Mr. DASCHLE. If the Senator from Nevada will yield, let me urge my colleagues. We have been polling our Members and have been told that we have about 130 amendments. If we have that many amendments, there is no reason why tonight we cannot have a good debate on some of these amendments. I would like to see a couple of them offered and debated tonight. The ranking member is here and prepared to work with any of our Members on this side. So I hope we can do that. If we have that many amendments, there is no reason why at 6 o'clock tonight we do not have more of an opportunity to discuss some of these important matters.

So I really urge all of our Democratic colleagues to cooperate in good faith and to come to the floor. This is a good time to be offering the amendments, and we will accommodate Senators as they come to the floor.

Mr. DOLE. If the Senator from Nevada will yield further, I make the same request. This is normally the late evening, Thursday evening, and we have not announced any votes this evening but we are prepared to do that if we can have the cooperation of Members, if they just come to the floor, debate the amendment, with the exception of the amendment of the Senator from New York, and then we can agree to vote on those tomorrow morning.

Following the votes, we would take up the amendment of the Senator from New York [Mr. MOYNIHAN], with 1½ hours equally divided for debate. So we will put out a hotline on this side, and this is the time to offer amendments. We had 70-some on our list. You have, say, 150. If there are 200 amendments out there, there ought to be somebody willing to come to the floor at 6:20 on a Thursday evening—it is not even dark outside—and offer some amendments. We are prepared to do business. I know the Presiding Officer is very pleased to be here, and we will do our best. I thank my colleague.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

SENATOR BRYAN'S WORK ON THE ETHICS COMMITTEE

Mr. REID. The first criminal jury trial that I had involved a burglary case. As I recall, the jury trial took about 3 or 4 days. The reason I remember the case so clearly is that I was the attorney representing the defendant, the person charged with the crime. The prosecutor of that case was RICHARD BRYAN, then a young deputy district attorney in Clark County, NV. It was a good case. We had two young lawyers who had a real good battle in the courtroom.

Senator RICHARD BRYAN was an outstanding lawyer. He was the first public defender in the history of the State of Nevada. He and I took the Nevada bar together in 1963. We were the only two freshmen elected to the Nevada State Legislature in 1969.

Not only did he have a successful and distinguished career as a private attorney, but he also served in the Nevada State Legislature as an assemblyman and as a Nevada State senator. He served as attorney general of the State of Nevada. He was elected twice to be Governor of the State of Nevada and has been elected twice to be a U.S. Senator from the State of Nevada.

The reason I mention this is I think, in the events that have taken place today, those six members of the Ethics Committee who have toiled months and months have been kind of forgotten about. This was a job not sought by Senator RICHARD BRYAN, who was chairman of the Ethics Committee. In fact, he took the job at his peril. He was running for reelection when then majority leader George Mitchell asked him to do his duty as a U.S. Senator and accept this task, this ordeal, to be chairman of the Senate Ethics Committee.

I have never talked to Senator BRYAN about the facts of the case that has been before this body today. But I know RICHARD BRYAN. I know him well. He and I have been friends for 30-odd years or more. And I know how this case has weighed on him. I see it in his face. I see it in his demeanor. As I have indicated, I have never discussed the case with him. But I know Senator BRYAN well, I repeat. I know that his obligation was to be fair to the victims, to be fair to the accused and to this institution and, of course, the oath that he took as a Senator.

The time that he spent on this case could have been spent working on other issues, could have been spent with his family and his friends, but he spent not minutes, not hours, not days, not weeks but months on this case.

When the elections took place last fall, Senator BRYAN became the ranking member of the Ethics Committee, and Senator MITCH MCCONNELL became chairman of the Ethics Committee.

Mr. President, I think that we, as Members of the Senate, should all acknowledge the work done by the Ethics Committee. I am speaking of my friend, Senator BRYAN. I am doing that because I know him so well. I know the time that he spent. I know his background. I know what a good person he is and how fair he tries to be with everybody in everything that he does.

Now, I can speak with more authority and certainty about Senator BRYAN than I can the other five members of the Ethics Committee, but these other five individuals coming from their varied backgrounds and experiences led to this Ethics Committee that had a sense of duty. It was bipartisan in nature, and being bipartisan in nature reached a conclusion in this most difficult case. Senators MIKULSKI and DORGAN on the Democratic side and Chairman MCCONNELL, Senators CRAIG and SMITH are also to be given appreciation by this Senator and I hope the rest of this body for the time that they spent on this very thankless job.

Mr. President, I, of course, have talked in detail about Senator BRYAN and the person that he is. If I knew the other five members as well as I knew Senator BRYAN, I am sure that I could say the same things about them and the difficulty they had in arriving at the decision they did. I am sure that if I had spent the time with them as I have with Senator BRYAN, I could tell by their demeanor, I could tell by the looks on their faces the consternation and the difficulty they had in doing the work that they did on this case.

Mr. President, there is no way to compliment and applaud these gentlemen and the lady who serve on this committee in an adequate fashion, but I, I hope on behalf of the entire Senate and the people of this country, express to them my appreciation and our appreciation for doing what they did in this case, that is, working the long, hard, tireless hours they did and arriving at a decision that only they could arrive at.

Mr. President, in 1882, a member of the very small Nevada Supreme Court—there were three members of the supreme court in 1882—in a case cited at 106 U.S. 154, Justice Bradley said in that case these words that I think apply to what has taken place here today: ''The event is always a great teacher.''

Mr. President, the event that has taken place today has been a great teacher for us all and will be in the future.

Mr. NICKLES. 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.

FAMILY SELF-SUFFICIENCY ACT

The Senate continued with the consideration of the bill.

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

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

Mr. DEWINE. Mr. President, I rise today to discuss three amendments that I intend to propose later in regard to this bill we are engaged today, this week, and probably into the next week with one of the most fundamental reforms of the welfare system in over a generation. It really is a debate of great historic importance to not only the people who are on welfare, but to all Americans.

The millions of Americans who are trapped in the cycle of welfare dependency need a way out. As we work on this bill, I believe that we have to make absolutely sure that as we do this, we do, in fact, give them a way out and not just put them into another revolving door.

The purpose of the first amendment that I will offer will be to make sure

that the States tackle the underlying problem of the welfare system. Quite frankly, Mr. President, too often welfare ends up being quicksand for people instead of a ladder of real opportunity.

The underlying bill that we are working on will certainly help change that and helps change it by creating a work requirement that will help boost welfare clients into the economic mainstream of work and opportunity.

We need to help people get off welfare. One very important way we can do this is by helping them avoid getting on welfare in the first place, and that is one thing that sometimes we miss in this whole debate about welfare. We do need to worry about how to get people off welfare. But if we can take action as a society that keeps them from ever going on welfare, that is a great accomplishment as well. It will not only do society a lot of good, but it will be very important to the individual who we are talking about.

So this brings me to the specific proposal contained in my first amendment.

This amendment would give States credit for making real reductions in their welfare caseload, not illusory reductions based on just ordinary turnover.

What am I talking about? Since 1988, 14 million Americans have gone off welfare—14 million. Yet, during that same period, there has been a 30 percent net increase in the welfare caseload. What this tells us is there are a lot of people going on, a lot of people going off, but we are getting more people coming on than are going off.

So we have to make absolutely sure that we keep our eye on the ball and, really, the ball that we are trying to keep our eye on is the objective of keeping people out of the culture of welfare dependency.

Under the bill, States will have to meet a work requirement, and that is good. But I think this policy will have an unintended side effect, a side effect that I believe my amendment will help cure.

If there is a work requirement, States certainly will have an incentive to try to meet that requirement. If States face the threat of losing Federal funding for failing to meet the work requirement, I am afraid that they could easily fall into the trap of judging their welfare policies solely—solely, Mr. President—by the criterion of whether or not they help meet just that work requirement.

I believe that what we have to remember is that the work requirement is not an end in and of itself. Our goal must be to break the cycle of welfare dependency, and we have found that helping people stay off AFDC, never going on, through tools used by the Government—job training, job search assistance, rent subsidies, transportation assistance, and other similar measures—is a cheaper way of doing this than simply waiting for the person to fall off the economic cliff and become a full-fledged welfare client. It just makes common sense. If we as a society can intervene early, it is going to be cost-effective and it is going to work and it is going to make the difference in people's lives.

Under the bill as written, States are really given no incentive to make these efforts to help people. If anything under the bill, there really is a disincentive to do this. If a State takes an active, aggressive, successful effort to help people stay off welfare, then the really tough welfare cases will make up an increasingly larger proportion of the remaining welfare caseload, and that will make the work requirement much tougher for a State to meet.

