of Mr. BIDEN, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 1965, a bill to prevent the illegal manufacturing and use of methamphetamine.

AMENDMENT NO. 4910

At the request of Mr. BREAUX the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of amendment No. 4910 proposed to S. 1956, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 1997.

AMENDMENTS SUBMITTED

THE PERSONAL RESPONSIBILITY, WORK OPPORTUNITY, AND MEDICAID RESTRUCTURING ACT OF 1996

D'AMATO (AND OTHERS) AMENDMENT NO. 4927

Mr. D'AMATO (for himself, Mr. LEVIN, Mr. SANTORUM, Mr. GRAMM, Mrs. HUTCHISON, Mr. PRESSLER, Mr. FAIRCLOTH, Mr. CRAIG, Mr. STEVENS, Mr. BURNS, Mr. SMITH, Mr. COVERDELL, Mr. GRASSLEY, Mr. ASHCROFT, Mr. BROWN, Mr. THOMPSON, Mr. MCCONNELL, Mr. BOND, Mr. GRAMS, Mr. SHELBY, Mr. JEFFORDS, Mr. MACK, Mr. MURKOWSKI, Mr. BENNETT, Mr. LOTT, Mr. DOMENICI, and Mr. NICKLES) proposed an amendment to the bill (S. 1956) to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 1997; as follows:

Section 402(a)(1)(B) of the Social Security Act, as added by section 2103(a)(1), is amended by adding at the end the following:

''(iii) Not later than one year after the date of enactment of this Act, unless the State opts out of this provision by notifying the Secretary, a State shall, consistent with the exception provided in section 407(e)(2), require a parent or caretaker receiving assistance under the program who, after receiving such assistance for two months is not exempt from work requirements and is not engaged in work, as determined under section 407(c), to participate in community service employment, with minimum hours per week and tasks to be determined by the State.''

SIMON (AND OTHERS) AMENDMENT NO. 4928

Mr. EXON (for Mr. SIMON, for himself, Mrs. MURRAY, Mr. KERREY, Mr. SPECTER, and Mr. JEFFORDS) proposed an amendment to the bill, S. 1956, supra; as follows:

Beginning on page 233, strike line 15, and all that follows through line 13 on page 235, and insert the following:

''(4) LIMITATION ON EDUCATION ACTIVITIES COUNTED AS WORK.—For purposes of determining monthly participation rates under paragraphs (1)(B)(i) and (2)(B)(i) of subsection (b), not more than 30 percent of adults in all families and in 2-parent families determined to be engaged in work in the State for a month may meet the work activity requirement through participation in vocational educational training.

''(5) SINGLE PARENT WITH CHILD UNDER AGE 6 DEEMED TO BE MEETING WORK PARTICIPATION REQUIREMENTS IF PARENT IS ENGAGED IN WORK FOR 20 HOURS PER WEEK.—For purposes of determining monthly participation rates under subsection (b)(1)(B)(i), a recipient in a 1-parent family who is the parent of a child who has not attained 6 years of age is deemed to be engaged in work for a month if the recipient is engaged in work for an average of at least 20 hours per week during the month.

''(6) TEEN HEAD OF HOUSEHOLD WHO MAINTAINS SATISFACTORY SCHOOL ATTENDANCE DEEMED TO BE MEETING WORK PARTICIPATION REQUIREMENTS.—For purposes of determining monthly participation rates under subsection (b)(1)(B)(i), a recipient who is a single head of household and has not attained 20 years of age is deemed to be engaged in work for a month in a fiscal year if the recipient—

''(A) maintains satisfactory attendance at secondary school or the equivalent during the month; or

''(B) participates in education directly related to employment for at least the minimum average number of hours per week specified in the table set forth in paragraph (1).

''(d) WORK ACTIVITIES DEFINED.—As used in this section, the term 'work activities' means—

''(1) unsubsidized employment:

''(2) subsidized private sector employment;

''(3) subsidized public sector employment;

''(4) work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;

''(5) on-the-job training;

''(6) job search and job readiness assistance;

''(7) community service programs;

''(8) educational training (not to exceed 24 months with respect to any individual);

FEINSTEIN (AND OTHERS) AMENDMENT NO. 4929

Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. GRAHAM) proposed an amendment to the bill, S. 1956, supra; as follows:

Beginning on page 569, line 15, strike all through the end of line 10, page 589, and insert the following:

(D) This provision shall apply beginning on the date of the alien's entry into the United States.

(3) SPECIFIED FEDERAL PROGRAM DEFINED.—For purposes of this chapter, the term ''specified Federal program'' means any of the following:

(A) SSI.—The supplemental security income program under title XVI of the Social Security Act, including supplementary payments pursuant to an agreement for Federal administration under section 1616(a) of the Social Security Act and payments pursuant to an agreement entered into under section 212(b) of Public Law 93–66.

(B) FOOD STAMPS.—The food stamp program as defined in section 3(h) of the Food Stamp Act of 1977.

(b) LIMITED ELIGIBILITY FOR DESIGNATED FEDERAL PROGRAMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as provided in section 2403 and paragraph (2), a State is authorized to determine the eligibility of an alien who is a qualified alien (as defined in section 2431) for any designated Federal program (as defined in paragraph (3)).

(2) EXCEPTIONS.—Qualified aliens under this paragraph shall be eligible for any designated Federal program.

(A) TIME-LIMITED EXCEPTION FOR REFUGEES AND ASYLEES.—

(i) An alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act until 5 years after the date of an alien's entry into the United States.

(ii) An alien who is granted asylum under section 208 of such Act until 5 years after the date of such grant of asylum.

(iii) An alien whose deportation is being withheld under section 243(h) of such Act until 5 years after such withholding.

(B) CERTAIN PERMANENT RESIDENT ALIENS.—An alien who—

(i) is lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act; and

(ii)(I) has worked 40 qualifying quarters of coverage as defined under title II of the Social Security Act or can be credited with such qualifying quarters as provided under section 2435, and (II) did not receive any Federal means-tested public benefit (as defined in section 2403(c)) during any such quarter.

(C) VETERAN AND ACTIVE DUTY EXCEPTION.—An alien who is lawfully residing in any State and is—

(i) a veteran (as defined in section 101 of title 38, United States Code) with a discharge characterized as an honorable discharge and not on account of alienage,

(ii) on active duty (other than active duty for training) in the Armed Forces of the United States, or

(iii) the spouse or unmarried dependent child of an individual described in clause (i) or (ii).

(3) This provision shall apply beginning on the date of the alien's entry into the United States.

(4) DESIGNATED FEDERAL PROGRAM DEFINED.—For purposes of this chapter, the term ''designated Federal program'' means any of the following:

(A) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.—The program of block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act.

(B) SOCIAL SERVICES BLOCK GRANT.—The program of block grants to States for social services under title XX of the Social Security Act.

(C) MEDICAID.—The program of medical assistance under title XV and XLX of the Social Security Act.

SEC. 2403. FIVE-YEAR LIMITED ELIGIBILITY OF QUALIFIED ALIENS FOR FEDERAL MEANS-TESTED PUBLIC BENEFIT.

(a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsection (b), an alien who is a qualified alien (as defined in section 2431) and who enters the United States on or after the date of the enactment of this Act is not eligible for any Federal means-tested public benefit (as defined in subsection (c)) for a period of five years beginning on the date of the alien's entry into the United States with a status within the meaning of the term ''qualified alien''.

(b) EXCEPTIONS.—The limitation under subsection (a) shall not apply to the following aliens:

(1) EXCEPTION FOR REFUGEES AND ASYLEES.—

(A) An alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act.

(B) An alien who is granted asylum under section 208 of such Act.

(C) An alien whose deportation is being withheld under section 243(h) of such Act.

(2) VETERAN AND ACTIVE DUTY EXCEPTION.—An alien who is lawfully residing in any State and is—

(A) a veteran (as defined in section 101 of title 38, United States Code) with a discharge characterized as an honorable discharge and not on account of alienage.

(B) on active duty (other than active duty for training) in the Armed Forces of the United States, or

(C) the spouse or unmarried dependent child of an individual described in subparagraph (A) or (B).

(c) FEDERAL MEANS-TESTED PUBLIC BENEFIT DEFINED.—

(1) Except as provided in paragraph (2), for purposes of this chapter, the term ''Federal means-tested public benefit'' means a public benefit (including cash, medical, housing, and food assistance and social services) of the Federal Government in which the eligibility of an individual, household, or family eligibility unit for benefits, or the amount of such benefits, or both are determined on the basis of income, resources, or financial need of the individual, household, or unit.

(2) Such term does not include the following:

(A) Emergency medical services under title XV or XIX of the Social Security Act.

(B) Short-term, non-cash, in-kind emergency disaster relief.

(C) Assistance or benefits under the National School Lunch Act.

(D) Assistance or benefits under the Child Nutrition Act of 1966.

(E)(i) Public health assistance for immunizations.

(ii) Public health assistance for testing and treatment of a communicable disease if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of such disease.

(F) Payments for foster care and adoption assistance under part E of title IV of the Social Security Act for a child who would, in the abscence of subsection (a), be eligible to have such payments made on the child's behalf under such part, but only if the foster or adoptive parent or parents of such child are not described under subsection (a).

(G) Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General, in the Attorney General's sole and unreviewable discretion after consultation with appropriate Federal agencies and departments, which (i) deliver in-kind services at the community level, including through public or private nonprofit agencies; (ii) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and (iii) are necessary for the protection of life or safety.

(H) Programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965.

(I) Means-tested programs under the Elementary and Secondary Education Act of 1965.

SEC. 2404. NOTIFICATION AND INFORMATION REPORTING.

(a) NOTIFICATION.—Each Federal agency that administers a program to which section 2401, 2402, or 2403 applies shall, directly or through the States, post information and provide general notification to the public and to program recipients of the changes regarding eligibility for any such program pursuant to this subchapter.

(b) INFORMATION REPORTING UNDER TITLE IV OF THE SOCIAL SECURITY ACT.—Part A of title IV of the Social Security Act, as amended by section 2103(a) of this Act, is amended by inserting the following new section after section 411:

''SEC. 411A. STATE REQUIRED TO PROVIDE CERTAIN INFORMATION.

''Each State to which a grant is made under section 403, shall, at least 4 times annually and upon request of the Immigration and Naturalization Service, furnish the Immigration and Naturalization Service with the name and address of, and other identifying information on, any individual who the State knows is unlawfully in the United States.''

(c) SSI.—Section 1631(e) of such Act (42 U.S.C. 1383(e)) is amended—

(1) by redesignating the paragraphs (6) and (7) inserted by sections 206(d)(2) and 206(f)(1) of the Social Security Independence and Programs Improvement Act of 1994 (Public Law 103–296; 108 Stat. 1514, 1515) as paragraphs (7) and (8), respectively; and

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

''(9) Notwithstanding any other provision of law, the Commissioner shall, at least 4 times annually and upon request of the Immigration and Naturalization Service (hereafter in this paragraph referred to as the 'Service'), furnish the Service with the name and address of, and other identifying information on, any individual who the Commissioner knows is unlawfully in the United States, and shall ensure that each agreement entered into under section 1616(a) with a State provides that the State shall furnish such information at such times with respect to any individual who the State knows is unlawfully in the United States.''

(d) INFORMATION REPORTING FOR HOUSING PROGRAMS.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

''SEC. 27. PROVISION OF INFORMATION TO LAW ENFORCEMENT AND OTHER AGENCIES.

''Notwithstanding any other provision of law, the Secretary shall, at least 4 times annually and upon request of the Immigration and Naturalization Service (hereafter in this section referred to as the 'Service'), furnish the Service with the name and address of, and other identifying information on, any individual who the Secretary knows is unlawfully in the United States, and shall ensure that each contract for assistance entered into under section 6 or 8 of this Act with a public housing agency provides that the public housing agency shall furnish such information at such times with respect to any individual who the public housing agency knows is unlawfully in the United States.''.

Subchapter B—Eligibility for State and Local Public Benefits Programs

SEC. 2411. ALIENS WHO ARE NOT QUALIFIED ALIENS OR NONIMMIGRANTS INELIGIBLE FOR STATE AND LOCAL PUBLIC BENEFITS.

(a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsections (b) and (d), an alien who is not—

(1) a qualified alien (as defined in section 2431),

(2) a nonimmigrant under the Immigration and Nationality Act, or

(3) an alien who is paroled into the United States under section 212(d)(5) of such Act for less than one year,

is not eligible for any State or local public benefit (as defined in subsection (c)).

(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to the following State or local public benefits:

(1) Emergency medical services under title XV or XIX of the Social Security Act.

(2) Short-term, non-cash, in-kind emergency disaster relief.

(3)(A) Public health assistance for immunizations.

(B) Public health assistance for testing and treatment of a communicable disease if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of such disease.

(4) Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General, in the Attorney General's sole and unreviewable discretion after consultation with appropriate Federal agencies and departments, which (A) deliver in-kind services at the community level, including through public or private nonprofit agencies; (B) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and (C) are necessary for the protection of life or safety.

(c) STATE OR LOCAL PUBLIC BENEFIT DEFINED.—

(1) Except as provide in paragraph (2), for purposes of this subchapter the term ''State or local public benefit'' means—

(A) any grant, contract, loan, professional license, or commercial license provided by an agency of a State or local government or by appropriated funds of a State or local government; and

(B) any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a State or local government or by appropriated funds of a State or local government.

(2) Such term shall not apply—

(A) to any contract, professional license, or commercial license for a nonimmigrant whose visa for entry is related to such employment in the United States; or

(B) with respect to benefits for an alien who as a work authorized nonimmigrant or as an alien lawfully admitted for permanent residence under the Immigration and Nationality Act qualified for such benefits and for whom the United States under reciprocal treaty agreements is required to pay benefits, as determined by the Secretary of State, after consultation with the Attorney General.

(d) STATE AUTHORITY TO PROVIDE FOR ELIGIBILITY OF ILLEGAL ALIENS FOR STATE AND LOCAL PUBLIC BENEFITS.—A State may provide that an alien who is not lawfully present in the United States is eligible for

any State or local public benefit for which such alien would otherwise be ineligible under subsection (a) only through the enactment of a State law after the date of the enactment of this Act which affirmatively provides for such eligibility.

SEC. 2412. STATE AUTHORITY TO LIMIT ELIGIBILITY OF QUALIFIED ALIENS FOR STATE PUBLIC BENEFITS.

(a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsection (b), a State is authorized to determine the eligibility for any State public benefits (as defined in subsection (c) of an alien who is a qualified alien (as defined in section 2431), a nonimmigrant under the Immigration and Nationality Act, or an alien who is paroled into the United States under section 212(d)(5) of such Act for less than one year.

(b) EXCEPTIONS.—Qualified aliens under this subsection shall be eligible for any State public benefits.

(1) TIME-LIMITED EXCEPTION FOR REFUGEES AND ASYLEES.—

(A) An alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act until 5 years after the date of an alien's entry into the United States.

(B) An alien who is granted asylum under section 208 of such Act until 5 years after the date of such grant of asylum.

(C) An alien whose deportation is being withheld under section 243(h) of such Act until 5 years after such withholding.

(2) CERTAIN PERMANENT RESIDENT ALIENS.—An alien who—

(A) is lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act; and

(B)(i) has worked 40 qualifying quarters of coverage as defined under title II of the Social Security Act or can be credited with such qualifying quarters as provided under section 2435, and (ii) did not receive any Federal means-tested public benefit (as defined in section 2403(c)) during any such quarter.

(3) VETERAN AND ACTIVE DUTY EXCEPTION.—An alien who is lawfully residing in any State and is—

(A) a veteran (as defined in section 101 of title 38, United States Code) with a discharge characterized as an honorable discharge and not on account of alienage,

(B) on active duty (other than active duty for training) in the Armed Forces of the United States, or

(C) the spouse or unmarried dependent child of an individual described in subparagraph (A) or (B).

(4) This provision applies to those entering the country on or after the enactment.

(c) STATE PUBLIC BENEFITS DEFINED.—The term ''State public benefits'' means any means-tested public benefit of a State or political subdivision of a State under which the State or political subdivision specifies the standards for eligibility, and does not include any Federal public benefit.

Subchapter C—Attribution of Income and Affidavits of Support

SEC. 2421. FEDERAL ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO ALIEN.

(a) IN GENERAL.—Notwithstanding any other provision of law, in determining the eligibility and the amount of benefits of an alien for any Federal means-tested public benefits program (as defined in section 2403(c)), the income and resources of the alien shall be deemed to include the following:

(1) The income and resources of any person who executed an affidavit of support pursuant to section 213A of the Immigration and Nationality Act (as added by section 2423) on behalf of such alein.

(2) The income and resources of the spouse (if any) of the person.

(b) APPLICATION.—Subsection (a) shall apply with respect to an alien until such time as the alien—

(1) achieves United States citizenship through naturalization pursuant to chapter 2 of title III of the Immigration and Nationality Act; or

(2)(A) has worked 40 qualifying quarters of coverage as defined under title II of the Social Security Act or can be credited with such qualifying quarters as provided under section 2435, and (B) did not receive any Federal means-tested public benefit (as defined in section 2403(c)) during any such quarter.

(c) REVIEW OF INCOME AND RESOURCES OF ALIEN UPON REAPPLICATION.—Whenever an alien is required to reapply for benefits under any Federal means-tested public benefits program, the applicable agency shall review the income and resources attributed to the alien under subsection (a).

(d) This provision shall apply beginning on the date of the aliens entry into the United States.

HELMS (AND OTHERS) AMENDMENT NO. 4930

Mr. HELMS (for himself, Mr. FAIRCLOTH, Mr. NICKLES, Mr. SHELBY, Mr. SMITH, and Mr. GRAMM) proposed an amendment to the bill, S. 1956, supra; as follows:

Strike section 1134 and insert the following:

SEC. 1134. WORK REQUIREMENT.

Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015), as amended by section 1133, is amended by adding at the end the following:

''(o) WORK REQUIREMENT.—

''(1) DEFINITION OF WORK PROGRAM.—In this subsection, the term 'work program' means—

''(A) a program under the Job Training Partnership Act (29 U.S.C. 1501 et seq.);

''(B) a program under section 236 of the Trade Act of 1974 (19 U.S.C. 2296); or

''(C) a program of employment or training operated or supervised by a State or political subdivision of a State that meets standards approved by the Governor of the State, including a program under subsection (d)(4), other than a job search program or a job search training program.

''(2) WORK REQUIREMENT.—Subject to paragraph (3), no individual shall be eligible to participate in the food stamp program as a member of any household if the individual did not—

''(A) work 20 hours or more per week, averaged monthly;

''(B) participate in and comply with the requirements of a work program for at least 20 hours or more per week, as determined by the State agency; or

''(C) participate in and comply with the requirements of a program under section 20 or a comparable program established by a State or political subdivision of a State.

''(3) EXEMPTIONS.—Paragraph (1) shall not apply to an individual if the individual is—

''(A) a parent residing with a dependent child under 18 years of age;

''(B) mentally or physically unfit;

''(C) under 18 years of age;

''(D) 50 years of age or older; or

''(E) a pregnant woman.''.

CHAFEE (AND OTHERS) AMENDMENT NO. 4931

Mr. CHAFEE (for himself, Mr. BREAUX, Mr. COHEN, Mr. GRAHAM, Mr. JEFFORDS, Mr. KERREY, Mr. HATFIELD, Mrs. MURRAY, Ms. SNOWE, Mr. LIEBERMAN, Mr. REID, and Mr. ROCKEFELLER) proposed an amendment to the bill, S. 1956, supra; as follows:

Beginning with page 256, line 20, strike all through page 259, line 4, and insert the following:

''(12) ASSURING MEDICAID COVERAGE FOR LOW-INCOME FAMILIES.—

''(A) IN GENERAL.—Notwithstanding any other provision of this Act, subject to the succeeding provisions of this paragraph, with respect to a State any reference in title XIX (or other provision of law in relation to the operation of such title) to a provision of this part, or a State plan under this part (or a provision of such a plan), including standards and methodologies for determining income and resources under this part or such plan, shall be considered a reference to such a provision or plan as in effect as of July 1, 1996, with respect to the State.

''(B) CONSTRUCTION.—

''(i) In applying section 1925(a)(1), the reference to 'section 402(a)(8)(B)(ii)(II)' is deemed a reference to a corresponding earning disregard rule (if any) established under a State program funded under this part (as in effect on or after October 1, 1996).

''(ii) The provisions of former section 406(h) (as in effect on July 1, 1996) shall apply, in relation to title XIX, with respect to individuals who receive assistance under a State program funded under this part (as in effect on or after October 1, 1996) and are eligible for medical assistance under title XIX or who are described in subparagraph (C)(i) in the same manner as they apply as of July 1, 1996, with respect to individuals who become ineligible for aid to families with dependent children as a result (wholly or partly) of the collection or increased collection of child or spousal support under part D of this title.

''(iii) With respect to the reference in section 1902(a)(5) to a State plan approved under this part, a State may treat such reference as a reference either to a State program funded under this part (as in effect on or after October 1, 1996) or to the State plan under title XIX.

''(C) ELIGIBILITY CRITERIA.—

''(i) IN GENERAL.—For purposes of title XIX, subject to clause (ii), in determining eligibility for medical assistance under such title, an individual shall be treated as receiving aid or assistance under a State plan approved under this part (and shall be treated as meeting the income and resource standards under this part) only if the individual meets—

''(I) the income and resource standards for determining eligibility under such plan; and

''(II) the eligibility requirements of such plan under subsections (a) through (c) of former section 406 and former section 407(a), as in effect as of July 1, 1996. Subject to clause (ii)(II), the income and resource methodologies under such plan as of such date shall be used in the determination of whether any individual meets income and resource standards under such plan.

''(ii) STATE OPTION.—For purposes of applying this paragraph, a State may—

''(I) lower its income standards applicable with respect to this part, but not below the income standards applicable under its State plan under this part on May 1, 1988; and

''(II) use income and resource standards or methodologies that are less restrictive than the standards or methodologies used under the State plan under this part as of July 1, 1996.

''(iii) ADDITIONAL STATE OPTION WITH RESPECT TO TANF RECIPIENTS.—For purposes of applying this paragraph to title XIX, a State may, subject to clause (iv), treat all individuals (or reasonable categories of individuals)

receiving assistance under the State program funded under this part (as in effect on or after October 1, 1996) as individuals who are receiving aid or assistance under a State plan approved under this part (and thereby eligible for medical assistance under title XIX).

''(iv) TRANSITIONAL COVERAGE.—For purposes of section 1925, an individual who is receiving assistance under the State program funded under this part (as in effect on or after October 1, 1996) and is eligible for medical assistance under title XIX shall be treated as an individual receiving aid or assistance pursuant to a State plan approved under this part (as in effect as of July 1, 1996) (and thereby eligible for continuation of medical assistance under such section 1925).

''(D) WAIVERS.—In the case of a waiver of a provision of this part in effect with respect to a State as of July 1, 1996, if the waiver affects eligibility of individuals for medical assistance under title XIX, such waiver may (but need not) continue to be applied, at the option of the State, in relation to such title after the date the waiver would otherwise expire. If a State elects not to continue to apply such a waiver, then, after the date of the expiration of the waiver, subparagraphs (A), (B), and (C) shall be applied as if any provision so waived had not been waived.

''(E) STATE OPTION TO USE 1 APPLICATION FORM.—Nothing in this paragraph, this part, or title XIX, shall be construed as preventing a State from providing for the same application form for assistance under a State program funded under this part (on or after October 1, 1996) and for medical assistance under title XIX.

''(F) REQUIREMENT FOR RECEIPT OF FUNDS.—A State to which a grant is made under section 403 shall take such action as may be necessary to ensure that the provisions of this paragraph are carried out provided that the State is otherwise participating in title XIX of this Act.

ROTH AMENDMENT NO. 4932

Mr. ROTH proposed an amendment to amendment No. 4931 proposed by Mr. CHAFEE to the bill, S. 1956, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

''(12) CONTINUATION OF MEDICAID FOR CERTAIN LOW-INCOME INDIVIDUALS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this Act, a State to which a grant is made under section 403 shall take such action as may be necessary to ensure that—

''(i) any individual who, as of the date of the enactment of the Personal Responsibility and Work Opportunity Act of 1996, is receiving medical assistance under title XIX as a result of such individual's receipt of aid or assistance under a State plan approved under this part (as in effect on July 1, 1996), or under a State plan approved under part E (as so in effect)—

''(I) shall be eligible for medical assistance under the State's plan approved under title XIX, so long as such individual continues to meet the eligibility requirements applicable to such individual under the State's plan approved under this part (as in effect on July 1, 1996); and

''(II) with respect to such individual, any reference in—

''(aa) title XIX;

''(bb) any other provision of law in relation to the operation of such title;

''(cc) the State plan under such title of the State in which such individual resides; or

''(dd) any other provision of State law in relation to the operation of such State plan under such title,

to a provision of this part, or a State plan under this part (or a provision of such a plan), including standards and methodologies for determining income and resources under this part or such plan, shall be considered a reference to such a provision or plan as in effect as of July 1, 1996; and

''(ii) except as provided in subparagraph (B), if any family becomes ineligible to receive assistance under the State program funded under this part as a result of—

''(I) increased earnings from employment;

''(II) the collection or increased collection of child or spousal support; or

''(III) a combination of the matters described in subclauses (I) and (II),

and such family received such assistance in at least 3 of the 6 months immediately preceding the month in which such ineligibility begins, the family shall be eligible for medical assistance under the State's plan approved under title XIX during the immediately succeeding 12-month period for so long as family income (as defined by the State), excluding any refund of Federal income taxes made by reason of section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit) and any payment made by an employer under section 3507 of such Code (relating to advance payment of earned income credit), is less than the poverty line, and that the family will be appropriately notified of such eligibility.

''(B) EXCEPTION.—No medical assistance may be provided under subparagraph (A) to any family that contains an individual who has had all or part of any assistance provided under this part (as in effect on July 1, 1996, or as in effect, with respect to a State, on and after the effective date of chapter 1 of subtitle A of title II of the Personal Responsibility and Work Opportunity Act of 1996) terminated as a result of the application of—

''(i) a preceding paragraph of this subsection;

''(ii) section 407(e)(1); or

''(iii) in the case of a family that includes an individual described in clause (i) of subparagraph (A), a sanction imposed under the State plan under this part (as in effect on July 1, 1996).

CHAFEE (AND OTHERS) AMENDMENT NO. 4933

Mr. CHAFEE (for himself, Mr. BREAUX, Mr. COHEN, Mr. GRAHAM, Mr. JEFFORDS, Mr. KERREY, Mr. HATFIELD, Mrs. MURRAY, Ms. SNOWE, Mr. LIEBERMAN, Mr. REID, and Mr. ROCKEFELLER) proposed an amendment to amendment No. 4931 proposed by Mr. CHAFEE to the bill, S. 1956, supra; as follows:

Strike all after the first word and insert the following:

''MEDICAID COVERAGE FOR LOW-INCOME FAMILIES.

''(A) IN GENERAL.—Notwithstanding any other provision of this Act, subject to the succeeding provisions of this paragraph, with respect to a State any reference in title XIX (or other provision of law in relation to the operation of such title) to a provision of this part, or a State plan under this part (or provision of such a plan), including standards and methodologies for determining income and resources under this part or such plan, shall be considered a reference to such a provision or plan as in effect as of July 1, 1996, with respect to the State.

''(B) CONSTRUCTIONS.—

''(i) In applying section 1925(a)(1), the reference to 'section 402(a)(8)(B)(ii)(II)' is deemed a reference to a corresponding earning disregard rule (if any) established under a State program funded under this part (as in effect on or after October 1, 1996).

''(ii) The provisions of former section 406(h) (as in effect on July 1, 1996) shall apply, in relation to title XIX, with respect to individuals who receive assistance under a State program funded under this part (as in effect on or after October 1, 1996) and are eligible for medical assistance under title XIX or who are described in subparagraph (C)(i) in the same manner as they apply as of July 1, 1996, with respect to individuals who become ineligible for aid to families with dependent children as a result (wholly or partly) of the collection or increased collection of child or spousal support under part D of this title.

''(iii) With respect to the reference in section 1902(a)(5) to a State plan approved under this part, a State may treat such reference as a reference either to a State program funded under this part (as in effect on or after October 1, 1996) or to the State plan under title XIX.

''(C) ELIGIBILITY CRITERIA.—

''(i) IN GENERAL.—For purposes of title XIX, subject to clause (ii), in determining eligibility for medical assistance under such title, an individual shall be treated as receiving aid or assistance under a State plan approved under this part (and shall be treated as meeting the income and resource standards under this part) only if the individual meets—

''(I) the income and resource standards for determining eligibility under such plan; and

''(II) the eligibility requirements of such plan under subsections (a) through (c) of former section 406 and former section 407(a), as in effect as of July 1, 1996. Subject to clause (ii)(II), the income and resource methodologies under such plan as of such date shall be used in the determination of whether any individual meets income and resource standards under such plan.

''(ii) STATE OPTION.—For purposes of applying this paragraph, a State may—

''(I) lower its income standards applicable with respect to this part, but not below the income standards applicable under its State plan under this part on May 1, 1988; and

''(II) use income and resource standards or methodologies that are less restrictive than the standards or methodologies used under the State plan under this part as of July 1, 1996.

''(iv) TRANSITIONAL COVERAGE.—For purposes of section 1925, an individual who is receiving assistance under the State program funded under this part (as in effect on or after October 1, 1996) and is eligible for medical assistance under title XIX shall be treated as an individual receiving aid or assistance pursuant to a State plan approved under this part (as in effect as of July 1, 1996) (and thereby eligible for continuation of medical assistance under such section 1925).

''(D) WAIVERS.—In the case of a waiver of a provision of this part in effect with respect to a State as of July 1, 1996, if the waiver affects eligibility of individuals for medical assistance under title XIX such waiver may (but need not) continue to be applied, at the option of the State, in relation to such title after the date the waiver would otherwise expire. If a State elects not to continue to apply such a waiver, then, after the date of the expiration of the waiver, subparagraphs (A), (B), and (C) shall be applied as if any provisions so waived had not been waived.

''(E) STATE OPTION TO USE 1 APPLICATION FORM.—Nothing in this paragraph, this part, or title XIX, shall be construed as preventing a State from providing for the same application form for assistance under a State program funded under this part (on or after October 1, 1996) and for medical assistance under title XIX.

''(F) REQUIREMENT FOR RECEIPT OF FUNDS.—A State to which a grant is made under section 403 shall take such action as may be necessary to ensure that the provisions of this paragraph are carried out provided that the State is otherwise participating in title XIX of this Act.

CONRAD (AND OTHERS) AMENDMENT NO. 4934

Mr. CONRAD (for himself, Mr. JEFFORDS, Mr. KERREY, Mr. LEAHY, Mrs. MURRAY, and Mr. REID) proposed an amendment to the bill, S. 1956, supra; as follows:

On page 8, line 24, strike ''for fiscal year 1996'' and insert ''for the period beginning October 1, 1995, and ending November 30, 1996''.

On page 9, strike lines 1 through 5 and insert the following:

''(ii) for the period beginning December 1, 1996, and ending September 30, 2001, $120, $206, $170, $242, and $106, respectively;

''(iii) for the period beginning October 1, 2001, and ending August 31, 2002, $113, $193, $159, $227, and $100 respectively; and

''(iv) for the period beginning September 1, 2002, and ending September 30, 2002, $120, $206, $170, $242, and $106, respectively.