Under this bill as written, there is incentive really to wait to help people, to wait, to wait until they are actually on welfare. Then the States can get credit for getting people off welfare. That really does not seem to me to be the right way to do it or the right incentive.

If States divert people from the welfare system by helping them stay off welfare in the first place, then the people who stay on welfare will tend to be more hardcore, more hard-to-reach welfare clients, and that will make it more difficult for States to meet the work requirement.

That, Mr. President, really is exactly the opposite of what we should be trying to do. My amendment would eliminate this truly perverse incentive. My amendment would lower the work requirement that States have to reach by the very same amount that the States have reduced their welfare caseload.

Helping citizens stay off welfare is just as important as making welfare clients work, just as important as moving people off welfare. Indeed, the reason we want to make welfare clients work in the first place is, of course, to help them get off welfare. But—and this is a very important provision in my amendment—we cannot allow this new incentive that I propose for caseload reduction to become an incentive for the States to ignore poverty.

Under my amendment, States will be given no credit for caseload reductions achieved by the changing of eligibility standards. Ignoring the problem of poverty, Mr. President, will certainly not make it go away. Arbitrarily kicking people off of relief is not a solution to welfare dependency, and States should not—I repeat, not—get credit for changing their eligibility to meet this objective.

Welfare reform block grants are designed to give States the flexibility they need to meet their responsibilities. They have to have more flexibility. But they must not become an opportunity for the States to ignore their responsibilities. States do need to be rewarded for solving the problem. Giving States credit for real reductions in caseload will provide this reward.

I believe this amendment will, in fact, yield another benefit. It will enable States to target their resources on the more difficult welfare cases: the at-risk people who need very intensive training and counseling if they are ever going to get off welfare.

It will not do us any good as a society to pat ourselves on the back because people are leaving AFDC, if at the very same time an even greater number of people are getting on the welfare rolls, and if the ones getting on are an even tougher group than the ones who got off.

The American people demand a much more fundamental and far-reaching solution. They demand real reductions in the number of people who need welfare.

Reducing the number of people on welfare is certainly going to be a very tall order. Since 1988, only half a dozen States or so have really managed to reduce their caseload. One of them, Wisconsin, has managed a very significant reduction. It is going to be tough, but it is absolutely necessary.

This issue simply must be faced, and it will be faced with all the creativity at the disposal of the 50 States, 50 laboratories of democracy.

How are States going to do it? There are probably as many ways of doing it as there are States. I think that is one of the positive things about the underlying bill.

There is no single best answer. That is the key reason why we need to give the States the flexibility to experiment. In Wisconsin, for example, the Work First Program, with its tough work requirement, has reduced applications to the welfare system. That is a promising approach. We have to do other things, such as reduce the number of out-of-wedlock births and get rid of the disincentives to marriage.

The bottom line is this, Mr. President: We have to solve the problem and not ignore it. States should be encouraged to take action. But they should be encouraged to take action early to keep people off of welfare, to help them before they drop into the welfare pit. I believe this is the compassionate thing to do. I believe it is the cost-effective thing to do.

My staff and I, Mr. President, have spent a considerable amount of time talking to the people who run Ohio's welfare operation, both at the county levels and at the State level. One of the problems that they have continued to talk to me about is just what I have talked about, and that is, that what we really need to do is keep people off of welfare. We do not want to be in the situation that I used to find years and years ago when I was practicing law and when I was county prosecuting attorney, where we would have situations where people were having problems, where people needed help—either job training, or education, or just a little help to tide them over—and they could not get that help. What the welfare department would have to tell them is, wait until you get the eviction notice, wait until they start putting your clothes and everything else out on the street, then we can help you, then you

can get on welfare. And once you get on welfare, all these things will happen and you will get all these benefits. Our director, in the State of Ohio, of welfare, Arnold Tompkins, makes an analogy to a light. He says you go up with the switch or down, and you are either on welfare or you are not. If you are on it, you get all these benefits. If you are not, you do not get the benefits. We have a difficult time giving people some help to stay off of welfare.

I think what we must make sure we are doing when we pass this bill—which is a very, very good bill, and one of the reasons it is a good bill, it has a realistic work requirement in it. One of the things we have to make sure we are doing is allowing the States the flexibility and giving them some incentive to try to take the actions early on which will prevent someone actually from ever going on welfare. We must make sure that we, as we write this bill, give the States credit for having done that.

Let me turn to the second amendment that I intend to propose. It has to do with a rainy day fund. This amendment is a very simple one. It is a recognition of economic realities. When a State faces a recession, a number of things happen. One of them is that the welfare caseload goes up. The other thing that always happens is the revenues going into the State go down.

It is as simple as that. When States are in the middle of a serious recession, they are reluctant to borrow from a loan fund because they are, frankly, afraid they will be unable to pay the money back. I do not blame them. I believe that we need an unemployment contingency grant fund to make sure that when a recession hits, the Federal Government will remain a partner in the process of taking care of the welfare population. You will notice I say ''partner.''

It should be just as clear, Mr. President, that this rainy day fund must not become a back door to the re-Federalization of welfare. The threshold for disbursements from this fund, I believe, has to be tough. And the threshold in my amendment is, in fact, tough. It has been described as follows: A State, under my amendment, will not qualify if it has a ''cold.'' It will only qualify if it has ''pneumonia.''

It is my hope that this amendment will not be controversial. I believe it is a necessary precaution for the inevitable downturns in the economic cycle. Under this amendment, the State has to meet two conditions to qualify for aid from this fund. First, it has to maintain its welfare effort at the fiscal year 1994 level. And unemployment has to be two percentage points higher than in the previous year. States will then have to match these Federal funds at the same rate as the matching formula for Medicaid. And they will have to maintain their own effort. This is a tough requirement, but I believe it is fair, and I believe that it will be of immense help to the States.

Mr. President, we need this rainy day fund, and we need to make sure that it is not abused.

Let me turn to the third amendment I intend to offer. It has to do with a subject that has troubled me in this country for many, many years, and that is the issue of child support and child support enforcement. When I discuss this issue, I again have to go back, in my own mind, at least, to my experience as a county prosecuting attorney. One of my jobs, of course, was to try to enforce the child support enforcement laws. Mr. President, the third amendment really is an attempt to make it easier for States to crack down on deadbeat parents. We are all aware that one of the key cost causes of our social breakdown is the failure for parents to be responsible for their own children. The family ought to be the school for citizenship—preparing the children for responsible and productive lives. When the parents do not do that, it is very difficult for society to step in and fill the gap.

We need to reconnect parenthood and responsibility. We need to help States locate these deadbeats, establish support orders for the children, and enforce the orders.

My amendment attempts to address this problem in two ways. First, it provides for a more timely sharing of information with the States. Today, the Federal Parent Locator Service, in the U.S. Department of Health and Human Services, gives the States banking and asset information about potential deadbeats on an annual basis, only once a year.

Mr. President, talk to the people who have to track down these deadbeats, and they will tell you and other Members of the Senate how difficult that process is. As I mentioned, I used to do this when I was a county prosecutor. If you have to wait a whole year to get information about a deadbeat, there is a pretty good chance that that deadbeat is going to flee your jurisdiction. The information that you get may be up to a year old—or even more—and will simply not be information that will do any good.

My amendment is simple. It would change that reporting requirement from an annual basis to a quarterly basis.

Mr. President, these child support enforcers are involved in a very difficult but a very important job. I believe that we should cut—by 75 percent—the amount of time they have to wait for this very important information.

Mr. President, I look forward to the debate on these and the other amendments offered by my colleagues. I believe that we have a great opportunity in this year's welfare reform bill—an opportunity to change the direction of welfare and to really change the direction of this country.

Mr. President, I yield the floor.

Mr. NICKLES. Mr. President, first, I would like to compliment my friend and colleague from Ohio, Senator DEWINE, for an excellent statement. His experience as a Congressman, his experience as Lieutenant Governor of the State of Ohio, as well as a Senator, gives him a perspective that may be better than most because he has been involved in administering these programs. I think he has had some very constructive, positive ideas that are really invaluable. I hope our colleagues will pay attention. I compliment my friend for his remarks.

I would also like to say at this time that we requested a list of amendments, and the numbers were floating around, whether there was 50 amendments, 60 amendments, or 70 amendments.

We are very willing to take up those amendments, see if we can incorporate those amendments into the substitute bill that will be offered tomorrow, or have people offer their amendments. They can debate them. We will set aside the amendment and vote on the amendment tomorrow.

If colleagues have amendments that they would like to be considered and disposed of, and frankly I think we are going to be more favorably disposed tonight than we will be later on Friday and certainly on Monday and Tuesday. I encourage colleagues if they have amendments to please bring those to the floor and we will try to assist in any way we can as far as disposing of them.

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.

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

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

Mrs. FEINSTEIN. Mr. President, I understand there is a pending amendment. I ask unanimous consent that the amendment be set aside.

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

AMENDMENT NO. 2469 TO AMENDMENT NO. 2280

(Purpose: To provide additional funding to States to accommodate any growth in the number of people in poverty)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 2469 to amendment No. 2280.

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

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

The amendment is as follows:

Beginning on page 17, line 16, strike all through page 21, line 3, and insert the following:

''(3) SUPPLEMENTAL GRANT AMOUNT FOR POVERTY POPULATION INCREASES IN CERTAIN STATES.—

''(A) IN GENERAL.—The amount of the grant payable under paragraph (1) to a qualifying State for each of fiscal years 1997, 1998, 1999, and 2000 shall be increased by the supplemental grant amount for such State.

''(B) QUALIFYING STATE.—For purposes of this paragraph, the term 'qualifying State', with respect to any fiscal year, means a State that had an increase in the number of poor people as determined by the Secretary under subparagraph (D) for the most recent fiscal year for which information is available.

''(C) SUPPLEMENTAL GRANT AMOUNT.—For purposes of this paragraph, the supplemental grant amount for a State, with respect to any fiscal year, is an amount which bears the same ratio to the total amount appropriated under paragraph (4)(B) for such fiscal year as the increase in the number of poor people as so determined for such State bears to the total increase of poor people as so determined for all States.

''(D) REQUIREMENT THAT DATA RELATING TO THE INCIDENCE OF POVERTY IN THE UNITED STATES BE PUBLISHED.—

''(i) IN GENERAL.—The Secretary shall, to the extent feasible, produce and publish for each State, county, and local unit of general purpose government for which data have been compiled in the then most recent census of population under section 141(a) of title 13, United States Code, and for each school district, data relating to the incidence of poverty. Such data may be produced by means of sampling, estimation, or any other method that the Secretary determines will produce current, comprehensive, and reliable data.

''(ii) CONTENT; FREQUENCY.—Data under this subparagraph—

''(I) shall include—

''(aa) for each school district, the number of children age 5 to 17, inclusive, in families below the poverty level; and

''(bb) for each State and county referred to in clause (i), the number of individuals age 65 or older below the poverty level; and

''(II) shall be published—

''(aa) for each State, annually beginning in 1996;

''(bb) for each county and local unit of general purpose government referred to in clause (i), in 1996 and at least every second year thereafter; and

''(ccb) for each school district, in 1998 and at least every second year thereafter.

''(iii) AUTHORITY TO AGGREGATE.—

''(I) IN GENERAL.—If reliable data could not otherwise be produced, the Secretary may, for purposes of clause (ii)(I)(aa), aggregate school districts, but only to the extent necessary to achieve reliability.

''(II) INFORMATION RELATING TO USE OF AUTHORITY.—Any data produced under this clause shall be appropriately identified and shall be accompanied by a detailed explanation as to how and why aggregation was used (including the measures taken to minimize any such aggregation).

''(iv) REPORT TO BE SUBMITTED WHENEVER DATA IS NOT TIMELY PUBLISHED.—If the Secretary is unable to produce and publish the data required under this subparagraph for any county, local unit of general purpose government, or school district in any year specified in clause (ii)(II), a report shall be submitted by the Secretary to the President of the Senate and the Speaker of the House of Representatives, not later than 90 days before the start of the following year, enumerating each government or school district excluded and giving the reasons for the exclusion.

''(v) CRITERIA RELATING TO POVERTY.—In carrying out this subparagraph, the Secretary shall use the same criteria relating to poverty as were used in the then most recent census of population under section 141(a) of title 13, United States Code (subject to such periodic adjustments as may be necessary to compensate for inflation and other similar factors).

''(vi) CONSULTATION.—The Secretary shall consult with the Secretary of Education in carrying out the requirements of this subparagraph relating to school districts.

''(vii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph $1,500,000 for each of fiscal years 1996 through 2000.

Mrs. FEINSTEIN. Mr. President, I rise today to offer an amendment that would provide additional funding to States to accommodate growth which may occur in their welfare caseloads.

Legislation which provides the basis for this amendment is included in the welfare reform bill already passed by the House of Representatives entitled H.R. 4, the Personal Responsibility Act.

Title 1 of that bill includes a supplemental grant to adjust for population increases. In the House version, the grant is $100 million annually for each of fiscal years 1997, 1998, 1999, and the year 2000.

In the Dole bill, the supplemental grant is $877 million over 5 years. The House supplemental grant is distributed to States based on each State's proportion of the total growth. However, the Dole bill handles this formula in a very complicated manner which only benefits 19 out of the 50 States.

Frankly, by providing zero funding for growth, it does in the State of California. I have got to make that very clear.

The amendment I am proposing today takes the same approach, as the legislation that passed the House of Representatives, with respect to growth, and would apply it to the Dole bill. California, which is projected to experience a significant growth in its poor population over the next 5 years, under the present draft of the Dole bill, would receive zero—zero.

There is no additional cost associated with this amendment. In fact, there is some reason to believe that this method of accommodating growth equitably and objectively among all States might result in some cost savings when compared to the underlying bill. In any event, the authorization of appropriations, for the supplemental grant for each of the fiscal years, remains the same as in the Dole bill, and distribution of the additional funds is capped by those amounts which total $877 million over 5 years.

I would add another point. All States will be held harmless under this legislation. That is to say, no State's grant will be reduced if the State experiences a decline in its poor population. But each and every State which experiences an increase in its poor population will receive a corresponding increase in its Federal grant to help them carry out the mandates of this legislation.

Let me briefly contrast this with the approach in the underlying bill. As I said, only 19 States, meet the definition for use of this money under the language of the Dole bill, and that is irrespective of their actual growth of in poor youngsters. And, it excludes many States that will experience growth in their caseloads.

Under the Dole bill, 19 States receive automatic additional funding, 2.5 percent of the fiscal year 1996 grant in each of the years 1997 to the year 2000 if, first, their State's welfare spending is less than the national average level of State spending and, second, population growth is greater than the average national population growth.

In addition, for reasons which are unclear, certain States are deemed as qualifying if their level of State welfare spending is less than 35 percent of the national average level of State welfare spending per poor person in fiscal year 1996. As I understand it, only two States qualify. Mississippi and Arkansas are the only two States that would qualify under that portion of the drafting.

This formula penalizes States which have traditionally had higher levels of State welfare spending. So, in other words, if you have been a high benefit State, you are actually penalized by the bill. And, it rewards States, irrespective of their projected, or actual, population growth or decline.

I must say I am astonished that many States which are projected to have significant increases in their poor populations do not meet the definition required by the Dole bill. It leads me to conclude that this supplemental grant is not necessarily to accommodate growth at all.

Federal taxpayers are being asked to spend almost $1 billion over 5 years in the name of growth. But, in fact, the result is that States which, until now, have spent less than the average in assisting the poor will now be subsidized. So, until now, they have not spent much, and, now, they are going to be subsidized by the taxpayers of all 50 States. What kind of a bill is that?

Let me take a moment to review for you what some of the benefit levels have been from some of the States who will be beneficiaries of this so-called growth fund. In Mississippi the maximum monthly AFDC benefit for one-parent families with two children has been $120. That is $120 in combined Federal-State AFDC grants. In Alabama, the combined maximum has been $164. In Texas, the maximum benefit has been $188. In Tennessee, $185. Louisiana, $190. Arkansas, $204. Kentucky, $228.

Let us look at one or two States with similar benefit levels. In Indiana, the monthly benefit is $288. In Missouri, it is $292. But even though these levels are similar to other States, they will receive nothing, zero, zip—nothing—to accommodate any increase in their poor populations. Why? Who would draw this kind of growth formula?

Let us look now at some high growth States. Let us see what they get—Washington, for example. While the

Bureau of the Census projects a general population growth of almost 10 percent, the Dole bill provides zero funding for growth. Idaho is projected to experience a general increase in its population of almost 11 percent, Mr. President. Is it a growth State under the Dole bill? The answer is no. Finally, let us take a look at California, the most populous State in the Nation and one which is projected to grow by 6.25 percent over the next 5 years. It, too, receives no additional funds to meet the anticipated growth in caseload.

Clearly, the growth fund in the underlying bill is, as I have said, not a true growth fund. It is a fund for some other reason, but I do not think anyone in this body should call it a growth fund. I believe this is a fundamental flaw in the Dole bill, as compared to the House version of the welfare reform bill.