Beginning on page 94, strike line 14 and all that follows through page 111, line 6.

GRAMM AMENDMENT NO. 4935

Mr. SANTORUM (for Mr. GRAMM) proposed an amendment to the bill, S. 1956, supra; as follows:

On page 364, between lines 14 and 15, insert the following new section:

SEC. . DENIAL OF BENEFITS FOR CERTAIN DRUG RELATED CONVICTIONS.

(a) IN GENERAL.—An individual convicted (under Federal or State law) of any crime relating to the illegal possession, use, or distribution of a drug shall not be eligible for any Federal means-tested public benefit, as defined in Section 2403(c)(1) of this Act.

(b) FAMILY MEMBERS EXEMPT.—The prohibition contained under subsection (a) shall not apply to the family members or dependants of the convicted individual in a manner that would make such family members or dependants ineligible for welfare benefits that they would otherwise be eligible for. Any benefits provided to family members or dependents of a person described in subsection (a) shall be reduced by the amount which would have otherwise been made available to the convicted individual.

(c) PERIOD OF PROHIBITION.—The prohibition under subsection (a) shall apply—

(1) With respect to an individual convicted of a misdemeanor, during the 5-year period beginning on the date of the conviction or the 5-year period beginning on January 1, 1997, whichever is later; and

(2) with respect to an individual convicted of a felony, for the duration of the life of that individual.

(d) EXCEPTIONS.—Subsection (a) shall not apply with respect to the following Federal benefits:

(1) Emergency medical services under title XV or XIX of the Social Security Act.

(2) Short-term, non-cash, in-kind emergency disaster relief.

(3)(A) Public health assistance for immunizations.

(B) Public health assistance for testing and treatment of communicable diseases if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of such disease.

(e) EFFECTIVE DATE.—The denial of Federal benefits set forth in this section shall take effect for convictions occurring after the date of enactment.

(f) REGULATIONS.—Not later than December 31, 1996, the Attorney General shall promulgate regulations detailing the means by which Federal and State agencies, courts, and law enforcement agencies will exchange and share the data and information necessary to implement and enforce the withholding of Federal benefits.

GRAHAM (AND BUMPERS) AMENDMENT NO. 4936

Mr. GRAHAM (for himself and Mr. BUMPERS) proposed an amendment to the bill, S. 1956, supra; as follows:

On page 196, strike line 16 and insert the following:

DEFINED.—Except as provided in subparagraph (C), as used in this part, the term

On page 198, between lines 9 and 10, insert the following:

''(C) RULES FOR FISCAL YEARS 1997, 1998, 1999, 2000, AND 2001.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), in the case of fiscal years 1997, 1998, 1999, 2000, and 2001, the State family assistance grant for a State for a fiscal year shall be an amount equal to the sum of—

''(I) the applicable percentage for such fiscal year of the State family assistance grant for such fiscal year, as determined under subparagraph (B), and

''(II) an amount equal to the State child poverty allocation determined under clause (iii) for such fiscal year.

''(ii) APPLICABLE PERCENTAGE.—For purposes of this subparagraph, the applicable percentage for a fiscal year is as follows:

''If the fiscal year is:	*The applicable percentage is*
1997	80
1998	60
1999	40
2000	20
2001	0

''(iii) STATE CHILD POVERTY ALLOCATION.—For purposes of this subparagraph, the State child poverty allocation for a State for a fiscal year is an amount equal to the poverty percentage of the greater of—

''(I) the product of the aggregate amount appropriated for fiscal year 1996 under subparagraph (G) and the child poverty ratio for such State for such fiscal year, as determined under clause (iv); and

''(II) the minimum amount determined under clause (v).

For purposes of this clause, the poverty percentage for any fiscal year is a percentage equal to 100 percent minus the applicable percentage for such fiscal year under clause (ii).

''(iv) CHILD POVERTY RATIO.—For purposes of clause (iii), the term 'child poverty ratio' means, with respect to a State and a fiscal year—

''(I) the average number of minor children in families residing in the State with incomes below the poverty line, as determined by the Director of the Bureau of the Census, for the 3 preceding fiscal years; divided by

''(II) the average number of minor children in families residing in all States with incomes below the poverty line, as so determined, for such 3 preceding fiscal years.

''(v) MINIMUM AMOUNT.—For purposes of clause (iii), the minimum amount is the lesser of—

''(I) $100,000,000; or

''(II) an amount equal to 150 percent of the total amount required to be paid to the State under former section 403 for fiscal year 1995 (as such section was in effect on June 1, 1996).

''(vi) REDUCTION IF AMOUNTS NOT AVAILABLE.—If the aggregate amount by which State family assistance grants for all States increases for a fiscal year under this paragraph exceeds the aggregate amount appropriated for such fiscal year under subparagraph (G), the amount of the State family assistance grant to a State shall be reduced by an amount equal to the product of the aggregate amount of such excess and the child poverty ratio for such State.

''(vii) 3-PRECEDING FISCAL YEARS.—For purposes of clause (iv), the term ''3-preceding fiscal years' means the 3 most recent fiscal years preceding the current fiscal year for which data are available.

''(D) PUBLICATION OF ALLOCATIONS.—Not later than January 15 of each calendar year, the Secretary shall publish in the Federal Register the amount of the family assistance grant to which each State is entitled under this paragraph for the fiscal year that begins on October 1 of such calendar year.

On page 198, line 10, strike ''(C)'' and insert ''(E)''.

On page 200, line 11, strike ''(D)'' and insert ''(F)''.

On page 200, line 17, strike ''(C)'' and insert ''(E)''.

On page 200, line 23, strike ''(C)'' and insert ''(E)''.

On page 201, line 5, strike ''(C)'' and insert ''(E)''.

On page 201, line 20, strike ''(C)'' and insert ''(E)''.

On page 201, line 25, strike ''(C)'' and insert ''(E)''.

On page 202, line 5, strike ''(C)'' and insert ''(E)''.

On page 202, line 9, strike ''(E)'' and insert ''(G)''.

Beginning with page 205, line 4, strike all through page 211, line 3.

PRESSLER (AND DASCHLE) AMENDMENT NO. 4937

Mr. SANTORUM (for Mr. PRESSLER, for himself and Mr. DASCHLE) proposed an amendment to the bill, S. 1956, supra; as follows:

Beginning on page 70, strike line 21 and all that follows through page 71, line 3, and insert the following:

(c) RETENTION RATE.—The provision of the first sentence of section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)) is amended by striking ''25 percent during the period beginning October 1, 1990'' and all that follows through ''section 13(b)(2) of this Act'' and inserting ''35 percent of the value of all funds or allotments recovered or collected pursuant to subsections (b)(1) and (c) of section 13 and 20 percent of the value of all funds or allotments recovered or collected pursuant to section 13(b)(2) of this Act''.

SIMON AMENDMENT NO. 4938

Mr. GRAHAM (for Mr. SIMON) proposed an amendment to the bill, S. 1956, supra; as follows:

In Section 2403(c)(2)(H), after ''1965'' and before the period at the end, add '', and Titles III, VII, and VIII of the Public Health Service Act''.

SHELBY (AND OTHERS) AMENDMENT NO. 4939

Mr. SHELBY (for himself, Mr. CRAIG, Mr. GRAMS, Mr. COATS, and Mr. HELMS) proposed an amendment to the bill, S. 1956, supra; as follows:

At the appropriate place, insert:

SEC. . REFUNDABLE CREDIT FOR ADOPTION EXPENSES.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal

Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

SEC. 35. ADOPTION EXPENSES.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year the amount of the qualified adoption expenses paid or incurred by the taxpayer during such taxable year.

''(b) LIMITATIONS.—

''(1) DOLLAR LIMITATION.—The aggregate amount of qualified adoption expenses which may be taken into account under subsection (a) with respect to the adoption of a child shall not exceed $5,000.

''(2) INCOME LIMITATION.—The amount allowable as a credit under subsection (a) for any taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to the amount so allowable (determined without regard to this paragraph but with regard to paragraph (1)) as—

''(A) the amount (if any) by which the taxpayer's adjusted gross income exceeds $60,000, bears to

''(B) $40,000.

''(3) DENIAL OF DOUBLE BENEFIT.—

''(A) IN GENERAL.—No credit shall be allowed under subsection (a) for any expense for which a deduction or credit is allowable under any other provision of this chapter.

''(B) GRANTS.—No credit shall be allowed under subsection (a) for any expense to the extent that funds for such expense are received under any Federal, State, or local program.

''(c) QUALIFIED ADOPTION EXPENSES.—For purposes of this section, the term 'qualified adoption expenses' means reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal and finalized adoption of a child by the taxpayer and which are not incurred in violation of State or Federal law or in carrying out any surrogate parenting arrangement. The term 'qualified adoption expenses' shall not include any expenses in connection with the adoption by an individual of a child who is the child of such individual's spouse.

''(d) MARRIED COUPLES MUST FILE JOINT RETURNS.—Rules similar to the rules of paragraphs (2), (3), and (4) of section 21(e) shall apply for purposes of this section.''

''(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period '', or from section 35 of such Code''.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following:

''Sec. 35. Adoption expenses.
''Sec. 36. Overpayments of tax.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. . EXCLUSION OF ADOPTION ASSISTANCE.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 137 as section 138 and by inserting after section 136 the following new section:

''SEC. 137. ADOPTION ASSISTANCE.

''(a) IN GENERAL.—Gross income of an employee does not include employee adoption assistance benefits, or military adoption assistance benefits, received by the employee with respect to the employee's adoption of a child.

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

''(1) EMPLOYEE ADOPTION ASSISTANCE BENEFITS.—The term 'employee adoption assistance benefits' means payment by an employer of qualified adoption expenses with respect to an employee's adoption of a child, or reimbursement by the employer of such qualified adoption expenses paid or incurred by the employee in the taxable year.

''(2) EMPLOYER AND EMPLOYEE.—The terms 'employer' and 'employee' have the respective meanings given such terms by section 127(c).

''(3) MILITARY ADOPTION ASSISTANCE BENEFITS.—The term 'military adoption assistance benefits' means benefits provided under section 1052 of title 10, United States Code, or section 514 of title 14, United States Code.

''(4) QUALIFIED ADOPTION EXPENSES.—The term 'qualified adoption expenses' means reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal and finalized adoption of a child by the taxpayer and which are not incurred in violation of State or Federal law or in carrying out any surrogate parenting arrangement. The term 'qualified adoption expenses' shall not include any expenses in connection with the adoption by an individual of a child who is the child of such individual's spouse.

''(c) COORDINATION WITH OTHER PROVISIONS.—The Secretary shall issue regulations to coordinate the application of this section with the application of any other provision of this title which allows a credit or deduction with respect to qualified adoption expenses.''

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 137 and inserting the following new items:

''Sec. 137. Adoption assistance.
''Sec. 138. Cross references to other Acts.''

(c) EFFECTIVE DATE.—The amendments made this section shall apply to taxable years beginning after December 31, 1996.

SEC. . WITHDRAWAL FROM IRA FOR ADOPTION EXPENSES.

(a) IN GENERAL.—Subsection (d) of section 408 of the Internal Revenue Code of 1986 (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

''(8) QUALIFIED ADOPTION EXPENSES.—

''(A) IN GENERAL.—Any amount which is paid or distributed out of an individual retirement plan of the taxpayer, and which would (but for this paragraph) be includible in gross income, shall be excluded from gross income to the extent that—

''(i) such amount exceeds the sum of—

''(I) the amount excludable under section 137, and

''(II) any amount allowable as a credit under this title with respect to qualified adoption expenses; and

''(ii) such amount does not exceed the qualified adoption expenses paid or incurred by the taxpayer during the taxable year.

''(B) QUALIFIED ADOPTION EXPENSES.—For purposes of this paragraph, the term 'qualified adoption expenses' has the meaning given such term by section 137.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1996.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that the hearing scheduled before the full Energy and Natural Resources Committee to receive testimony regarding S. 1678, the Department of Energy Abolishment Act, has been postponed. The hearing was scheduled to take place on Tuesday, July 23, 1996, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC, and will be rescheduled later.

For further information, please call Karen Hunsicker, counsel (202) 224–3543 or Betty Nevitt, staff assistant at (202) 224–0765.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. CRAIG. Mr. President, I would like to announce for the public that the hearing scheduled before the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources to receive testimony regarding S. 931, S. 1564, S. 1565, S. 1649, S. 1719, and S. 1921, bills relating to the Bureau of Reclamation, has been postponed from Tuesday, July 30, 1996, at 2:30 p.m., to Thursday, September 5, 1996, at 2 p.m. and will take place in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call James P. Beirne, senior counsel (202) 224–2564 or Betty Nevitt, staff assistant at (202) 224–0765.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, August 1, 1996, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to receive testimony on the implementation of section 2001 of Public Law 104–19, the emergency timber salvage amendment.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Judy Brown or Mark Rey at (202) 224–6170.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, July 19, at 11:30 a.m. in S–116.

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

ADDITIONAL STATEMENTS

TRIBUTE TO AMERICAN LEGION POST No. 88 AS THEY DEDICATE THEIR WAR MEMORIAL

● Mr. SMITH. Mr. President, I rise today to recognize American Legion

Post No. 88 as they dedicate a memorial to our Nation's veterans. Post No. 88 undertook the creation and dedication of this war memorial to mark their 50th anniversary. This emblem of service will endure as a reminder of the veterans' sacrifice made for our liberty.

On July 4, Post No. 88 dedicated a demilitarized M6OA3 tank and placed it on permanent display at South Village Road in Louden, NH. Joining the legionnaires in this solemn occasion were local Boy Scouts and Cub Scouts, young musicians, local clergy, and town leaders. The monument was dedicated to the memory of those veterans who served their country, with a special remembrance for POW's and MIA's.

Our veterans have made it possible for us to live free in this great country. The strong, sound granite of the memorial stone, cut from our New Hampshire hills, is representative of America's best and bravest. The men and women who have served this country in the Armed Forces will be honored through this memorial and the community will remember their service and their sacrifice.

This monument is just one of many examples of the way American Legion Post No. 88 serves their community. Members of the post donate countless volunteer hours, fundraising for veterans' needs, support youth education, and assist the medically needy. Post No. 88 has been an integral part of the community for the past 50 years and has served the community with dedication and with pride. I congratulate American Legion Post No. 88 for their service and dedication to their community. The new war memorial is a fitting tribute to our Nation's veterans and another fine example of Post No. 88's commitment to honoring our Armed Forces.●

CHIEF JUSTICE ROBERT N. WILENTZ

Mr. LAUTENBERG. Mr. President, on July 1, an era came to an end, when Robert N. Wilentz removed his robe for the final time and ended a 17-year tenure as chief justice of the New Jersey Supreme Court.

During a rare interview in 1993, when asked how the Wilentz years would be remembered, he replied, ''I would hope only that they would be remembered as years when a great court system was kept great and when a great supreme court was kept great.'' And they will be, due to the efforts of a truly great man—Chief Justice Robert N. Wilentz.

Greatness is based not on what you gain, but on what you give. And the contributions of Justice Wilentz to the legal profession and to the people of New Jersey are a benchmark against which the actions of others will be judged. An old Latin saying notes that justice must be fair and good; while Justice Wilentz wore the judicial robes, he assured both.

He has been categorized as a liberal activist, but that is not entirely fair, for Justice Wilentz's decisions were not based on any political agenda, but on a mixture of extraordinary intellect and unusual compassion.

Under his direction, the New Jersey Supreme Court achieved a national reputation for innovative decisions which often set an example for the entire country. The court instructed municipalities that they must provide housing for low-income residents. In separate opinions, which Wilentz authored, the court recognized the ''battered woman's syndrome'' as a defense for women charged with homicide and made a host liable for providing alcohol to a guest, if the host is aware that the guest is intoxicated and will soon drive.