None of us in this body knows what the future holds for our States—whether it is economic recession in a rust belt State, regional downturn in a sunbelt State, natural disaster in any part of our country, or even Federal base closures. What we do know is there will be unanticipated regional economic conditions and corresponding fluctuations in the incidence of poverty. Any State is susceptible to these circumstances. This amendment, the amendment I am proposing, simply uses the same approach as in the House bill, applies it to the $877 million, and says that you receive additional funding for growth proportionate to your numbers published by the Bureau of the Census. If your poor population goes up, you will get the corresponding proportional share of that fund.

This, to me, is the fair way of doing it. No gimmicks, you use the census figures. If you are a growth State, you get extra funding to carry out the mandate. Frankly, most of the States, the overwhelming number of States, are projected to benefit, and also States with no growth, or actual declines in population, are held harmless. And, finally again, it costs no more money.

You will have proposals before you that use a little sleight of hand. Some will reduce the base funding level currently in the Dole bill and then add to it. This amendment does not alter the initial grant in the Dole bill. This takes the initial grant level, applies the poverty data supplied by the Bureau of the Census, and simply says, as the House in its wisdom did, that that data is used objectively to determine any additional funds which are provided to each and every State. So, Mr. President, your State would benefit from that. My State would benefit from that for sure. That is what this amendment does.

Let me conclude on this amendment by saying that this is not a matter of ''winners'' and ''losers.'' It is a matter of accuracy and fairness involving the distribution of Federal funds. I think it is very difficult for anyone to argue against that.

I ask unanimous consent that the amendment be temporarily set aside.

Mr. NICKLES. If the Senator from California will yield, I appreciate her amendment, and I want to thank her for coming to the floor and offering her amendment. I see other colleagues, as well as the Senator from Illinois. I again urge other Senators, if they have amendments, I think we will be lot more receptive and also it will expedite the consideration of those amendments for tomorrow or on Monday.

I do not know that this—as a matter of fact, I doubt that allocation amendments are the ones that will be readily agreed upon because some States win and some States lose. Allocation formulas are always contested in almost any type of bill like this, whether it is a highway bill or a welfare bill or other allocations. The allocation formula the Senator is proposing under her amendment would be identical to the one now currently in the House bill.

Mrs. FEINSTEIN. It is the same basis. That is correct.

Mr. NICKLES. The amendment is directed toward States that have increases in welfare population.

Mrs. FEINSTEIN. That is correct any and all States.

Mr. NICKLES. Welfare population being defined as welfare children, or just total welfare population of the States.

Mrs. FEINSTEIN. It is defined as increase in poor populations measured by current census data.

Mr. NICKLES. The information that the Senator handed out, the distribution formula that she is recommending and the impact on the States is on actually the second page of the handout but recorded as page 4.

Is that correct?

Mrs. FEINSTEIN. I did not bring those with me because we are making charts, and we were called, and we came down before the charts were ready, I am afraid.

Mr. NICKLES. I have a couple of charts. I want to make sure. I will confer with my colleague and friend.

Mrs. FEINSTEIN. There are four charts. If I can take a look at them when we finish, I would be happy to.

The Senator is absolutely correct. I know the formula is going to be difficult to change. If it looks like a growth formula, if it is named like a growth formula, it ought to talk and walk like a growth formula. That is all I am saying.

More States are benefited by this. I think 27 States fare better than in the underlying bill are clearly benefited by this, and States which do not experience an increase are held harmless.

Mr. NICKLES. If my colleague will yield further, she has 27 States that would presumably do better under the great portion of the bill, not the entire bill.

Mrs. FEINSTEIN. That is correct.

Mr. NICKLES. The Senator's amendment is allocating the money set aside for growth States, and under her proposed distribution it would increase benefits under that portion of the fund to 27 States as compared to 10 States. In other words, under the Dole proposal.

Mrs. FEINSTEIN. As compared to 19 States. The Dole proposal, as we understand it, benefits only 19 States. My amendment benefits all States. I would be happy to debate it. If I am wrong, I would be happy to admit it. This is our belief. Our formula would benefit 27 States, beyond those in the Dole bill, and would hold everybody else harmless. So nobody would go below what their 1996 level is.

Mr. NICKLES. Let me further try to clarify so I will know and maybe just help us tomorrow when we are considering these amendments.

Under the proposal of the Senator from California, it benefits 27 States. You do not change the amount of money. So you spread it out over a few more States. Senator DOLE's proposal would have additional for the growth States that have large increases in poverty. It would benefit 19 States. So presumably they would do a little bit better. So you are dividing up the same amount of money as compared to your growth proposal. We will have charts to make an analysis or comparison under both proposals.

Mrs. FEINSTEIN. They are not necessarily all of the growth States that are benefited.

Mr. NICKLES. Mr. President, I thank my colleague. Senator DOLE's proposal, I believe, is directed toward States that have significant increases in growth in poverty. And my guess is—I have not studied these charts—but he talks about the growth funds for States that have significant increases in poverty. Yours maybe is a little broader distribution.

I will tell my colleagues that there is a dispute on both sides of the aisle. This is probably not a partisan amendment as such because people wrestle with distribution formulas, and trying to come up with most equitable formula is not always the easiest thing to do, particularly if they have a lot of inequities in past distribution formulas which we have had with different programs.

But I, again, want to thank the Senator from California for offering her amendment and sending it to the desk.

Does the Senator also have another amendment?

Mrs. FEINSTEIN. That is correct, for tonight.

Let me just say what I understand the Dole does in this area. Then if I am wrong, I would be happy to know that.

These funds apply, if two things are met: one, the State's welfare spending is less than the national average of State spending; and, second, population growth is greater than the national population growth. That does not necessarily relate to welfare population growth. That is one problem that I have with it.

AMENDMENT NO. 2470 TO AMENDMENT NO. 2280

(Purpose: To impose a child support obligation on paternal grandparents in cases in which both parents are minors)

Mrs. FEINSTEIN. If I may, I now send the second amendment to the desk and I ask for its consideration

The PRESIDING OFFICER. Without objection, the pending amendment is temporarily set aside, and the clerk will report.

The bill clerk read as follows:

The Senator from California (Mrs. FEINSTEIN) proposes an amendment numbered 2470 to amendment No. 2280.

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 amendment is as follows:

On page 654, between lines 15 and 16, insert the following:

SEC. . ENFORCEMENT OF ORDERS AGAINST PATERNAL GRANDPARENTS IN CASES OF MINOR PARENTS.

Section 466(a) (42 U.S.C. 666(a)), as amended by sections 915, 917(a), 923, 965, and 976, is amended by adding at the end the following new paragraph:

''(17) Procedures under which any child support order enforced under this part with respect to a child of minor parents, if the mother of such child is receiving assistance under the State grant under part A, shall be enforceable, jointly and severally, against the paternal grandparents of such child.''.

Mrs. FEINSTEIN. Mr. President, as I have listened to the debate, there has been a lot of talk about teenage pregnancy, youngsters impregnating youngsters, walking away from their responsibility, and really young children becoming pregnant, becoming teen mothers often by teen fathers. I have heard many Senators say we must stop this. I believe we have a way to send a major message to a constituency, and it is contained in this amendment.

What this amendment would do is say that every State must have in effect laws and procedures under which a child support order can be enforced, where both parents are minors, and, the mother is a minor receiving Federal assistance for the child, against the paternal grandparents of the child.

So if you are the mother and father of a boy child, and your boy child goes out and impregnates a minor girl who ends up on welfare as a result, you will be liable for a child support order against you as the parents of that young boy.

What I find increasingly is that child support is a growing crisis. This has also been debated—and, frankly, the lack of child support is one of the major causes of children living in poverty in my State; that is, the absence of child support—a parent, usually the father, not always, but usually it is the father that just walks off and does not support his child.

Well, if this is going to be a tough welfare bill, let us address it. Let us say, ''Parents, you are responsible for the behavior of your adolescent son. If your adolescent son is going to go out and get a young girl pregnant, you are going to have to pay for the uprearing and the child support of that offspring.''

I think the time has come for this kind of amendment. It is strong. It is an amendment that attributes family responsibility. It is an amendment that says parents of minors have responsibilities and one of those responsibilities is to see to it that their sons do not enter into this kind of conduct and then walk away from their responsibility.

So, I would now ask that that amendment be set aside.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be set aside.

Mr. NICKLES. Mr. President, while my colleague from California is here, I have not had a chance to totally review her second amendment. I am very interested in this amendment. It is a tough amendment. If I understand it correctly, if my colleague from California will correct me if I misunderstood her statement, but the Senator's amendment would basically, if you have a minor with a child, a single parent—the paternal grandparents would be liable for what expense?

Mrs. FEINSTEIN. For the child support. A court order would be obtained and the parents of the male child would be responsible for the child support of that offspring.

Mr. NICKLES. Let me talk out loud or think out loud. So if you have a teenage mother, if you have in this case an unmarried single mother, and if there is a court order placed against the father for child support, if that is not collectible from the father, then the parents of the father in this case would be liable for the child support?

Mrs. FEINSTEIN. That is correct where the father is also a minor.

Mr. NICKLES. The primary responsibility would still be the father.

Mrs. FEINSTEIN. That is correct.

Mr. NICKLES. But if the father is delinquent, if the father is not available or unable to pay, for whatever reason, unemployed, you name it, then the parents of the absentee father in this case would be liable?

Mrs. FEINSTEIN. That is correct for minor fathers. And I would certainly welcome the Senator from Oklahoma looking at this. If there is any way he thinks it could be made better, I would be delighted.

Mr. NICKLES. I compliment my colleague from California for offering the amendment tonight. I appreciate that. I am interested in the amendment. It looks good from what I have seen. I will study it further and see if we can support it.

Mrs. FEINSTEIN. I thank the Senator.

Mr. SANTORUM. Mr. President, I join with the Senator from Oklahoma. Senator FEINSTEIN's second amendment, I think, is a positive amendment and one that maybe we can work on and get it accepted on both sides. I think it is a good amendment.

I am not as enthusiastic about the first amendment. In defense of Senator HUTCHISON, who really did an outstanding job on this side of the aisle in working on the issue of formulas and trying to bring some compromise into a very difficult issue, nobody is happy with allocations of formulas, as the Senator from Oklahoma said. There are States that win; there are States that lose. What we tried to do is hold at least everybody harmless. We did under the formula that is in the Dole bill and then provided some reasonable amount of money for growth. I guess what is really the bugaboo here is how we determine what growth is and what is fair.

I suggest to you that if the Senator from Texas [Mrs. HUTCHISON], were here, what she would say is what is fair should not be based on what is—a system that you receive money from the State based on how much money you put up, not on how many poor people you have but how much money you are willing to give to the poor people in your State. So if you are a State like California, which is a high-benefit State and puts up a lot of money, you get more Federal dollars. It is a match. The more you put up, the more money you get. And so as a result, States like California and, I would say, Pennsylvania where I am from, which is above average—not as high as California but above-average State as far as welfare dollars—get more money from the Federal Government because we are willing to put up more State dollars to match the Federal funds.

Now, that is an equitable system the way it exists today, but we are changing the system. Effective as a result of this bill's passage there is no more Federal match. There is no more every dollar we put up or every—I think it is roughly 50–50—every dollar we put up, you put up a dollar and we go on together.

What we do now is send a block grant to the States. Every State gets a block grant. What is that? It is an amount of money irrespective of anything else. Irrespective of how much you are contributing, we are going to give you an amount of money that you will be able to spend on AFDC to help mothers with children. It is not dependent anymore on how much money you put up. It is just a block grant.

Now, if we were going to design a block grant program from the start, if we did not have the existing AFDC program in place, how would we distribute that money? Well, let me tell you how it is distributed under the bill. It is distributed based on how much money you got last year.

Think about this. Now we are giving a block grant to take care of a population of children and in most cases mothers and we are basing it on last year's amount of money that the State got, which, of course, from last year,

was based on how much the State was willing to pony up to get Federal dollars and match it. It has no relation again to how many more persons but to how much the State was willing to spend.

So what happens, there are many States that are high-benefit States that are getting a lot more money per child than low-benefit States are getting per child. If we were going to design a program today from start—let us say we did not have an AFDC program, we had no poverty assistance program at the Federal level; we were going to start a program today—how would we design a model for helping children?

I suggest that what we would do is exactly what the Senator from California suggested. We should figure out how many poor people there are in the State, people eligible for welfare, for AFDC, and allocate so many dollars per person on welfare. We would take the number of people on welfare in the country, we would say here is how many dollars per person each State will get for that person on welfare and divide it up among the States. That would be a fair allocation formula. No child in California is worth more than a child in Mississippi or Vermont or Oklahoma.

But that is not what we did. We did not start out and say everybody is going to get the same irrespective. What we did was say children in California actually get more money because the State in the prior legislation, the current AFDC law contributed more so children in California get $200 per month per child and a person in Mississippi may get $50.

Now, what the Senator from California says is that, well, we are subsidizing these bad States like Mississippi that did not contribute a lot of money to help the people in their State.

I hear a lot from the other side of the aisle about we should not be punishing children—except, of course, if they happen to live in a State that is not a high-benefit State in this example because that is exactly what we do with the Feinstein amendment. We punish children who live in low-benefit States that continue to get low benefits under the current program.

What Senator HUTCHISON did was say, look, let us look at, since we now no longer require in this bill any kind of matching State funds—there is no maintenance-of-effort provision in this bill. California can completely pull the plug on every dollar of welfare spending that they are now required to spend to get the Federal match. They do not have to contribute a cent anymore and they get all the money. And they get two or three times as much per child as Mississippi. But now, again, California does not have to spend the money to get that money.

Now, how is it fair to say that California should get, because they are increasing in population, even more money per child than Mississippi which maybe is not growing as fast? If you look at it from the perspective of not what has been but what a fair allocation formula should be now based on a completely new model, you would suggest that States having low-benefit levels that are growing should be the recipients of the increasing growth funds to have their children come up to parity with States like California and Pennsylvania and New York and others.

That is what the Senator from Texas is suggesting. I would also suggest the Senator from California is doing her duty. She represents a mega-State, a State that has been very generous with welfare dollars, and under her allocation formula of the pot, I think California—I think it is about $1.5 billion, money that would be allocated over the next 7 years for these programs. They get roughly half the money in California under this program. It is a big chunk. California is a big State. It has one-eighth of the population of the country but they get about half the increase under this formula allocation.

If I was from California, I would design a program that got me half the money, too. I understand that. But it is not fair when you consider the new rules that we have put in place. No longer do we require match. That is the key here. California does not have to put up a penny to get this money anymore.

What we are saying is because we do not make them put up a penny anymore and because they are getting much more per child than I think any other State, with the possible exception of New York, we are not going to give them even more money because they happen to be growing. We are going to take care of the States that do not get a lot of money and that are growing also.

So that is the basis for this discussion. And so while it may, to the virgin ear on this subject, be a very appealing argument from the Senator from California that this is only fair, I mean we are growing and therefore we deserve more money, I would suggest that if we are looking at it for the sake of the child and not looking at where that child lives but looking at what the Federal Government's obligation is to a child under a new system where State matching dollars are irrelevant, then I would suggest that growth fund should be targeted to those States where the Federal contribution per child is the lowest. And that is what this amendment does.

I speak against my own interest in this case because Pennsylvania is not as high a benefit State as California but it is an above-average benefit State that is not going to receive any growth dollars according to the estimates. We are not going to receive a penny, and we would receive a small amount of increase under the Feinstein bill.

So it would be in my interest for Pennsylvania to vote for, I think it is $6 million. It is not a whole lot of money for Pennsylvania, but it is a little bit of money under the Feinstein amendment. That might be my benefit, but I do not think it is fair under the new allocation. I think it is fair to focus on the child, not where that child lives, in what State.

As the Senator from Connecticut said earlier in the day, this is a Federal problem and we should have a Federal solution. I did not agree with the second part. It is a Federal problem. We do not need Federal solutions, we need local solutions. But the dollars that come from Washington should be equitable across the country. That is what this growth formula attempts to do, to bring other States with lower benefits up to meet the average.

I know it is going to be a difficult vote. I happen to be from one of those States that does not benefit under the current growth funds but would under the Feinstein growth fund. You would be very tempted, and I know many Members will be, to jump on for your parochial interests.

No. 1, I think it would be very damaging for the long-term interests of this bill. I think it is absolutely unfair when you look at the child, not where the child lives and how much the Federal Government is paying per child. I think that should be the fundamental test of whether this formula is fair.

I know this is going to be a very heated issue. It is one that is going to be talked about tomorrow, and I know the Senator from Texas will be far more eloquent than I have been in defending her formula. I just want to commend the Senator from Texas, Senator HUTCHISON, one more time, for the tremendous work she did in putting together an allocation formula which no one thought could be done. We did not think we would be able to work this one out. This was the issue that was bogging us down.

When it comes to money, everybody gets real tightfisted around here. We were able to work out something which I think is defensible, not only from a political standpoint of folks being able to explain back home, but I think it is very defensible from a fairness perspective of what this bill actually accomplishes.