In the now famous Abbot versus Burke decision, which ordered the State to provide more money for city schools, Wilentz wrote, ''We realize that perhaps nothing short of substantial social and economic change will make the difference for these students, * * *. We have concluded, however, that even if not a cure, money will help, and that these students are constitutionally entitled to that help.'' Like all of his statements, this one demonstrates that behind the black robes was a daring thinker and visionary jurist.

We may not agree with all of his decisions, but we must recognize his desire to always do what he believed to be right, and just.

Since Chief Justice Wilentz's appointment by Governor Brendan Byrne in 1979, the New Jersey Supreme Court has been involved in an extraordinary number of such precedent setting cases. Yet, in nearly three quarters of these cases, the decisions were unanimous; this is a testament to the chief justice's leadership abilities.

Justice Wilentz was not only a superior jurist and leader, but a skillful administrator. As chief justice, he tirelessly worked to improve the State's municipal court system. To enhance efficiency, he reorganized the courts into four divisions, civil, criminal, family, and general equity, and he divided the appellate division into eight four judge panels.

Under his guidance, the court instituted the New Jersey Judicial College, the Municipal Court Judicial Conference and a speedy trial program; all have become national models. He also created separate task forces to investigate gender bias in the court system and to address minority concerns involving the judiciary.

James Bryant Conant once remarked, ''each walk of life, has its own elite, its own aristocracy based on excellence of performance.'' And recently, the Newark Star-Ledger confirmed that ''his [Wilentz] record for excellence is secure and his place in New Jersey's history is fixed.'' I echo that opinion. All New Jerseyans have benefited from his leadership, his scholarship, his statesmanship.

Chief Justice Robert N. Wilentz will long be remembered for his love of the law, his reasoned eloquence and his uncompromising commitment to social justice. It will indeed be difficult to fill his shoes, and his robe.

TRIBUTE TO MAX M. FISHER

● Mr. ABRAHAM. Mr. President, Max M. Fisher was honored last night in Detroit at the National Republican Leadership Award Dinner. Unfortunately, votes here in the Senate prevented me from attending. I am particularly sorry to have missed this event because I hold Max in the highest possible esteem. Max Fisher's life exemplifies all that is good about our Nation and our people.

Max joined with two partners to form his own oil company, Aurora Gasoline, in 1933, only 3 years after graduating from college. He became chairman of the board of Aurora in 1957 and went on to serve on the board of directors of Marathon oil in 1962. Max has served on the board of directors of numerous corporations and continues to serve on the boards of Comerica and Sotheby's.

I can think of no man who has done more for his community than Max Fisher. He has served as founding chairman of Detroit Renaissance, founding member and former chairman of New Detroit, member of the board of Sinai Hospital, and in numerous other responsible positions helping individuals and communities.

Central to Max's philanthropic mission has been his heroic efforts on behalf of Israel and world Jewry. He has served as chairman of the board of governors of the reconstituted Jewish Agency in Jerusalem, General Chairman of the United Jewish Appeal, Chairman of the Board of United Israel Appeal, and President of the Council of Jewish Federations and Welfare Funds.

In political life as well, Max has made great contributions. He has been an advisor and supporter of the last four Republican Presidents. In addition, he has been a supporter of the Republican National Committee for more than 40 years.

We on the Republican side of the aisle owe our own special debt to Max. But all of America, as well as Israel and numerous persons around the world, owe him our thanks. With this statement I pay tribute to a great man, whose life's efforts demonstrate the awesome impact one individual can have on his surroundings.●

THE 1997 DEFENSE APPROPRIATIONS BILL

● Mr. LEAHY. Mr. President, yesterday the Senate completed action on the fiscal year 1997 Defense appropriations bill. This is one of the most important annual appropriations bills and the largest; by itself it consumes about half of all discretionary spending. I had deep concerns about the bill because it added more than $10 billion to the

President's request for defense. By my estimation this money was not necessary for our national security, especially when we are cutting nearly every other discretionary spending account as we move toward a balanced budget. I remain unconvinced that our defenses need vast infusions of new funds, and I disagree with some of defense priorities so ardently advocated by the majority.

Ballistic missile defenses receive $3.3 billion in this bill, which is $855 million above what the president requested. I don't think there is anyone in this Chamber who would argue against developing and deploying missile defense systems to protect our troops in the field. But many of my colleagues are anxious to embark on a missile defense spending spree that the Congressional Budget Office estimates could cost up to $60 billion. I would say to them that not only would that be a waste of taxpayer money, but could have the long-term effect of squeezing other necessary defense programs from the defense budget. It would be ironic if those who profess to care so much about our defenses end up undermining them instead.

I voted for a series of unsuccessful amendments to cut billions of dollars from both the Defense authorization and appropriations bills. However, I did vote for final passage of the Defense appropriations bill. While I disagree with the overall spending figures in the bill, Senators STEVENS and INOUYE did an excellent job of crafting legislation which will best serve our military. In particular, I am pleased that the bill includes $150 million for peer-reviewed breast cancer research, and $100 million for prostate cancer research. In addition, the bill provides a full 3 percent pay raise for our troops, as well as a 4 percent raise in the basic allowance for quarters. Finally, I worked hard to have money added to the bill so that Air National Guard F–16 units can maintain a cost-effective force structure.

In closing, I look forward to the results of the nonpartisan, independent National Defense Panel created by a 100 to nothing vote during the debate on the DOD authorization bill. This Commission will be tasked with reviewing our current defense program, and give an independent assessment of a variety of possible force structures through 2010. We owe it to the Nation to put the Defense Department through the same budgetary scrutiny that we are putting virtually every other category of Government spending.●

ISABEL STUDENT HONORED

● Mr. PRESSLER. Mr. President, I would like to bring to my colleagues' attention the outstanding efforts of a young man from my home State. Ryan Maher is a senior from Isabel High School in Isabel, SD. Recently, Ryan placed second in his region and first in the State competitions to advance to the national competition for National History Day.

National History Day is a 5-day event held in June at the University of Maryland in College Park. The annual competition is now entering its third decade. Today, 400,000 students and 50,000 teachers and media specialists participate. National History Day is an excellent way to encourage students to be more active in learning United States history.

Every year National History Day is centered around a specific theme. The theme of this year's competition was ''Taking a Stand.'' There are two levels of competition, the junior level is 6th through 8th grades and the senior division includes grades 9 through 12. Categories include research paper, group or individual presentation, display presentation, or performance.

Ryan competed in the senior division with a display presentation entitled, ''Dakota Farmer: Battling the Elements.'' Like other students who were a part of the competition, he spent countless hours researching and developing his project. He incorporated interviews with his grandfather and other farmers from the area, together with old photographs, to tell the history of working South Dakota land. Ryan became interested in the subject after he had written a paper on farming and the dust bowl years of the thirties. This was the second time Ryan participated in the nationwide competition.

Ryan won the honor of having his project displayed in the Smithsonian Museum of American History on Wednesday, June 12, 1996. Projects were judged on several criteria, including relation to annual theme, analysis of information, and historical perspective. The honor of having one's work displayed in the Smithsonian Museum of American History and earning the trip to our Nation's Capital are great rewards to students such as Ryan. I highly commend Ryan Maher for his outstanding academic efforts.●

JOHN S. WATSON, SR.

● Mr. LAUTENBERG. Mr. President, on July 6, former New Jersey Assemblyman John S. Watson, Sr. died of cancer. A committed public official and compassionate private individual, he will be missed by the entire New Jersey community.

Watson's life was a series of firsts. He was a public official for 23 years, serving at both the county and State level. In 1970, he became the first African-American member of the Board of Chosen Freeholders in Mercer County. Seven years later, he became the first black freeholder in New Jersey to be chosen president of a county freeholder board. In 1981, he was elected to the New Jersey Assembly where he represented the 15th District for 12 years. His career in the legislature was capped by being named chairman of the Assembly Appropriations Committee in 1992; he was the first African-American in the country to hold such a position.

During his years in the Assembly, John also served on the Housing Committee, the Legislative Advisory Committee on Arts and Furnishings, and the New Jersey Capital Budgeting and Planning Commission. As a legislator, he successfully sponsored measures to create the minority opportunity skills training program, a college based computer training program, and the New Jersey pre-college program for high school students.

Assemblyman Watson consistently supported State aid to urban areas, tax reform and programs for the elderly and poor. He successfully fought to establish a rainy day fund to reserve budget surpluses for times when revenue declined. He was also known for his unfailing courtesy to those on both sides of the political aisle.

But if that is how John Watson will be remembered in Trenton, his district will remember him as a caring man who used his political power to aid individuals and families in need. New Jersey will indeed miss his service and his spirit.

The great humanitarian Albert Schweitzer remarked, ''One thing I know: the only ones among you who will be really happy are those who will have sought and found how to serve.''

If that is true, then John S. Watson, Sr. was indeed the happiest of men.●

TRIBUTE TO MOLLY PHELAN OF COLORADO, GIRL SCOUT GOLD AWARD WINNER

● Mr. BROWN. Mr. President, today I would like to recognize 17-year-old Molly Phelan of Estes Park, CO. On June 29, 1996, Molly was honored with the Girl Scout Gold Award from the Mountain Prairie Girl Scout Council in Colorado. The Gold Award is the highest honor achieved in U.S. Girl Scouting and is awarded to young women between the ages of 14 and 17, or in grades 9 through 12. To be eligible for this award, one must display outstanding achievement in the areas of leadership, community service, career planning, and personal development. Additionally, a Girl Scout must earn the Career Exploration Pin, four interest patches, the Senior Girl Scout Leadership Award, and complete a Gold Award Project of her own creation.

Molly has made outstanding contributions in each of these areas. As a senior at Estes Park High School and a devoted member of Girl Scout Troop 642, Molly completed numerous projects throughout the year. For her Gold Award Project, Molly was an active member of the Death-Day Program at her high school which recognizes those who have died in drinking and driving accidents. She took this issue a step further by making public service announcements on the radio about drinking and driving awareness.

Molly truly exhibits concern for her community and a desire to improve the world around her. She is an excellent role model for all youth and displays

genuine leadership through her Girl Scout projects. I am proud to salute Molly as a recipient of the prestigious Girl Scout Gold Award.●

TRIBUTE TO CHRISTINE ZAMBRICKI

● Mr. LEVIN. Mr. President, I am pleased to pay tribute today to one of my constituents, Christine Zambricki. Ms. Zambricki will conclude her year as national president of the American Association of Nurse Anesthetists [AANA] in August and I want to take this opportunity to congratulate her on this fine achievement.

Ms. Zambricki has had a distinguished career. She currently serves as assistant hospital director at William Beaumont Hospital in Royal Oak, MI, and concurrently serves as director of the nurse anesthesia track, graduate program in nursing at Oakland University in Rochester, MI. Previously she served as director of anesthesia services from 1989 to 1992 and director of nursing from 1992 to 1993 at William Beaumont Hospital.

In addition to these prestigious positions in the medical community, she has held various other high-level medical positions, earned various nursing degrees, and has received many other honors. Just a few of her credits in her profession and in academia include service as president of the Michigan Nurses Association from 1985 to 1987, being appointed by the Governor of Michigan to serve on various State boards, and receiving her master of science in nurse anesthesia in 1980 from Wayne State University.

She has been published extensively and her presentations are far too numerous to list. However, it is clear that her contributions to the nurse anesthesia profession as well as nursing in general has been substantial. Ms. Zambricki has been an outstanding president of her organization—AANA. As you may know, Mr. President, AANA is the professional association that represents over 26,000 certified registered nurse anesthetists [CRNA's] which is 96 percent of the nurse anesthetists in the United States.

As anesthesia specialists, CRNA's administer more than 65 percent of the 26 million anesthetics given to patients in the United States each year. CRNA's are the sole anesthesia providers in 85 percent of rural hospitals, enabling these medical facilities to provide obstetrical, surgical, and trauma stabilization services. CRNA's are also frontline providers of anesthesia in underserved urban areas, providing services for major trauma cases, for example.

It is clear that the AANA has been fortunate to have benefited from Ms. Zambricki's outstanding service as president and I take special pride in congratulating one of Michigan's own for having assumed this difficult yet rewarding professional obligation on behalf of nurse anesthesia. I am certain that Ms. Zambricki has many more years ahead of her in which she will undoubtedly make further contributions to the honored profession of nurse anesthesia. Congratulations Christine on your year as president of the American Association of Nurse Anesthetists.●

TRIBUTE TO RICH DEVOS

● Mr. ABRAHAM. Mr. President, last night Rich DeVos was honored in Detroit at the National Republican Leadership Award Dinner. Unfortunately, votes here in the Senate prevented me from attending. I am particularly sorry to have missed this event because I hold Rich in the highest possible esteem. His life's story is a continuing series of examples to us all of strong character, hard work, and principled generosity.

After serving his country in the Air Force in World War II, Rich co-founded a flying school and commercial air charter service with Jay Van Andel. Three years later he co-founded an import business with the same partner. In 1959, he and his partner founded the Amway Corp. That venture grew to be one of the world's largest direct selling companies, recording $6.3 billion in sales last year. Rich is also owner and chairman of the NBA's Orlando Magic basketball team.

Having succeeded through his own hard work, Rich has devoted more and more of his time to helping others. His speeches and books spread the word about compassionate capitalism, and he leads by example. He serves on numerous boards, including service as chairman of Gospel Films and the Butterworth Health Corp. He has given freely of his time and money for charitable organizations such as the National Organization on Disability, and for the cause of political and economic liberty.

Rich is the recipient of literally dozens of prestigious awards, including the Adam Smith Free Enterprise Award from the American Legislative Exchange Council and the William Booth Award from the Salvation Army. He is a great friend to liberty, a great servant to those in need and a great credit to the state of Michigan. I, for one, have always been inspired by his work and his character; Rich DeVos is indeed one of our Nation's true heroes.●

GOV. WILLIAM T. CAHILL

● Mr. LAUTENBERG. Mr. President, on July 1, New Jersey lost one of its most dedicated public servants, former Gov. William T. Cahill. Whether as a New Jersey assemblyman, U.S. Congressman or Governor, Bill Cahill was always ready to fight for what he thought was right, regardless of whether it was expedient or popular. As he once remarked:

It's not the role of the Governor to do what is popular. His role is to tell the people what's good for New Jersey.

Undeniably, Governor Cahill was good for New Jersey.

A blue collar Irish kid from a gritty Camden neighborhood, Governor Cahill was described by both friends and foes as a fighter; he continually battled for the environment, for education, for fairness in the tax system. In fact, his single term, from 1970 to 1974, is remarkable for the number of successful initiatives which he left as his legacy to New Jersey.

Governor Cahill was in the vanguard of both the environmental and the consumer protection movements. He created the State Department of Environmental Protection, the Division of Consumer Affairs and the Board of Public Utilities. During his administration, the State passed the Coastal Area Facility Review Act to block construction of proposed offshore oil refineries and high-rise buildings. Cahill also fought for a series of unprecedented wetlands protection laws and strong air pollution control measures.

His legacy has touched virtually every aspect of life in the Garden State. The Governor's initiatives led to the Nation's first daily lottery, which yielded new revenues to ease the burden on New Jersey's taxpayers. During his tenure, Cahill helped get no-fault auto insurance enacted and established full-time county prosecutors. He more than quadrupled State aid to New Jersey's economically challenged cities.

Bill Cahill never shied away from a fight that he thought would benefit New Jersey. He even criticized then President Nixon, a fellow Republican, for not paying attention to domestic problems such as those that existed in Newark.

In probably his best remembered role, Governor Cahill scored the ultimate touchdown for New Jersey. He helped to establish the New Jersey Sports and Exposition Authority and the Meadowlands Sports Complex, and he personally intervened to lure the Giants to the new stadium. When the New York financial community tried to ruin the deal, Cahill took the negotiations into overtime; he worked with the incoming Democratic administration to assure that New Jersey companies would finance the enormous project.