Mr. President, I yield the floor.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 2471 TO AMENDMENT NO. 2280

(Purpose: To require States to establish a voucher program for providing assistance to minor children in families that are eligible for but do not receive assistance)

Ms. MOSELEY-BRAUN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Ms. MOSELEY-BRAUN] proposes an amendment numbered 2471 to amendment No. 2280.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the

reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 12, between lines 22 and 23, insert the following:

''(G) Assess and provide for the needs of a minor child who is eligible for the child voucher program established under subsection (c).

On page 15, between lines 19 and 20, insert the following:

''(d) CHILD VOUCHER PROGRAM.—

''(1) ELIGIBILITY.—

''(A) IN GENERAL.—A State to which a grant is made under section 403 shall establish and operate a voucher program to provide assistance to each minor child who resides with a family that is eligible for but not receiving assistance under the State program as a result of any reason identified by the State, including—

''(i) the time limit imposed under section 405(b);

''(ii) a penalty imposed under section 404(d); or

''(iii) placement on a waiting list established by the State for recipients of assistance under the State program.

''(B) PERIODIC ASSESSMENTS.—The State shall conduct periodic assessments to determine the continued eligibility of a minor child for a voucher under this subsection.

''(2) AMOUNT OF VOUCHER.—

''(A) IN GENERAL.—The amount of a voucher provided under the program established under paragraph (1) shall be equal to—

''(i) the number of minor children in the family multiplied by

''(ii) the per capita assistance amount determined under subparagraph (B).

''(B) PER CAPITA ASSISTANCE AMOUNT.—For purposes of subparagraph (A), the per capita assistance amount is an amount equal to—

''(i) the amount of assistance that would have been provided to a family described in paragraph (1) under the State program; divided by

''(ii) the number of family members in such family.

''(3) USE OF VOUCHER.—A voucher provided under this subsection may be used to obtain—

''(A) housing;

''(B) food;

''(C) transportation;

''(D) child care; and

''(E) any other item or service that the State deems appropriate.

''(4) DELIVERY OF ITEMS OR SERVICES.—A State shall arrange for the delivery of or directly provide the items and services for which a voucher issued under this subsection may be used.

On page 15, line 20, strike ''(d)'' and insert ''(e)''.

On page 24, line 24, insert ''(including the operation of a child voucher program described in section 402(c))'' after ''part''.

Ms. MOSELEY-BRAUN. Mr. President, I attempted earlier today to speak to this issue in general, and now, I would like to speak to the issue of welfare reform and the legislation before us generally as well as file several amendments.

At the outset, I would like to say that, quite frankly, I am very pleased with the way this process is working. In spite of all the slogans and the political speeches and the hot buttons and the wedge issues, the fact is that because of this debate, we are undertaking a conversation among ourselves as legislators and, again, indeed with the country around the issue of welfare generally, welfare reform and the appropriate response to the challenge our current system poses to this nation.

Mr. President, I submit to you that this is an issue that, as the French would say—there is an old expression—''plus ca change, plus c'est la meme chose,'' the more things change, the more they remain the same.

Quite frankly, I brought to the attention of the Finance Committee, on which I serve as a member, an article that had appeared in the Chicago History magazine in their spring issue. The article was entitled ''Friendless Foundlings and Homeless Half-Orphans.'' The caption of the article said:

In 19th century Chicago, the debate over the care of needy children raised issues of Government versus private control and institutional versus family care.

The article goes on at great length and, indeed, I have some pictures here from the article that showed the condition of poor children in turn of the century Chicago sleeping in the gutters and the, turned over by their parents to orphanages, unable to be cared for because of the poverty of their parents. The homeless half-orphans title refers to women who during the turn of the century struggled to raise children alone and because of their economic circumstances could not afford to do so and were often called upon, compelled even, to turn their children over to halfway houses and orphanages and others in order to provide just for the basic sustenance of those children.

I raise this not to inflame this debate because I, again, very much appreciate the way and the tenor this debate has taken, certainly this evening, but really to begin talking about my amendment which calls on the States to establish a safety net for children, and to put that amendment in context.

Essentially, the amendment itself says that when all is said and done, if you will, at the end of the day, after the States, under the primary legislation, have made all their rules, that in the final analysis, no child—no child—in America will be left to fend for themselves, will be left without subsistence, will be left homeless, will be left hungry.

Bottom line, this amendment calls on us to make an affirmation of our commitment to provide for the children and to make certain that welfare reform does not become a subterfuge or outlet for punishing kids for the sins of their parents or the misfortune, indeed, of their parents to be born into poverty.

I think it is important for us to talk a little bit about welfare in the context of poverty as an issue, because really that is what it is. Welfare is not a stand-alone problem, it is not something you just say exists over here in a vacuum by itself. Welfare is not, and never has been, anything other than a response to poverty. It is a system, a set of rules that calls on a Federal-State relationship and cooperation, and we can debate, as no doubt we will and will continue to, what that relationship must be. But it, essentially, is a relationship between Government that calls on our national community to care for the welfare of poor children so that we do not have to go back to the friendless foundlings and the homeless half-orphans that plagued so many of our communities at the turn of the century in America.

So welfare reform then should, at a minimum—at a minimum—ask the question, and answer in the affirmative the question: What about the children? We must always have an answer that says that no State, no locality, no community, no part of our national community will allow for children to go homeless and to go hungry.

So this amendment requires the States to establish a child voucher program to provide services to minor children who reside in families that meet the State's income and resource criteria for the temporary assistance to needy family block grant, which is the name of the block grant in the underlying bill, but who are not receiving assistance. The amount of the voucher will be based on a pretime limit, per capita rate, and would be a total amount for each child.

The State would be called on, therefore, even if the parent did not qualify for failure to live up to the rules or for cutbacks or whatever reason, to assure that the children would be entitled to essential services through a voucher system.

The voucher would be paid to a third party that would provide the service. So a child living in a family which no longer qualified for assistance would still be assured of essential services. This amendment would assure that children, are not punished for their parents' behavior.

Let us talk a little bit about welfare for a moment. I think it is important to go back to the big picture issue—welfare as a response to poverty.

Right now, in this country, Mr. President, 22 percent of the children live in poverty. This is higher than in any other industrialized nation. One in every 5 children in America lives in poverty. That means that 15 million children live in poverty—40 million Americans total overall, but 15 million children live in poverty. That, Mr. President, is greater—frankly, it is 40 percent more than it was even in 1970.

To talk about what we mean in terms of poverty, for families of three, the poverty rate is $12,320 a year. A family of four is considered to be poor if they have an income of $14,800 a year. Mr. President, 53 percent of female-headed households in this Nation are poor, and 23 percent of American families overall are headed by women. So this becomes a problem of particular urgency for poor children, and particularly for poor women.

Our child poverty rate here in the United States is two times that of Australia and Canada. Our child poverty

rate is four times that of France, Sweden, Germany, and the Netherlands. And so we can see that child poverty is a particular problem here in the United States. It is a problem that has been addressed somewhat by the existence of what is known as welfare, the AFDC program. Again, AFDC is simply a response to poverty.

I have a chart, Mr. President, of child poverty rates among the industrialized countries. This is the most recent data available. As you can see, here is Finland, Sweden, Denmark, Switzerland. It goes from 2.5 percent up to the United States, which is 21.5 percent. We have a higher rate than Australia, Israel, the United Kingdom, Italy, Germany, France, The Netherlands, Austria, Norway, Belgium, Switzerland, Denmark, Sweden, and Finland.

Child poverty is a particular problem here in the United States. The gap between rich and poor children is greater in our country than in any other industrialized country. Affluent households with children in the United States—the top 10 percent in terms of wealth—are amongst the wealthiest children in the 18 industrialized countries that have been surveyed. Of the poorest, the bottom 10 percent of children in the United States in terms of wealth, we are the third poorest among the 18 industrialized countries surveyed.

So the disparity in the children of the wealthiest in the world and the children among the poorest is greater in this country than in any other industrialized nation.

I have another chart here. This depicts poor households with children. Here is the United States with $10,923. Affluent households average almost $65,536 annually. The length of the bars represent the gap between rich and poor children. As we can see, here in the United States, this gap is greater than anywhere else in the industrialized world.

So, as we approach the issue of welfare reform, we are approaching an issue of dealing with our response to a problem that is unique in the industrialized world and a problem that has been getting worse, not better.

The issue of welfare inflames passions in the United States. Without getting into the passions, I want to talk a little bit about the facts in terms of the AFDC program or what is known as the welfare program. As the Chair is no doubt aware, AFDC has been a response to poverty that has been with us for a while. The system has come under great challenge, and that is really why we are here right now, to debate the direction that we are going to take in terms of reforming this program. What we generally refer to as welfare is Aid to Families with Dependent Children, which was established under the Social Security Act of 1935. States obviously play a major role in operating this program. States define eligibility, the benefit levels, and actually administer the program. So, again, while we will talk further and in greater detail about the level of State involvement, the fact is that the States already make a huge determination about who will participate in the AFDC program.