Yet, some of Bill Cahill's most impressive accomplishments have largely been forgotten. On Thanksgiving Day, 1971, a violent inmate uprising erupted at Rahway State Prison. The memories of the Attica riot, only a few months before, still lingered in the public's and the inmates' minds. Cahill immediately went to the prison; his constant intervention, negotiation and steadying influence was credited with ending the riot, without a single life lost. He was hailed as a national hero for preventing Rahway from becoming another Attica.

With all of his achievements, Bill Cahill could have rested on his laurels and perhaps easily won reelection to a second term as Governor in 1974. Instead, because he believed it was the right thing to do, he launched the on-

going battle in New Jersey over education financing.

While Governor, Cahill was the prime defendant in a 1973 case where the State Supreme Court ruled that the system of funding education through property taxes discriminated against children in poor districts. Due to the ruling, the State enacted the Thorough and Efficient Education Act. But the Governor was not finished.

The New Jersey tax system, with its heavy reliance on property taxes, had always bothered Cahill. Specifically, the Governor wanted a broad-based income tax and an equalized State property tax. The income tax would be used to fund public education and, hopefully, would reduce inequities between rich and poor school districts. In essence, the Governor's dream was to give all children a chance at a decent education.

So he tossed a politically risky revision of the tax code into the political ring. He pushed the State legislature for an income tax and an equalized State property tax. The legislature, however, took the gloves off and slaughtered the plan in the assembly.

The promotion of the very unpopular tax, coupled with scandals in his administration, none of which ever directly involved or implicated him, ended Bill Cahill's career in government. He lost the Republican nomination for Governor in 1974. But when reflecting on his decision to attempt to revise the tax code, the courageous decision which cost him his political career, Cahill remarked,

> We were right then, and while many describe it as our worst defeat, I believe it was our finest moment.

During those years in the Governor's office, Cahill demonstrated that he was a pragmatist, not a partisan. He often appointed Democrats to key positions, if he thought they could best serve New Jersey. These included former Governor Richard Hughes as chief justice of the State supreme court and future Gov. Brendan Byrne to the State superior court.

The only thing that Governor Cahill was ever uncompromisingly partisan about was the State he loved. Early in his term, he was on a commercial flight from Washington to Newark. When the plane landed, the flight attendant welcomed everyone to the Port of New York. The very next day, Cahill was on the phone to officials at the Port Authority of New York, which operates Newark International Airport. Shortly afterward, the Port Authority redesignated itself ''The Port Authority of New York and New Jersey.'' Among New Jersey's champions, he was always a heavyweight.

Whether we agree with his decisions and priorities or not, Governor Cahill was a man who stood by his convictions, no matter what the consequences. As he once told an aide, forget about politics for a minute. What's the right thing to do? His concern was policy, not politics.

Thomas Fuller once noted that ''Great and good are seldom the same man.'' He obviously never knew William T. Cahill. In his continual striving to do what was right, he proved himself a great Governor, and a great man. Undeniably, he always fought the good fight for New Jersey.●

THOMAS J. COOGAN

● Mr. LEVIN. Mr. President, I rise to honor the memory of Thomas J. Coogan, the longtime mayor of Melvindale, MI, who passed away on December 11, 1995. Tom had been fighting lung cancer and back problems since January 1995, while valiantly continuing to fulfill his duties as mayor. A month before his death, Tom won an unprecedented 11th term as mayor. During his 20-year career as mayor of Melvindale, Tom Coogan's name became synonymous with the city.

He was an activist mayor who became involved in many causes he felt would benefit the residents of Melvindale. He championed environmental initiatives and directed the building of several parks and a recreation center. He also provided leadership in the diversification of the city's industrial base and the construction of a city hall complex. Tom was an advocate for senior-citizen rights and introduced several programs for older residents.

One of Tom's proudest achievements was the construction of a senior citizens' building named Coogan Terrace in his honor. He was the driving force behind this center which has benefited so many of Melvindale's elderly. It is a fitting tribute to Tom that this building which bears his name will continue serving the people of Melvindale long after he has left us.

During his fight with cancer, Tom was forced to close the barbershop he opened in 1965 in order to continue working as mayor. The barbershop served him well as a ''mini city hall'' where he always made himself available to the people of Melvindale. It was this ability to communicate well with people that made Coogan such an effective mayor.

I know that my Senate colleagues join me in honoring the passing of this great mayor and man, Thomas J. Coogan.●

CHILD ABUSE PREVENTION AND TREATMENT ACT AMENDMENTS

The text of the bill (S. 919) to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes, as passed by the Senate on July 18, 1996, is as follows:

S. 919

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Child Abuse Prevention and Treatment Act Amendments of 1996''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—GENERAL PROGRAM

SEC. 101. REFERENCE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.).

SEC. 102. FINDINGS.

Section 2 (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), the read as follows:

''(1) each year, close to 1,000,000 American children are victims of abuse and neglect;'';

(2) in paragraph (3)(C), by inserting ''assessment,'' after ''prevention,'';

(3) in paragraph (4)—

(A) by striking ''tens of''; and

(B) by striking ''direct'' and all that follows through the semicolon and inserting ''tangible expenditures, as well as significant intangible costs;'';

(4) in paragraph (7), by striking ''remedy the causes of'' and inserting ''prevent'';

(5) in paragraph (8), by inserting ''safety,'' after ''fosters the health,'';

(6) in paragraph (10)—

(A) by striking ''ensure that every community in the United States has'' and inserting ''assist States and communities with''; and

(B) by inserting ''and family'' after ''comprehensive child''; and

(7) in paragraph (11)—

(A) by striking ''child protection'' each place that such appears and inserting ''child and family protection''; and

(B) in subparagraph (D), by striking ''sufficient''.

SEC. 103. OFFICE OF CHILD ABUSE AND NEGLECT.

Section 101 (42 U.S.C.5101) is amended to read as follows:

''SEC. 101. OFFICE OF CHILD ABUSE AND NEGLECT.

''(a) ESTABLISHMENT.—The Secretary of Health and Human Services may establish an office to be known as the Office on Child Abuse and Neglect.

''(b) PURPOSE.—The purpose of the Office established under subsection (a) shall be to execute and coordinate the functions and activities of this Act. In the event that such functions and activities are performed by another entity or entities within the Department of Health and Human Services, the Secretary shall ensure that such functions and activities are executed with the necessary expertise and in a fully coordinated manner involving regular intradepartmental and interdepartmental consultation with all agencies involved in child abuse and neglect activities.''.

SEC. 104. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

Section 102 (42 U.S.C.5102) is amended to read as follows:

''SEC. 102. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

''(a) APPOINTMENT.—The Secretary may appoint an advisory board to make recommendations to the Secretary and to the appropriate committees of Congress concerning specific issues relating to child abuse and neglect.

''(b) SOLICITATION OF NOMINATIONS.—The Secretary shall publish a notice in the Federal Register soliciting nominations for the appointment of members of the advisory board under subsection (a).

''(c) COMPOSITION.—In establishing the board under subsection (a), the Secretary shall appoint members from the general public who are individuals knowledgeable in child abuse and neglect prevention, intervention, treatment, or research, and with due consideration to representation of ethnic or racial minorities and diverse geographic areas, and who represent—

''(1) law (including the judiciary);

''(2) psychology (including child development);

''(3) social services (including child protective services);

''(4) medicine (including pediatrics);

''(5) State and local government;

''(6) organizations providing services to disabled persons;

''(7) organizations providing services to adolescents;

''(8) teachers;

''(9) parent self-help organizations;

''(10) parents' groups;

''(11) voluntary groups;

''(12) family rights groups; and

''(13) children's rights advocates.

''(d) VACANCIES.—Any vacancy in the membership of the board shall be filled in the same manner in which the original appointment was made.

''(e) ELECTION OF OFFICERS.—The board shall elect a chairperson and vice-chairperson at its first meeting from among the members of the board.

''(f) DUTIES.—Not later than 1 year after the establishment of the board under subsection (a), the board shall submit to the Secretary and the appropriate committees of Congress a report, or interim report, containing—

''(1) recommendations on coordinating Federal, State, and local child abuse and neglect activities with similar activities at the Federal, State, and local level pertaining to family violence prevention;

''(2) specific modifications needed in Federal and State laws and programs to reduce the number of unfounded or unsubstantiated reports of child abuse or neglect while enhancing the ability to identify and substantiate legitimate cases of abuse or neglect which place a child in danger; and

''(3) recommendations for modifications needed to facilitate coordinated national data collection with respect to child protection and child welfare.''.

SEC. 105. REPEAL OF INTERAGENCY TASK FORCE.

Section 103 (42 U.S.C.5103) is repealed.

SEC. 106. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

Section 104 (42 U.S.C.5104) is amended—

(1) in subsection (a), to read as follows:

''(a) ESTABLISHMENT.—The Secretary shall through the Department, or by one or more contracts of not less than 3 years duration let through a competition, establish a national clearinghouse for information relating to child abuse.'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''Director'' and inserting ''Secretary'';

(B) in paragraph (1)—

(i) by inserting ''assessment,'' after ''prevention,''; and

(ii) by striking '', including'' and all that follows through ''105(b)'' and inserting ''and'';

(C) in paragraph (2)—

(i) in subparagraph (A), by striking ''general population'' and inserting ''United States'';

(ii) in subparagraph (B), by adding ''and'' at the end thereof;

(iii) in subparagraph (C), by striking ''; and'' at the end thereof and inserting a period; and

(iv) by striking subparagraph (D); and

(D) by striking paragraph (3); and

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''Director'' and inserting ''Secretary'';

(B) in paragraph (2), by striking ''that is represented on the task force'' and inserting ''involved with child abuse and neglect and mechanisms for the sharing of such information among other Federal agencies and clearinghouses'';

(C) in paragraph (3), by striking ''State, regional'' and all that follows and inserting the following: ''Federal, State, regional, and local child welfare data systems which shall include:

''(A) standardized data on false, unfounded, unsubstantiated, and substantiated reports; and

''(B) information on the number of deaths due to child abuse and neglect;'';

(D) by redesignating paragraph (4) as paragraph (6); and

(E) by inserting after paragraph (3), the following new paragraphs:

''(4) through a national data collection and analysis program and in consultation with appropriate State and local agencies and experts in the field, collect, compile, and make available State child abuse and neglect reporting information which, to the extent practical, shall be universal and case specific, and integrated with other case-based foster care and adoption data collected by the Secretary;

''(5) compile, analyze, and publish a summary of the research conducted under section 105(a); and''.

SEC. 107. RESEARCH, EVALUATION AND ASSISTANCE ACTIVITIES.

(a) RESEARCH.—Section 105(a) (42 (42 U.S.C. 5105(a)) is amended—

(1) in the section heading, by striking ''OF THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT'';

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking '', through the Center, conduct research on'' and inserting '', in consultation with other Federal agencies and recognized experts in the field, carry out a continuing interdisciplinary program of research that is designed to provide information needed to better protect children from abuse or neglect and to improve the well-being of abused or neglected children, with at least a portion of such research being field initiated. Such research program may focus on'';

(B) by redesignating subparagraphs (A) through (C) as subparagraph (B) through (D), respectively;

(C) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

''(A) the nature and scope of child abuse and neglect;'';

(D) in subparagraph (B) (as so redesignated), to read as follows:

''(B) causes, prevention, assessment, identification, treatment, cultural and socio-economic distinctions, and the consequences of child abuse and neglect;'';

(E) in subparagraph (D) (as so redesignated)—

(i) by striking clause (ii); and

(ii) in clause (iii), to read as follows:

''(ii) the incidence of substantiated and unsubstantiated reported child abuse cases;

''(iii) the number of substantiated cases that result in a judicial finding of child abuse or neglect or related criminal court convictions;

''(iv) the extent to which the number of unsubstantiated, unfounded and false reported cases of child abuse or neglect have contributed to the inability of a State to respond effectively to serious cases of child abuse or neglect;

''(v) the extent to which the lack of adequate resources and the lack of adequate training of reporters have contributed to the inability of a State to respond effectively to serious cases of child abuse and neglect;

''(vi) the number of unsubstantiated, false, or unfounded reports that have resulted in a child being placed in substitute care, and the duration of such placement;

''(vii) the extent to which unsubstantiated reports return as more serious cases of child abuse or neglect;

''(viii) the incidence and prevalence of physical, sexual, and emotional abuse and physical and emotional neglect in substitute care; and

''(ix) the incidence and outcomes of abuse allegations reported within the context of divorce, custody, or other family court proceedings, and the interaction between this venue and the child protective services system.''; and

(3) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking ''and demonstrations''; and

(ii) by striking ''paragraph (1)(A) and activities under section 106'' and inserting ''paragraph (1)''; and

(B) in subparagraph (B), by striking ''and demonstration''.

(b) REPEAL.—Subsection (b) of section 105 (42 U.S.C. 5105(b)) is repealed.

(c) TECHNICAL ASSISTANCE.—Section 105(c) (42 U.S.C. 5105(c)) is amended—

(1) by striking ''The Secretary'' and inserting:

''(1) IN GENERAL.—The Secretary'';

(2) by striking '', through the Center,'';

(3) by inserting ''State and local'' before ''public and nonprofit'';

(4) by inserting ''assessment,'' before ''identification''; and

(5) by adding at the end thereof the following new paragraphs:

''(2) EVALUATION.—Such technical assistance may include an evaluation or identification of—

''(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;

''(B) ways to mitigate psychological trauma to the child victim; and

''(C) effective programs carried out by the States under titles I and II.

''(3) DISSEMINATION.—The Secretary may provide for and disseminate information relating to various training resources available at the State and local level to—

''(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

''(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, and child welfare personnel in appropriate methods of interacting during investigative, administrative, and judicial proceedings with children who have been subjected to abuse.''.

(d) GRANTS AND CONTRACTS.—Section 105(d)(2) (42 U.S.C. 5105(d)(2)) is amended by striking the second sentence.

(e) PEER REVIEW.—Section 105(e) (42 U.S.C. 5105(e)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking ''establish a formal'' and inserting '', in consultation with experts in the field and other federal agencies, establish a formal, rigorous, and meritorious'';

(ii) by striking ''and contracts''; and

(iii) by adding at the end thereof the following new sentence: ''The purpose of this process is to enhance the quality and usefulness of research in the field of child abuse and neglect.''; and

(B) in subparagraph (B)—

(i) by striking ''Office of Human Development'' and inserting ''Administration on Children and Families''; and

(ii) by adding at the end thereof the following new sentence: ''The Secretary shall ensure that the peer review panel utilizes scientifically valid review criteria and scoring guidelines for review committees.''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking '', contract, or other financial assistance''; and

(B) by adding at the end thereof the following flush sentence:

''The Secretary shall award grants under this section on the basis of competitive review.''.

SEC. 108. GRANTS FOR DEMONSTRATION PROGRAMS.

Section 106 (42 U.S.C. 5106) is amended—

(1) in the section heading, by striking ''OR SERVICE'';

(2) in subsection (a), to read as follows:

''(a) DEMONSTRATION PROGRAMS AND PROJECTS.—The Secretary may make grants to, and enter into contracts with, public agencies or nonprofit private agencies or organizations (or combinations of such agencies or organizations) for time limited, demonstration programs and projects for the following purposes:

''(1) TRAINING PROGRAMS.—The Secretary may award grants to public or private nonprofit organizations under this section—

''(A) for the training of professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of child abuse and neglect, including the links between domestic violence and child abuse;

''(B) to provide culturally specific instruction in methods of protecting children from child abuse and neglect to children and to persons responsible for the welfare of children, including parents of and persons who work with children with disabilities;

''(C) to improve the recruitment, selection, and training of volunteers serving in private and public nonprofit children, youth and family service organizations in order to prevent child abuse and neglect through collaborative analysis of current recruitment, selection, and training programs and development of model programs for dissemination and replication nationally; and

''(D) for the establishment of resource centers for the purpose of providing information and training to professionals working in the field of child abuse and neglect.