Mr. President, presently there are some 14 million people receiving AFDC in the country. That is a lot of people. The fact of the matter is that that is about 5.3 percent of our total population. But I think a more stunning and compelling fact is not just that 14 million Americans receive some sort of assistance under the Aid to Families with Dependent Children, but that 9 million of those 14 million people are children; 9 million of those people are children. So we hear the discussion about folks not pulling the wagon and in the wagon having to be pulled and about whose fault all of these problems are and the like. I think it is important that we remain mindful of the fact that fully two-thirds—9 million out of 14 million—who will be the subject of what we do here, are children. Only 5 million of those people receiving AFDC are adults.

Of those 5 million adults, Mr. President, states reported that some 3.6 percent of their caseloads were disabled or incapacitated. That encompasses the people who are not able to work. So, really, of the folks we are talking about in terms of welfare reform, some 4.1 million out of the 14 million are able bodied and able to work. Certainly, we start this debate with the notion that anybody who can work should work, and anybody who can take care of themselves should be able to do so. The question becomes, however, what about the children? What do we do about the children?

I daresay, Mr. President, that right now the way this legislation before us is constructed, the children will lose out. There is no guarantee or commitment by our national community that the children will be protected by the decisions that get made at the State level. On the one hand, I think we can all agree that State flexibility is something that is a positive change, and States ought to be able to make decisions about how they handle their local population.

At the same time, legislation that does not provide a safety net for the children essentially penalizes those children and makes any child living here in the United States really at the mercy of their location or geography. So a child who lives in New York may well find himself in the presence of a benevolent State legislature and Governor and find himself cared for and not having to sleep in the streets, as in the original picture I showed you. A child in New York may benefit, and in another State a child may not. So the children, once again, become victims to fortune and victims to the accident of geography and the accident of their birth and of their address. It seems to me, Mr. President, that that is not a result that we as a national community should allow to happen.

By the way, Mr. President, I ask unanimous consent that a copy of the article ''Friendless Foundlings and Homeless Orphans'' be printed in the RECORD.

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

[From the Chicago History magazine, Spring, 1995]

FRIENDLESS FOUNDLINGS AND HOMELESS HALF-ORPHANS

(By Joan Gittens)

Editor's note: The debate over the care of dependent children is not new. In the following excerpt, Joan Gittens explores nineteenth-century attitudes towards child care in Illinois and Chicago.

There is perhaps no greater catastrophe for children than when their families, for whatever reason, no longer functions for them. Not only must they contend with emotional upheaval; they are left without caretakers and must look to the broader society for sustenance and protection. If they are fortunate, relatives or friends will step in and fill the gap—if not emotionally, at least on a practical level. The children unlucky enough to have no surrogate parents must look to the society at large to take an interest in their well-being. That this is at best a tenuous situation for a child is demonstrated by the prevalence of the pathetic and mistreated orphan in folk and popular culture.

Yet folklore could scarcely exaggerate life's hazards for children dependent on public bounty in Illinois. Despite the citizenry's occasional intense regard—usually when a particularly brutal story hit the newspapers—dependent children have been generally isolated, remote from public consciousness, and without natural allies. ''Their very innocence and inoffensiveness leads to their disregard,'' wrote one observer bitterly. ''They make no loud outcry and menace no one. Since there are so few voices raised in their behalf, it is not surprising that the persons charged with their care should be ignorant of any problems they present, and blind to their real interests.''

Besides being easy to ignore, dependent children have historically been costly to the state, requiring years of expense before they could become self-sufficient. How much the issue of their poverty has shaped their prospects the State Board of Charities noted late in the nineteenth century, citing the telling fact that as early as 1795 the territory of Illinois had created an orphans' court to deal with the estates of children who had lost their parents. The children most desperately in need, children without means or property, had no court to watch over their interests. They had instead the overseer of the poor, who could apprentice children from destitute families even over their parents' objections.

Another territorial law underscored the inferior protection accorded to dependent children. The law provided that apprentices and masters could take grievances to a justice of the peace to rule on, thus enforcing on the one hand the master's right to obedience and hard work and on the other the apprentice's right to decent treatment and competent education. The law specifically excluded from protection children apprenticed by the local poor law officials.

The conscious separation of ''the state's children'' from those with parents continued in the Poor Law of 1819, the social welfare law passed the year after Illinois attained statehood. But revisions of apprenticeship and poor laws in the next fifteen years reflected a growing sense that the state owed a more even-handed treatment to the vulnerable children who looked to them for support. The Apprenticeship Law of 1926 and the

Poor Law of 1833 made it the concern of the state that dependent children's apprenticeships be monitored to some extent by the probate judge, who was charged to keep the bonds of indenture in his office and to investigate indentured children's situations from time to time. The laws also articulated some of the expectations that the children might have: the right to decent treatment, adequate education, a new Bible, and two suits of clothes (suitable to their station in life) at the end of the apprenticeship. Masters still had great discretion to decide what was fit and proper treatment, but there was at least some sense that children dependent on the state had a right to proper care.

The Apprenticeship Law of 1826, in addition to voicing some concerns about the protection of dependent children, gave a further indication of an increasing sense of state responsibility by expanding the definition of children requiring state attention. This law gave wide latitude to the overseer of the poor in indenturing children whom he deemed to be inadequately cared for, like the children of beggars, habitual drunkards, and widows of ''bad character.'' This was the first recognition that the state might need to intercede even in families who had not turned to the overseers of the poor for help. And it was the first articulation that the state had an interest in doing more than warding off imminent starvation, that it also had an interest in the proper rearing of children and an obligation on some level to step in if such proper rearing was not going forward.

This concern about proper child rearing was a nineteenth-century phenomenon all across Western culture, but in the United States it was especially tied to the republican experiment that must have been very much on citizens' minds in 1826, that fiftieth-anniversary year of the Declaration of Independence. The adequate raising of children was a humanitarian concern, but it was also a practical matter for the survival of the noble but risky political enterprise that was the focus of so much anxiety and so much international attention. In the 1840s, the Illinois Supreme Court gave this rationale for the state's presumption to interfere in family life:

The power of chancery to interfere with and control, not only the estates but the persons and custody of all minors within the limits of its jurisdiction, is of very ancient origin, and can not now be questioned. This is a power which must necessarily exist somewhere in every well regulated society, and more especially in a republican government, where each man should be reared and educated under such influences that he may be qualified to exercise the rights of a freeman and take part in the government of the country. It is a duty, then, which the country owes as well to itself, as to the infant, to see that he is not abused, defrauded or neglected, and the infant has a right to this protection.

To some extent the laws dealing with the adult poor reflected increased humanitarian concern as well—Illinois outlawed the practice of auctioning off the destitute to the lowest bidder in 1827, for example—but it is striking that in its increased concern about neglected children, the state paid little or no heed to the rights of poor parents. Earlier poor laws had given the overseer of the poor the right to indenture children without parental consent if the family had become a charge upon the state, even if their poverty was only a temporary catastrophe. The 1826 law expanded the overseer's discretionary powers to decide on the fitness of parents, and while on the one hand that showed an increased concern for the well-being of children, it also reflected a callousness toward the civil rights of poor parents that had always pervaded American poor laws.

This cavalier approach toward destitute families remained characteristic of those engaged in child welfare right through the nineteenth century, a striking anomaly in a society where the sanctity of family ties was a paramount value. It was not until the end of the nineteenth century that some child welfare theorists would begin to argue for the rights of poor parents and to insist that the best care society could offer for children was to support them in their homes rather than removing them.

URBANIZATION AND THE GROWTH OF THE CHILD WELFARE PROBLEM

The growing awareness of children in need was a key characteristic of nineteenth-century social welfare endeavors. In Illinois, as in other areas of the country, this concern had its roots in a mix of philosophical, social, and practical considerations. The years before the Civil War saw an outpouring of reform efforts on all levels, and because of their vulnerability and dependence on adults, children were prime subjects of this heightened humanitarian sense. They appealed further because during the course of the nineteenth century the concept of childhood as a special stage of development grew apace, drawing the attention of everyone from popular novelists to learned theologians.

Nineteenth-century culture celebrated childhood's intuitive goodness and innocence, in contrast to the gloomy assessment of earlier centuries, which had seen children at best as profoundly ignorant and at worst as little bundles of depravity. Another reason for the attention to children's needs was the abiding concern that they be trained to be independent, responsible citizens, not merely for their own sake but for the health of the republic. Finally, attention turned to dependent children because their numbers swelled so markedly with the rapid growth of urban centers during the nineteenth century.