''(2) MUTUAL SUPPORT PROGRAMS.—The Secretary may award grants to private non-profit organizations (such as Parents Anonymous) to establish or maintain a national network of mutual support and self-help programs as a means of strengthening families in partnership with their communities.

''(3) OTHER INNOVATIVE PROGRAMS AND PROJECTS.—

''(A) IN GENERAL.—The Secretary may award grants to public agencies that demonstrate innovation in responding to reports of child abuse and neglect including programs of collaborative partnerships between the State child protective service agency, community social service agencies and family support programs, schools, churches and synagogues, and other community agencies to allow for the establishment of a triage system that—

''(i) accepts, screens and assesses reports received to determine which such reports require an intensive intervention and which require voluntary referral to another agency, program or project;

''(ii) provides, either directly or through referral, a variety of community-linked services to assist families in preventing child abuse and neglect; and

''(iii) provides further investigation and intensive intervention where the child's safety is in jeopardy.

''(B) KINSHIP CARE.—The Secretary may award grants to public entities to assist such entities in developing or implementing procedures using adult relatives as the preferred placement for children removed from their home, where such relatives are determined to be capable of providing a safe nurturing environment for the child or where such relatives comply with the State child protection standards.

''(C) VISITATION CENTERS.—The Secretary may award grants to public or private nonprofit entities to assist such entities in the establishment or operation of supervised visitation centers where there is documented, highly suspected, or elevated risk of child sexual, physical, or emotional abuse where, due to domestic violence, there is an ongoing risk of harm to a parent or child.'';

(3) in subsection (c), by striking paragraphs (1) and (2); and

(4) by adding at the end thereof the following new subsection:

''(d) EVALUATION.—In making grants for demonstration projects under this section, the Secretary shall require all such projects to be evaluated for their effectiveness. Funding for such evaluations shall be provided either as a stated percentage of a demonstration grant or as a separate grant entered into by the Secretary for the purpose of evaluating a particular demonstration project or group of projects.''.

SEC. 109. STATE GRANTS FOR PREVENTION AND TREATMENT PROGRAMS.

Section 107 (42 U.S.C. 5106a) is amended to read as follows:

''SEC. 107. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

''(a) DEVELOPMENT AND OPERATION GRANTS.—The Secretary shall make grants to the States, based on the population of children under the age of 18 in each State that applies for a grant under this section, for purposes of assisting the States in improving the child protective service system of each such State in—

''(1) the intake, assessment, screening, and investigation of reports of abuse and neglect;

''(2)(A) creating and improving the use of multidisciplinary teams and interagency protocols to enhance investigations; and

''(B) improving legal preparation and representation, including—

''(i) procedures for appealing and responding to appeals of substantiated reports of abuse and neglect; and

''(ii) provisions for the appointment of a guardian ad litem.

''(3) case management and delivery of services provided to children and their families;

''(4) enhancing the general child protective system by improving risk and safety assessment tools and protocols, automation systems that support the program and track reports of child abuse and neglect from intake through final disposition and information referral systems;

''(5) developing, strengthening, and facilitating training opportunities and requirements for individuals overseeing and providing services to children and their families through the child protection system;

''(6) developing and facilitating training protocols for individuals mandated to report child abuse or neglect;

''(7) developing, strengthening, and supporting child abuse and neglect prevention, treatment, and research programs in the public and private sectors;

''(8) developing, implementing, or operating—

''(A) information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

''(i) professional and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health-care facilities; and

''(ii) the parents of such infants; and

''(B) programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

''(i) existing social and health services;

''(ii) financial assistance; and

''(iii) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption; or

''(9) developing and enhancing the capacity of community-based programs to integrate shared leadership strategies between parents and professionals to prevent and treat child abuse and neglect at the neighborhood level.

''(b) ELIGIBILITY REQUIREMENTS.—

''(1) IN GENERAL.—In order for a State to qualify for a grant under subsection (a), such State shall provide an assurance or certification, signed by the chief executive officer of the State, that the State—

''(A) has in effect and operation a State law or Statewide program relating to child abuse and neglect which ensures—

''(i) provisions or procedures for the reporting of known and suspected instances of child abuse and neglect;

''(ii) procedures for the immediate screening, safety assessment, and prompt investigation of such reports;

''(iii) procedures for immediate steps to be taken to ensure and protect the safety of the abused or neglected child and of any other child under the same care who may also be in danger of abuse or neglect;

''(iv) provisions for immunity from prosecution under State and local laws and regulations for individuals making good faith reports of suspected or known instances of child abuse or neglect;

''(v) methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians, including requirements ensuring that reports and records made and maintained pursuant to the purposes of this Act shall only be made available to—

''(I) individuals who are the subject of the report;

''(II) Federal, State, or local government entities, or any agent of such entities, having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;

''(III) child abuse citizen review panels;

''(IV) child fatality review panels;

''(V) a grant jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grant jury; and

''(VI) other entities or classes of individuals statutorily authorized by the State to receive such information pursuant to a legitimate State purpose;

''(vi) provisions which allow for public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality or near fatality;

''(vii) the cooperation of State law enforcement officials, court of competent jurisdiction, and appropriate State agencies providing human services;

''(viii) provisions requiring, and procedures in place that facilitate the prompt expungement of any records that are accessible to the general public or are used for purposes of employment or other background checks in cases determined to be unsubstantiated or false, except that nothing in this section shall prevent State child protective service agencies from keeping information on unsubstantiated reports in their casework files to assist in future risk and safety assessment; and

''(ix) provisions and procedures requiring that in every case involving an abused or neglected child which results in a judicial proceeding, a guardian ad litem shall be appointed to represent the child in such proceedings; and

''(B) has in place procedures for responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for—

''(i) coordination and consultation with individuals designated by and within appropriate health-care facilities;

''(ii) prompt notification by individuals designated by and within appropriate healthcare facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions); and

''(iii) authority, under State law, for the State child protective service system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life threatening conditions.

''(2) LIMITATION.—With regard to clauses (v) and (vi) of paragraph (1)(A), nothing in this section shall be construed as restricting the ability of a State to refuse to disclose identifying information concerning the individual initiating a report or complaint alleging suspected instances of child abuse or neglect, except that the State may not refuse such a disclosure where a court orders such disclosure after such court has reviewed, in camera, the record of the State related to the report or complaint and has found it has reason to believe that the reporter knowingly made a false report.

''(3) DEFINITION.—For purposes of this subsection, the term 'near fatality' means an act that, as certified by a physician, places the child in serious or critical condition.

''(c) ADDITIONAL REQUIREMENT.—Not later than 2 years after the date of enactment of this section, the State shall provide an assurance or certification that the State has in place provisions, procedures, and mechanisms by which individuals who disagree with an official finding of abuse or neglect can appeal such finding.

''(d) STATE PROGRAM PLAN.—To be eligible to receive a grant under this section, a State shall submit every 5 years a plan to the Secretary that specifies the child protective service system area or areas described in subsection (a) that the State intends to address with funds received under the grant. Such plan shall, to the maximum extent practicable, be coordinated with the plan of the State for child welfare services and family preservation and family support services under part B of title IV of the Social Security Act and shall contain an outline of the activities that the State intends to carry out using amounts provided under the grant to achieve the purposes of this Act, including the procedures to be used for—

''(1) receiving and assessing reports of child abuse or neglect;

''(2) investigating such reports;

''(3) protecting children by removing them from dangerous settings and ensuring their placement in a safe environment;

''(4) providing services or referral for services for families and children where the child is not in danger of harm;

''(5) providing services to individuals, families, or communities, either directly or through referral, aimed at preventing the occurrence of child abuse and neglect;

''(6) providing training to support direct line and supervisory personnel in report-taking, screening, assessment, decision-making, and referral for investigation; and

''(7) providing training for individuals mandated to report suspected cases of child abuse or neglect.

''(e) RESTRICTIONS RELATING TO CHILD WELFARE SERVICES.—Programs or projects relating to child abuse and neglect assisted under part B of title IV of the Social Security Act shall comply with the requirements set forth in paragraphs (1) (A) and (B), and (2) of subsection (b).

''(f) ANNUAL STATE DATA REPORTS.—Each State to which a grant is made under this part shall annually work with the Secretary to provide, to the maximum extent practicable, a report that includes the following:

''(1) The number of children who were reported to the State during the year as abused or neglected.

''(2) Of the number of children described in paragraph (1), the number with respect to whom such reports were—

''(A) substantiated;

''(B) unsubstantiated; and

''(C) determined to be false.

''(3) Of the number of children described in paragraph (2)—

''(A) the number that did not receive services during the year under the State program funded under this part or an equivalent State program;

''(B) the number that received services during the year under the State program funded under this part or an equivalent State program; and

''(C) the number that were removed from their families during the year by disposition of the case.

''(4) The number of families that received preventive services from the State during the year.

''(5) The number of deaths in the State during the year resulting from child abuse or neglect.

''(6) Of the number of children described in paragraph (5), the number of such children who were in foster care.

''(7) The number of child protective service workers responsible for the intake and screening of reports filed in the previous year.

''(8) The agency response time with respect to each such report with respect to initial investigation of reports of child abuse or neglect.

''(9) The response time with respect to the provision of services to families and children where an allegation of abuse or neglect has been made.

''(10) The number of child protective service workers responsible for intake, assessment, and investigation of child abuse and neglect reports relative to the number of reports investigated in the previous year.

''(g) ANNUAL REPORT BY THE SECRETARY.—Within 6 months after receiving the State reports under subsection (f), the Secretary shall prepare a report based on information provided by the States for the fiscal year under such subsection and shall make the report and such information available to the Congress and the national clearinghouse for information relating to child abuse.''.

SEC. 110. REPEAL.

Section 108 (42 U.S.C. 5106b) is repealed.

SEC. 111. MISCELLANEOUS REQUIREMENTS.

Section 110 (42 U.S.C. 5106d) is amended by striking subsections (c) and (d).

SEC. 112. DEFINITIONS.

Section 113 (42 U.S.C. 5106h) is amended—

(1) by striking paragraphs (1) and (2);

(2) by redesignating paragraphs (3) through (10) as paragraphs (1) through (8), respectively; and

(3) in paragraph (2) (as so redesignated), to read as follows:

''(2) the term 'child abuse and neglect' means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act of failure to act which presents an imminent risk of serious harm;''.

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

Section 114(a) (42 U.S.C. 5106h(a)) is amended to read as follows:

''(a) IN GENERAL.—

''(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title, $100,000,000 for fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001.

''(2) DISCRETIONARY ACTIVITIES.—

''(A) IN GENERAL.—Of the amounts appropriated for a fiscal year under paragraph (1), the Secretary shall make available 33⅓ percent of such amounts to fund discretionary activities under this title.

''(B) DEMONSTRATION PROJECTS.—Of the amounts made available for a fiscal year under subparagraph (A), the Secretary make available not more than 40 percent of such amounts to carry out section 106.''.

SEC. 114. RULE OF CONSTRUCTION.

Title I (42 U.S.C. 5101 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 115. RULE OF CONSTRUCTION.

''(a) IN GENERAL.—Nothing in this Act shall be construed—

''(1) as establishing a Federal requirement that a parent or legal guardian provide a child any medical service or treatment against the religious beliefs of the parent or legal guardian; and

''(2) to require that a State find, or to prohibit a State from finding, abuse or neglect in cases in which a parent or legal guardian relies solely or partially upon spiritual means rather than medical treatment, in accordance with the religious beliefs of the parent or legal guardian.

''(b) STATE REQUIREMENT.—Notwithstanding subsection (a), a State shall, at a minimum, have in place authority under State law to permit the child protective service system of the State to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, to provide medical care or treatment for a child when such care or treatment is necessary to prevent or remedy serious harm to the child, or to prevent the withholding of medically indicated treatment from children with life threatening conditions. Except with respect to the withholding of medically indicated treatments from disabled infants with life threatening conditions, case by case determinations concerning the exercise of the authority of this subsection shall be within the sole discretion of the State.''.

SEC. 115. TECHNICAL AMENDMENT.

Section 1404A of the Victims of Crime Act of 1984 (42 U.S.C. 10603a) is amended—

(1) by striking ''1402(d)(2)(D) and (d)(3)'' and inserting ''1402(d)(2)''; and

(2) by striking ''section 4(d)'' and inserting ''section 109''.

TITLE II—COMMUNITY-BASED CHILD ABUSE AND NEGLECT PREVENTION GRANTS

SEC. 201. ESTABLISHMENT OF PROGRAM.

Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116 et seq) is amended to read as follows:

"TITLE II—COMMUNITY-BASED FAMILY RESOURCE AND SUPPORT GRANTS

"SEC. 201. PURPOSE AND AUTHORITY.

''(a) PURPOSE.—It is the purpose of this Act to support State efforts to develop, operate, expand and enhance a network of community-based, prevention-focused, family resource and support programs that are culturally competent and that coordinate resources among existing education, vocational rehabilitation, disability, respite, health, mental health, job readiness, self-sufficiency, child and family development, community action, Head Start, child care, child abuse and neglect prevention, juvenile justice, domestic violence prevention and intervention, housing, and other human service organizations within the State.

''(b) AUTHORITY.—The Secretary shall make grants under this title on a formula basis to the entity designated by the State as the lead entity (hereafter referred to in this title as the 'lead entity') for the purpose of—

''(1) developing, operating, expanding and enhancing Statewide networks of community-based, prevention-focused, family resource and support programs that—

''(A) offer sustained assistance to families;

''(B) provide early, comprehensive, and holistic support for all parents;

''(C) promote the development of parental competencies and capacities, especially in young parents and parents with very young children;

''(D) increase family stability;

''(E) improve family access to other formal and informal resources and opportunities for assistance available within communities;

''(F) support the additional needs of families with children with disabilities; and

''(G) decrease the risk of homelessness;

''(2) fostering the development of a continuum of preventive services for children and families through State and community-based collaborations and partnerships both public and private;

''(3) financing the start-up, maintenance, expansion, or redesign of specific family resource and support program services (such as respite services, child abuse and neglect prevention activities, disability services, mental health services, housing services, transportation, adult education, home visiting and other similar services) identified by the inventory and description of current services required under section 205(a)(3) as an unmet need, and integrated with the network of community-based family resource and support program to the extent practicable given funding levels and community priorities;

''(4) maximizing funding for the financing, planning, community mobilization, collaboration, assessment, information and referral, startup, training and technical assistance, information management, reporting and evaluation costs for establishing, operating, or expanding a Statewide network of community-based, prevention-focused, family resource and support program; and

''(5) financing public information activities that focus on the healthy and positive development of parents and children and the promotion of child abuse and neglect prevention activities.

"SEC. 202. ELIGIBILITY.

''A State shall be eligible for a grant under this title for a fiscal year if—

''(1)(A) the chief executive officer of the State has designated an entity to administer funds under this title for the purposes identified under the authority of this title, including to develop, implement, operate, enhance or expand a Statewide network of community-based, prevention-focused, family resource and support programs, child abuse and neglect prevention activities and access to respite services integrated with the Statewide network;

''(B) in determining which entity to designate under subparagraph (A), the chief executive officer should give priority consideration to the trust fund advisory board of the State or an existing entity that leverages Federal, State, and private funds for a broad range of child abuse and neglect prevention activities and family resource programs, and that is directed by an interdisciplinary, public-private structure, including participants from communities; and

''(C) such lead entity is an existing public, quasi-public, or nonprofit private entity with a demonstrated ability to work with other State and community-based agencies to provide training and technical assistance, and that has the capacity and commitment to ensure the meaningful involvement of parents who are consumers and who can provide leadership in the planning, implementation, and evaluation of programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;

''(2) the chief executive officer of the State provides assurances that the lead entity will provide or will be responsible for providing—

''(A) a network of community-based family resource and support programs composed of local, collaborative, public-private partnerships directed by interdisciplinary structures with balanced representation from private and public sector members, parents, and public and private nonprofit service providers and individuals and organizations experienced in working in partnership with families with children with disabilities;

''(B) direction to the network through an interdisciplinary, collaborative, public-private structure with balanced representation from private and public sector members, parents, and public sector and private nonprofit sector service providers; and

''(C) direction and oversight to the network through identified goals and objectives, clear lines of communication and accountability, the provision of leveraged or combined funding from Federal, State and private sources, centralized assessment and planning activities, the provision of training and technical assistance, and reporting and evaluation functions; and

''(3) the chief executive officer of the State provides assurances that the lead entity—

''(A) has a demonstrated commitment to parental participation in the development, operation, and oversight of the Statewide network of community-based, prevention-focused, family resource and support programs;

''(B) has a demonstrated ability to work with State and community-based public and private nonprofit organizations to develop a continuum of preventive, family centered, holistic services for children and families through the Statewide network of community-based, prevention-focused, family resource and support programs;

''(C) has the capacity to provide operational support (both financial and programmatic) and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs, through innovative, interagency funding and interdisciplinary service delivery mechanisms; and

''(D) will integrate its efforts with individuals and organizations experienced in working in partnership with families with children with disabilities and with the child abuse and neglect prevention activities of the State, and demonstrate a financial commitment to those activities.

"SEC. 203. AMOUNT OF GRANT.

''(a) RESERVATION.—The Secretary shall reserve 1 percent of the amount appropriated under section 210 for a fiscal year to make allotments to Indian tribes and tribal organizations and migrant programs.

''(b) IN GENERAL.—Of the amounts appropriated for a fiscal year under section 210 and remaining after the reservation under subsection (a), The Secretary shall allot to each State lead entity an amount so that—

''(1) 50 percent of the total amount allotted to the State under this section is based on the number of children under 18 residing in the State as compared to the number of such children residing in all States, except that no State shall receive less than $250,000; and

''(2) each State receives, from the amounts remaining from the total amount appropriated, an amount equal to 50 percent of the amount that each such State has directed through the lead agency to the purposes identified under the authority of this title, including foundation, corporate, and other private funding, State revenues, and Federal funds.

''(c) ALLOCATION.—Funds allotted to a State under this section shall be awarded on a formula basis for a 3-year period. Payment under such allotments shall be made by the Secretary annually on the basis described in subsection (a).

"SEC. 204. EXISTING AND CONTINUATION GRANTS.

''(a) EXISTING GRANTS.—Notwithstanding the enactment of this title, a State or entity that has a grant, contract, or cooperative agreement in effect, on the date of enactment of this title, under the Family Resource and Support Program, the Community-Based Family Resource Program, the

Family Support Center Program, the Emergency Child Abuse Prevention Grant Program, or the Temporary Child Care for Children with Disabilities and Crisis Nurseries Programs shall continue to receive funds under such programs, subject to the original terms under which such funds were granted, through the end of the applicable grant cycle.

''(b) CONTINUATION GRANTS.—The Secretary may continue grants for Family Resource and Support Program grantees, and those programs otherwise funded under this Act, on a noncompetitive basis, subject to the availability of appropriations, satisfactory performance by the grantee, and receipt of reports required under this Act, until such time as the grantee no longer meets the original purposes of this Act.

''SEC. 205. APPLICATION.

''(a) IN GENERAL.—A grant may not be made to a State under this title unless an application therefore is submitted by the State to the Secretary and such application contains the types of information specified by the Secretary as essential to carrying out the provisions of section 202, including—

''(1) a description of the lead entity that will be responsible for the administration of funds provided under this title and the oversight of programs funded through the Statewide network of community-based, prevention-focused, family resource and support programs which meets the requirements of section 202;

''(2) a description of how the network of community-based, prevention-focused, family resource and support programs will operate and how family resource and support services provided by public and private, nonprofit organizations, including those funded by programs consolidated under this Act, will be integrated into a developing continuum of family centered, holistic, preventive services for children and families;

''(3) an assurance that an inventory of current family resource programs, respite, child abuse and neglect prevention activities, and other family resource services operating in the State, and a description of current unmet needs, will be provided;

''(4) a budget for the development, operation and expansion of the State's network of community-based, prevention-focused, family resource and support programs that verifies that the State will expend an amount equal to not less than 20 percent of the amount received under this title (in cash, not in-kind) for activities under this title;

''(5) an assurance that funds received under this title will supplement, not supplant, other State and local public funds designated for the Statewide network of community-based, prevention-focused, family resource and support programs;

''(6) an assurance that the State network of community-based, prevention-focused, family resource and support programs will maintain cultural diversity, and be culturally competent and socially sensitive and responsive to the needs of families with children with disabilities;

''(7) an assurance that the State has the capacity to ensure the meaningful involvement of parents who are consumers and who can provide leadership in the planning, implementation, and evaluation of the programs and policy decisions of the applicant agency in accomplishing the desired outcomes for such efforts;

''(8) a description of the criteria that the entity will use to develop, or select and fund, individual community-based, prevention-focused, family resource and support programs as part of network development, expansion or enhancement;

''(9) a description of outreach activities that the entity and the community-based, prevention-focused, family resource and support programs will undertake to maximize the participation of racial and ethnic minorities, new immigrant populations, children and adults with disabilities, homeless families and those at risk of homelessness, and members of other underserved or underrepresented groups;

''(10) a plan for providing operational support, training and technical assistance to community-based, prevention-focused, family resource and support programs for development, operation, expansion and enhancement activities;

''(11) a description of how the applicant entity's activities and those of the network and its members will be evaluated;

''(12) a description of that actions that the applicant entity will take to advocate changes in State policies, practices, procedures and regulations to improve the delivery of prevention-focused, family resource and support program services to all children and families; and

''(13) an assurance that the applicant entity will provide the Secretary with reports at such time and containing such information as the Secretary may require.

''SEC. 206. LOCAL PROGRAM REQUIREMENTS.

''(a) IN GENERAL.—Grants made under this title shall be used to develop, implement, operate, expand and enhance community-based, prevention-focused, family resource and support programs that—

''(1) assess community assets and needs through a planning process that involves parents and local public agencies, local nonprofit organizations, and private sector representatives;

''(2) develop a strategy to provide, over time, a continuum of preventive, holistic, family centered services to children and families, especially to young parents and parents with young children, through public-private partnerships;

''(3) provide—

''(A) core family resource and support services such as—

''(i) parent education, mutual support and self help, and leadership services;

''(ii) early developmental screening of children;

''(iii) outreach services;

''(iv) community and social service referrals; and

''(v) follow-up services;

''(B) other core services, which must be provided or arranged for through contracts or agreements with other local agencies, including all forms of respite services to the extent practicable; and

''(C) access to optional services, including—

''(i) child care, early childhood development and intervention services;

''(ii) services and supports to meet the additional needs of families with children with disabilities;

''(iii) job readiness services;

''(iv) educational services, such as scholastic tutoring, literacy training, and General Educational Degree services;

''(v) self-sufficiency and life management skills training;

''(vi) community referral services; and

''(vii) peer counseling;

''(4) develop leadership roles for the meaningful involvement of parents in the development, operation, evaluation, and oversight of the programs and services;

''(5) provide leadership in mobilizing local public and private resources to support the provision of needed family resource and support program services; and

''(6) participate with other community-based, prevention-focused, family resource and support program grantees in the development, operation and expansion of the Statewide network.

''(b) PRIORITY.—In awarding local grants under this title, a lead entity shall give priority to community-based programs serving low income communities and those serving young parents or parents with young children, and to community-based family resource and support programs previously funded under the programs consolidated under the Child Abuse Prevention and Treatment Act Amendments of 1995, so long as such programs meet local program requirements.

''SEC. 207. PERFORMANCE MEASURES.

''A State receiving a grant under this title, through reports provided to the Secretary, shall—

''(1) demonstrate the effective development, operation and expansion of a Statewide network of community-based, prevention-focused, family resource and support programs that meets the requirements of this title;

''(2) supply an inventory and description of the services provided to families by local programs that meet identified community needs, including core and optional services as described in section 202;

''(3) demonstrate the establishment of new respite and other specific new family resources services, and the expansion of existing services, to address unmet needs identified by the inventory and description of current services required under section 205(a)(3);

''(4) describe the number of families served, including families with children with disabilities, and the involvement of a diverse representation of families in the design, operation, and evaluation of the Statewide network of community-based, prevention-focused, family resource and support programs, and in the design, operation and evaluation of the individual community-based family resource and support programs that are part of the Statewide network funded under this title;

''(5) demonstrate a high level of satisfaction among families who have used the services of the community-based, prevention-focused, family resource and support programs;

''(6) demonstrate the establishment or maintenance of innovative funding mechanisms, at the State or community level, that blend Federal, State, local and private funds, and innovative, interdisciplinary service delivery mechanisms, for the development, operation, expansion and enhancement of the Statewide network of community-based, prevention-focused, family resource and support programs;

''(7) describe the results of a peer review process conducted under the State program; and

''(8) demonstrate an implementation plan to ensure the continued leadership of parents in the on-going planning, implementation, and evaluation of such community based, prevention-focused, family resource and support programs.

''SEC. 208. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

''The Secretary may allocate such sums as may be necessary from the amount provided under the State allotment to support the activities of the lead entity in the State—

''(1) to create, operate and maintain a peer review process;

''(2) to create, operate and maintain an information clearinghouse;

''(3) to fund a yearly symposium on State system change efforts that result from the operation of the Statewide networks of community-based, prevention-focused, family resource and support programs;

''(4) to create, operate and maintain a computerized communication system between lead entities; and

''(5) to fund State-to-State technical assistance through bi-annual conferences.

''SEC. 209. DEFINITIONS.

''For purposes of this title:

''(1) CHILDREN WITH DISABILITIES.—The term 'children with disabilities' has the same meaning given such term in section 602(a)(2) of the Individuals with Disabilities Education Act.

''(2) COMMUNITY REFERRAL SERVICES.—The term 'community referral services' means services provided under contract or through interagency agreements to assist families in obtaining needed information, mutual support and community resources, including respite services, health and mental health services, employability development and job training, and other social services through help lines or other methods.

''(3) CULTURALLY COMPETENT.—The term 'culturally competent' means services, support, or other assistance that is conducted or provided in a manner that—

''(A) is responsive to the beliefs, interpersonal styles, attitudes, languages, and behaviors of those individuals and families receiving services; and

''(B) has the greatest likelihood of ensuring maximum participation of such individuals and families.

''(4) FAMILY RESOURCE AND SUPPORT PROGRAM.—The term 'family resource and support program' means a community-based, prevention-focused entity that—

''(A) provides, through direct service, the core services required under this title, including—

''(i) parent education, support and leadership services, together with services characterized by relationships between parents and professionals that are based on equality and respect, and designed to assist parents in acquiring parenting skills, learning about child development, and responding appropriately to the behavior of their children;

''(ii) services to facilitate the ability of parents to serve as resources to one another other (such as through mutual support and parent self-help groups);

''(iii) early developmental screening of children to assess any needs of children, and to identify types of support that may be provided;

''(iv) outreach services provided through voluntary home visits and other methods to assist parents in becoming aware of and able to participate in family resources and support program activities;

''(v) community and social services to assist families in obtaining community resources; and

''(vi) follow-up services;

''(B) provides, or arranges for the provision of, other core services through contracts or agreements with other local agencies, including all forms of respite services; and

''(C) provides access to optional services, directly or by contract, purchase of service, or interagency agreement, including—

''(i) child care, early childhood development and early intervention services;

''(ii) self-sufficiency and life management skills training;

''(iii) education services, such as scholastic tutoring, literacy training, and General Educational Degree services;

''(iv) job readiness skills;

''(v) child abuse and neglect prevention activities;

''(vi) services that families with children with disabilities or special needs may require;

''(vii) community and social service referral;

''(viii) peer counseling;

''(ix) referral for substance abuse counseling and treatment; and

''(x) help line services.

''(5) NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.—The term 'network for community-based family resource program' means the organization of State designated entities who receive grants under this title, and includes the entire membership of the Children's Trust Fund Alliance and the National Respite Network.

''(6) OUTREACH SERVICES.—The term 'outreach services' means services provided to assist consumers, through voluntary home visits or other methods, in accessing and participating in family resource and support program activities.

''(7) RESPITE SERVICES.—The term 'respite services' means short term care services provided in the temporary absence of the regular caregiver (parent, other relative, foster parent, adoptive parent, or guardian) to children who—

''(A) are in danger of abuse or neglect;

''(B) have experienced abuse or neglect; or

''(C) have disabilities, chronic, or terminal illnesses.

Such services shall be provided within or outside the home of the child, be short-term care (ranging from a few hours to a few weeks of time, per year), and be intended to enable the family to stay together and to keep the child living in the home and community of the child.

''SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title, $108,000,000 for each of the fiscal years 1997 through 2001.''.

SEC. 202. REPEALS.

(a) TEMPORARY CHILD CARE FOR CHILDREN WITH DISABILITIES AND CRISIS NURSERIES ACT.—The Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117 et seq.) is repealed.

(b) FAMILY SUPPORT CENTERS.—Subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11481 et seq.) is repealed.

TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES

SEC. 301. REFERENCE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.).

SEC. 302. STATE DEMONSTRATION GRANTS.

Section 303(e) (42 U.S.C. 10420(e)) is amended—

(1) by striking ''following local share'' and inserting ''following non-Federal matching local share''; and

(2) by striking ''20 percent'' and all that follows through ''private sources.'' and inserting ''with respect to an entity operating an existing program under this title, not less than 20 percent, and with respect to an entity intending to operate a new program under this title, not less than 35 percent.''.

SEC. 303. ALLOTMENTS.

Section 304(a)(1) (42 U.S.C. 10403(a)(1)) is amended by striking ''$200,000'' and inserting ''$400,000''.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 310 (42 U.S.C. 10409) is amended—

(1) in subsection (b), by striking ''80'' and inserting ''70''; and

(2) by adding at the end thereof the following new subsections:

''(d) GRANTS FOR STATE COALITIONS.—Of the amounts appropriated under subsection (a) for each fiscal year, not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 311.

''(e) NON-SUPPLANTING REQUIREMENT.—Federal funds made available to a State under this title shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services and activities that promote the purposes of this title.''.

TITLE IV—ADOPTION OPPORTUNITIES

SEC. 401. REFERENCE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111 et seq.).

SEC. 402. FINDINGS AND PURPOSE.

Section 201 (42 U.S.C. 5111) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''50 percent between 1985 and 1990'' and inserting ''61 percent between 1986 and 1994''; and

(ii) by striking ''400,000 children at the end of June, 1990'' and inserting ''452,000 as of June, 1994''; and

(B) in paragraph (5), by striking ''local'' and inserting ''legal''; and

(C) in paragraph (7), to read as follows:

''(7)(A) currently, 40,000 children are free for adoption and awaiting placement;

''(B) such children are typically school aged, in sibling groups, have experienced neglect or abuse, or have a physical, mental, or emotional disability; and

''(C) while the children are of all races, children of color and older children (over the age of 10) are over represented in such group;''; and

(2) in subsection (b)—

(A) by striking ''conditions, by—'' and all that follows through ''providing a mechanism'' and inserting ''conditions, by providing a mechanism''; and

(B) by redesignating subparagraphs (A) through (C), as paragraphs (1) through (3), respectively and by realigning the margins of such paragraphs accordingly.

SEC. 403. INFORMATION AND SERVICES.

Section 203 (42 U.S.C. 5113) is amended—

(1) in subsection (a), by striking the last sentence;

(2) in subsection (b)—

(A) in paragraph (6), to read as follows:

''(6) study the nature, scope, and effects of the placement of children in kinship care arrangements, pre-adoptive, or adoptive homes;'';

(B) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively; and

(C) by inserting after paragraph (6), the following new paragraph:

''(7) study the efficacy of States contracting with public or private nonprofit agencies (including community-based and other organizations), or sectarian institutions for the recruitment of potential adoptive and foster families and to provide assistance in the placement of children for adoption;''; and

(3) in subsection (d)—

(A) in paragraph (2)—

(i) by striking ''Each'' and inserting ''(A) Each'';

(ii) by striking ''for each fiscal year'' and inserting ''that describes the manner in which the State will use funds during the 3-fiscal years subsequent to the date of the application to accomplish the purposes of this section. Such application shall be''; and

(iii) by adding at the end thereof the following new subparagraph:

''(B) The Secretary shall provide, directly or by grant to or contract with public or private nonprofit agencies or organizations—

''(i) technical assistance and resource and referral information to assist State or local governments with termination of parental rights issues, in recruiting and retaining adoptive families, in the successful placement of children with special needs, and in the provision of pre- and post-placement services, including post-legal adoption services; and

''(ii) other assistance to help State and local governments replicate successful adoption-related projects from other areas in the United States.''.

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

Section 205 (42 U.S.C. 5115) is amended—

(1) in subsection (a), by striking ''$10,000,000,'' and all that follows through ''203(c)(1)'' and inserting ''$20,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 2001 to carry out programs and activities authorized'';

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

TITLE V—ABANDONED INFANTS ASSISTANCE ACT OF 1986

SEC. 501. REAUTHORIZATION.

Section 104(a)(1) of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended by striking ''$20,000,000'' and all that follows through the end thereof and inserting ''$35,000,000 for each of the fiscal years 1995 through 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2001''.

TITLE VI—REAUTHORIZATION OF VARIOUS PROGRAMS

SEC. 601. MISSING CHILDREN'S ASSISTANCE ACT.

Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended—

(1) by striking ''To'' and inserting ''(a) IN GENERAL.—''

(2) by striking ''and 1996'' and inserting ''1996, and 1997 through 2001''; and

(3) by adding at the end thereof the following new subsection:

''(b) EVALUATION.—The Administrator shall use not more than 5 percent of the amount appropriated for a fiscal year under subsection (a) to conduct an evaluation of the effectiveness of the programs and activities established and operated under this title.''.

SEC. 602. VICTIMS OF CHILD ABUSE ACT OF 1990.

Section 214B of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13004) is amended—

(1) in subsection (a)(2), by striking ''and 1996'' and inserting ''1996, and 1997''; and

(2) in subsection (b)(2), by striking ''and 1996'' and inserting ''1996, through 2001''.

ORDER FOR STAR PRINT—REPORT NO. 104–319

Mr. LOTT. Mr. President, I ask unanimous consent that report number 104–319 be star printed with the changes that I understand are at the desk.

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

AUTHORIZING EXTENSION OF MFN TREATMENT TO THE PRODUCTS OF ROMANIA

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3161, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3161) to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. D'AMATO. Mr. President, I rise today in opposition to H.R. 3161, a bill to extend permanent most-favored-nation trade status to Romania. I believe it is premature to surrender leverage over developments in Romania less than 4 months before their national elections. Adoption of this measure now will weaken our ability to extend support to democratic forces in Romania.

I spoke in opposition to the Senate version of this measure, S. 1644, when the Finance Committee held a hearing on it on June 4, 1996. Before that, as Co-Chairman of the Commission on Security and Cooperation in Europe, I joined with our Chairman, the distinguished Representative CHRISTOPHER H. SMITH, in a letter to the Chairman of the Ways and Means Committee in the House, urging postponement of action on this initiative until after Romania's elections.

On Wednesday, the House passed H.R. 3161, after a spirited debate on the previous day. Their action, and the likely passage of this bill by this Chamber, surrenders leverage over developments in Romania which is uniquely ours. The semi-annual review process for Romania's most-favored-nation gives Congress the ability to express itself if the slow but steady progress with democratization and privatization that has been occurring in Romania should suffer a reverse after this fall's election.

I do not need to recite the horrors that occurred in the former Yugoslavia, just over the border from Romania when extremists seized control of the political process. Genocide in Bosnia has not yet been redressed, and thousands of American troops are deployed there on the ground to help the Dayton Accords succeed.

Romania has a substantial ethnic minority population. Approximately 9 percent of Romania's population of 23 million is ethnically Hungarian. Relations between ethnic Hungarians and Romanians have not always been easy.

The current Romanian Government is a coalition government. It contained three extremist minority parties for 3 of its 4 years in office, with two leaving the government only this past December.

All of the experts I have spoken with, and all knowledgeable Romanian officials believe that the next government will be a coalition government, too. I think it is very important for those who support democratic progress and privatization in Romania to keep a close eye on these national elections and the government they produce.

The opposition did very well in this spring's local elections. This bodes well for their chances in the fall, but it appears that no single party has the strength or public support to form a government on its own. Even if the opposition wins, this does not resolve the question of who will be included in the coalition government.

Romania has made clear that its first priority in its foreign relations is NATO integration. They view passage of this measure and receipt of unconditional MFN status as a step in this direction, a credential that they have made progress.

I have no trouble saying that they have made progress. Measured since Ceaucescu's fall, the progress has been serious. Over a shorter time-frame, it sometimes appears to be one step forward and two steps back, but it is progress nonetheless.

Having said that, there are also problems. I think these problems are serious enough for Congress to want to keep the leverage it has through the semi-annual MFN report and review process until after this fall's national elections. Then, once we see how the elections have turned out, who is in the coalition government, and what their policies will be, we can make a well-considered judgment on whether to terminate the review process and make their MFN trade status unconditional. Action now is premature.

I know that the Romanian Assembly and Senate both passed resolutions stating that all parties agreed that MFN would not be a political issue in the fall campaign. I ask you to imagine what would happen if both our House and Senate passed a resolution stating, for instance, that NAFTA would not be a campaign issue.

In a nation with a free press, passage of such a resolution would have the immediate effect of moving the issue to the top of the political agenda, and focusing hard questions on the leadership of both parties. It would not take the issue off of the agenda.

I received a copy of a May 27, 1996 letter from the president of the Democratic Alliance of Hungarians in Romania, the DAHR, which states, ''In the opinion of the DAHR, the entire population of Romania has great need of Most Favored Nation status, but we believe that the best method for the American government would be to continue to link this benefit to respect for human rights and minority rights until such time as practical results are achieved in these areas.''

Mr. President, it does not sound to me as if there is unanimous support within Romania for pressing ahead with unconditional MFN. In fact, the ethnic minority most vulnerable to oppression and discrimination, and the one that has suffered serious human rights violations in the past, is the very one that asks the United States to retain the MFN review process.

I received another letter from the Ad Hoc Committee for the Organization of Romanian Democracy, Inc. That letter, dated July 15, 1996, points out shortcomings in the property restitution and compensation process in Romania, and talks about developments in a human rights case.

In that regard, it states, ''To further emphasize the injustices of the present Romanian regime, we wish also to inform you that we have just received a fax from Romania informing us about two newspapermen, Radu Mazare, Chief Editor and Constantin Cumpana, Chief of Section, of the Telegraph, from the city of Constanta, who have just been sentenced for slander to 7 months in prison and a fine of 25 million lei (approx. $8000).''

Their letter continues, ''In view of the above injustices, the Committee appeals to you, Senator D'AMATO, to consent to urging the postponement, until after the Romanian Presidential-Parliamentary elections in September-October 1996, of debates and voting in respect to the granting of permanent MFN status to Romania.''

Mr. President, I ask unanimous consent that the Democratic Alliance of Hungarians in Romania's letter and the Ad Hoc Commmittee's letter be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. D'AMATO. Let me continue by pointing out some other problems in Romania. Rights of national minorities to receive an education in their native languages have been restricted by the Romanian education law of July 24, 1995, and the government has not supported the opening of an independent Hungarian university.

An ethnic Hungarian, Pal Cseresznyes, remains in jail on questionable charges, an imprisonment that has lasted for 6 years and during which he allegedly suffered frequent beatings.

I am concerned by reports that the local elections revealed serious inaccuracies in voter lists, a problem that had been identified by international observers in previous elections and that the government has had time to repair. Those same inaccurate lists appear to be going to be used this fall. Use of those lists could call into question public trust in the results of the national election.

Mr. President, I regret that this measure has moved forward with such speed. I note that it was not referred to committee. Its consideration now coincides with the visit to the United States of the Romanian Foreign Minister, Mr. Teodor Melescanu. It appears that part of the rush to judgment this effort reflects is to produce a victory on this issue for the President of Romania, Ion Iliescu. Regardless of the protestations of parliamentarians and Romanian officials to the contrary, I firmly expect that passage of this measure will immediately be touted as a great victory for Romania.

I hope that it will not, in fact, be a defeat for human rights, democracy, and free enterprise in Romania. I will watch the results of this election closely, and I join with those who support this bill in hoping that their results will justify the faith passage of this measures represents. I have, however, found that hope, when dealing with entrenched Balkan issues, is seldom well rewarded.

I will be watching to see who is in the resulting coalition government and what policies they adopt. While passage of this bill will end the MFN review process, inclusion of Romania in NATO will require additional steps. Without the MFN review process leverage, if the elections produce negative results, the consequences in terms of U.S. policy will have to be more severe.

EXHIBIT 1

AD HOC COMMITTEE FOR THE ORGANIZATION OF ROMANIAN DEMOCRACY, INC.,

Mount Vernon, NY, July 15, 1996.

Hon. ALFONSE D'AMATO,
U.S. Senate, HSOB, Washington, DC.

DEAR SENATOR D'AMATO: At the request of the owners of the properties nationalized-confiscated by decrees in 1949, we are forwarding to you the English translation of the memorandum addressed to President Iliescu of Romania and submitted and registered at the office of the President. The signatory is Mrs. Alexandrina Ionescu, Strada Franceza No. 56, Bucharest 3.

The gist of the memorandum, condensed in a few sentences, is as follows: By sentence of Lower Courts of Justice, Mrs. Ionescu and other owners obtained the restitution of property. They complied with all the prescribed legal requirements by paying the taxes and registering the legal deeds of property with the appropriate authority. Nevertheless, the Attorney General has started proceedings to annul the decisions of the Lower Courts.

The attached memorandum, translated into English and French, has also been submitted to the United Nations and the Council of Europe.

To further emphasize the injustices of the present Romanian regime, we wish to also inform you that we have just received a fax from Romania informing us about two newspaper men, Radu Mazare, Chief Editor and Constantin Cumpana, Chief of Section, of the Telegraph, from the city of Constanta, who have just been sentenced for slander to seven months in prison and a fine of 25 million lei (approx. $8000).

In view of the above injustices, the Committee appeals to you, Senator D'Amato, to consent to urging the postponement, until after the Romanian presidential-Parliamentary elections in September–October 1996, of debates and voting in respect to the granting of permanent MFN status to Romania.

We thank you, Senator D'Amato, for your consideration and understanding of the Romanian people who desire true democracy in their country.

Very truly yours,

STEFAN ISSARESCU, M.D.,
Chairman.

SIMONE M. VRABIESCU KLECKNER, J.D.,
Co-Chairman.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 3161) was deemed read the third time, and passed.

ORDERS FOR MONDAY, JULY 22, 1996

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Monday, July 22; further, that following the prayer, the Journal of the proceedings be deemed approved to date, the morning hour be deemed to have expired, and the time for the 2 leaders be reserved for their use later in day; I further ask unanimous consent that at 10 a.m. the Senate resume consideration of the reconciliation bill under the previous order agreed to last night.

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

PROGRAM

Mr. LOTT. For the information of all Senators, on Monday there will be 4 hours of debate on the reconciliation bill for Members to offer and debate all remaining amendments as provided under the unanimous consent agreement. Following that debate I ask unanimous consent that the Senate turn to the consideration of the agriculture appropriations bill.

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

Mr. LOTT. Mr. President, when the Senate turns to the agriculture appropriations bill it will be the majority leader's intention to stack any rollcall votes on amendments and hopefully final passage over until Tuesday, following the previously ordered stacked series which will begin at 9:30 a.m. on Tuesday. Therefore, rollcall votes will not occur during Monday's session of the Senate. But Senators that are intending to offer amendments or raise points of order with respect to the reconciliation bill or the agriculture appropriations bill must do so on Monday.

ADJOURNMENT UNTIL 10 A.M., MONDAY, JULY 22, 1996

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask that the Senate now stand in adjournment under the previous order.

There being no objection, the Senate, at 4:51 p.m. adjourned until Monday, July 22, 1996, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 19, 1996:

THE JUDICIARY

JEFFREY T. MILLER, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA VICE GORDON THOMPSON, JR., RETIRED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 12203(A) AND 3383:

ARMY PROMOTION LIST

To be colonel

ROBERT M. CARROTHERS, 000–00–0000
STEPHEN EPSTEIN, 000–00–0000
THOMAS G. FIERKE, 000–00–0000
BRUCE HASLAM, 000–00–0000
JOSEPH C. JOYCE, 000–00–0000
DOUGLAS MONROE, 000–00–0000
DANIEL OSORIO, 000–00–0000
THOMAS D. ROBINSON, 000–00–0000

To be lieutenant colonel

ADOLPH MCQUEEN, 000–00–0000
KARLYN P. O'SHAUGHNESSY, 000–00–0000
JEFFREY C. SMITH, 000–00–0000
JACK TOMARCHIO, 000–00–0000
JEFFREY T. WELLER, 000–00–0000

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 12203 AND 3385:

ARMY PROMOTION LIST

To be colonel

JAMES R. BARR, 000–00–0000
MARVIN B. DUNCAN, 000–00–0000
JOSE C. OKADA, 000–00–0000
RICHARD D. STEPHENS, 000–00–0000
LESLIE K. TUBB, 000–00–0000
HARRY S. WILSON, 000–00–0000

ARMY NURSE CORPS

To be colonel

JOE W. DAVIS, 000–00–0000
LINDA M. KAROD, 000–00–0000

CHAPLAIN CORPS

To be colonel

JAMES C. CLARDY, JR., 000–00–0000
DAN D. HASKINS, JR., 000–00–0000

DENTAL CORPS

To be colonel

RONALD D. WRIGHT, 000–00–0000

THE JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

JOHN W. BRANT, 000–00–0000
PARTRICK A. LYONS, 000–00–0000
THOMAS S. WALKER, 000–00–0000

MEDICAL SERVICE CORPS

To be colonel

RAFAEL NUN-MARIN, 000–00–0000

ARMY PROMOTION LIST

To be lieutenant colonel

TERRY L. BULLER, 000–00–0000
JAMES S. CAVACO, JR., 000–00–0000
EDDIE L. COLE, 000–00–0000
AUGUSTUS L. COLLINS, 000–00–0000
WILLIAM W. DAVIS, 000–00–0000
WILLIAM C. HOLMES, 000–00–0000
FREDERICK J. JOHNSON, 000–00–0000
ELBERT A. MC COLLUM, 000–00–0000
DANIEL J. MC CORMACK, 000–00–0000
DAVID A. MC PHERSON, 000–00–0000
THERESA M. ODEKIRK, 000–00–0000
WILLIAM D. PHILLIPS, 000–00–0000
DANNY D. SCOTT, SR., 000–00–0000
KOZUO WEBB, 000–00–0000
GARY H. WILDER, 000–00–0000
WAYNE N. YOSHIOKA, 000–00–0000

CHAPLAIN CORPS

To be lieutenant colonel

EMILE R. DUPERE, 000–00–0000
GROVER C. GLENN III, 000–00–0000

DENTAL CORPS

To be lieutenant colonel

SCOTT A WRIGHT, 000–00–0000

MEDICAL SERVICE CORPS

To be lieutenant colonel

JAN M. CARTER, 000–00–0000
MITCHELL A. FINNEY, 000–00–0000
MICHAEL D. MOSER, 000–00–0000