Chicago, a frontier outpost at its incorporation in 1833, grew in the next sixty-seven years to be the second largest city in the United States, an industrial center that attracted immigrants from all over the world. According to the national census, the population of Chicago was 4,470 people in 1840; 298,977 in 1870; and 1,698,575 in 1900. The rapid growth of the city brought great wealth to some, but it brought in its wake much suffering as well. Immigrants who came to the city seeking a better life sometimes found Chicago to be a place of opportunity, but many found themselves enmeshed in a web of poverty, depression, and squalor, and the devastating effects of urban life were particularly visible in children. In 1851 the city charter noted a group that greatly concerned officials: ''children who are destitute of proper parental care, wandering about the streets, committing mischief, and growing up in mendicancy, ignorance, idleness, and vice.'' These children, popularly called ''street arabs,'' were viewed as potential trouble makers and therefore received official attention early.

In addition to these children there were others affected by the disruption of city life. The legislature had made minimal legal provisions for illegitimate children, for example, in the early years of statehood; the presumption was that the mother would keep her baby and the town would support her and her child at subsistence level (and with the most grudging of attitudes) if the father could not be held to account and she could not manage for herself. But in the vast, anonymous city, a desperate mother could simply abandon her baby on the streets without busy neighbors discovering the desertion, as they would inevitably have done in a small town or rural setting. The increase of this phenomenon of deserted children, little ''foundlings'' as they were called, was a gruesome measure of the hazards that the city could hold in store for young women and their unwanted children.

Orphans as a group grew in number as well. All the dangers of disease were compounded by crowded city life, by filthy tenements and equally filthy and dangerous work places. Children could lose one or both parents to a host of diseases such as cholera, small pox, and tuberculosis. The United States suffered through three cholera epidemics, in 1832 and again in the 1840s and 1850s, and the fact that the disease was waterborne insured that the poor, crowded into tenements and using the foulest of water, were among the hardest hit by the recurring plagues.

''Half-orphans'' (the standard term for children who had lost one parent) also claimed the reluctant attention of the state. If the mother died, the children might come to the attention of the larger society because they stood in need of care and nurturing. It was possible that they would turn into some of the little ''street arabs'' about whom Chicago city officials expressed such concern. But a father's death, on a practical level, was even more catastrophic. Most poor families patched together their meager income from money brought in by fathers, mothers, and children; working men, although they were paid very little, were routinely paid more than women and children, and they made the largest contribution to the family income. Widowed mothers, ill-equipped to provide for their families, might find themselves turning to the city or county for help to support their children. Children were also left ''half-orphaned'' in fact, although not in law, by their father's desertion of the family. Sometimes this desertion was absolute; but Hull-House resident Julia Lathrop wryly noted ''the masculine expedient of temporary disappearance in the face of nonemployment or domestic complexity, or both,'' contending that ''the intermittent husband is a constant factor in the economic problem of many a household.''

Natural catastrophes like the Great Fire of 1871 were another cause of dependency in children, and family problems and the stresses of urban life were compounded as well by the labor unrest that characterized the last twenty-five years of the century. In addition, the country experienced a financial panic approximately every twenty years: in 1819, 1837, 1857, 1873 and 1893. In Chicago, the Panic of 1893 was delayed for a time by the Columbian Exposition, but with the close of the exhibition, jobs disappeared and all the severity of that worst of nineteenth-century depressions was visited on the city. The year 1894 was in many ways a terrible time for the poor of Chicago. Compounding the depression was the violence and bitterness of the Pullman Strike, and the ultimate defeat of organized labor in the prolonged struggle. A small-pox epidemic struck the city; and the winter was one of the worst on record. The dependency rate soared. Families who had never been able to save enough to have a cushion against disaster were utterly destroyed by such compounded misfortune and had to turn to the city and country for help.

THE STATE RESPONSE TO DEPENDENT CHILDREN

Although the vicissitudes of urban life and economic instability throughout the century greatly expanded both the number and types of children in need of help, public officials resisted innovation in dealing with the needs of dependent children, lumping them with the rest of the dependent population rather than addressing their particular needs as did the private organizations that began to

flourish in Chicago in the 1850s. In downstate Illinois, dependent children were still primarily indentured through the middle years of the century. An 1854 revision of the apprenticeship law manifested some special attention to children's needs, strengthening their right to basic education and protection by Poor Law officials who were to monitor their treatment and to ''defend them from all cruelty, neglect, and breach of contract on the part of their master.'' An 1874 law further defined the child's rights to proper care, specifically forbidding ''underserved or immoderate correction, unwholesome food, insufficient allowance of food, raiment or lodging, want of sufficient care or physic in sickness, want of instruction in their trade.'' Such bad behavior on the part of the master gave the state sufficient cause to end indentures. These revisions of the original apprenticeship law reflected the state's ambivalence about parental rights. The 1854 revision deleted the clause authorizing the removal of children from parents whom the overseer of the poor deemed unfit. But the 1874 law restored intervention to some degree, allowing the overseers of the poor to apprentice without parental consent any child ''who habitually begs for alms.''

Although the basic concept of apprenticeship for dependent children was shortly to reappear in social welfare parlance as the innovative notion of ''free foster homes,'' the whole system of formal, legal apprenticeship as a means of caring for dependent children was beginning to die out in nineteenth-century America. In northern Illinois counties, particularly Cook County, poor law officials instead placed children in the poorhouse, and this trend became state-wide by the end of the century. Most often children were in the poorhouse with their mothers, but a few orphans and illegitimate children ended up there as well.

The presence of children in the almshouse was an enduring affront to reformers. In 1853 a Cook County grand jury found the almshouse to be grossly inadequate, noting with disapproval that ''the section devoted to women and children is so crowded as to be very offensive.'' The physical conditions of this particular poorhouse did improve somewhat over time, but those who concerned themselves with child welfare universally accepted the maxim that the poorhouse was no fit place for children. Forty years and much reform agitation later, the situation was not significantly better. Julia Lathrop, who toured the Cook County poorhouse many times as a member of the State Board of Charities, wrote this description of the children there in 1894:

There are usually from fifty to seventy-five children, of whom a large proportion are young children with their mothers, a very few of whom are for adoption. The remainder, perhaps a third, are the residuum of all the orphan asylums and hospitals, children whom no one cares to adopt because they are unattractive or scarred or sickly. These children are sent to the public schools across the street from the poor-farm. Of course they wear hideous clothes, and of course the outside children sometimes jeer at them.

These children, as part of the poorhouse population, were among the most stigmatized and outcast members of nineteenth-century society. Nobody went to the poorhouse if they could help it. These institutions were deliberately set up to be as unattractive as possible, a meager social mechanism intended merely to sustain life in the dependent population. The poor, who could pay with no other currency, were expected to pay with their dignity for their board and room. Lathrop spoke of ''the absolute lack of privacy, the monotony and dul[l]ness, the discipline, the enforced cleanliness.'' Nor was enforced cleanliness always the problem. The poorhouse superintendent in Coles County reported in 1880, apparently without embarrassment, that he could not remember one bath having been taken in his sixteen years in charge. The institution's surroundings reflected his laissez faire approach to hygiene.

It was still possible for poor families to receive some measure of ''outdoor relief'' in most counties of the state in the mid to late nineteenth century, but such support was very limited. Nineteenth-century economic theory, reinforcing the already parsimonious attitude of Americans, posited that handouts merely increased dependency and led to the ''pauperizing'' of families, destroying their initiative and drive to do better. Poorhouses were set up to replace most outdoor relief, created with the notion that they must not be too attractive or they would be crowded with shiftless types simply trying to live on the bounty of the town. In reality, authorities need not have feared such a thing. Anyone who could possibly manage it stayed out of the poorhouse. Those who entered were the unfortunate souls who had no one to protect them or find them a tolerable situation in the outside world. Children shared the poorhouse with the chronically sick, the elderly poor, the insane, and the mentally and physically disabled, as well as the ''paupers'' who simply could not make an economic go of it on the outside. In Cook County, and elsewhere on a less grand scale, the essential misery of the poorhouse was compounded by corruption. The staff jobs were filled by patronage, and those in charge of the various wards were thus unlikely to be much exercised about the humane care of inmates.

One of the most critical voices raised against the abuses of the poorhouse and the presence of children there was that of the Board of State Commissioners of Public Charities, established by the legislature in 1869 to monitor and coordinate the various social welfare efforts throughout the state. The board's power was originally very restricted. ''The duties required of the commission are quite onerous,'' the First Biennial Report stated ruefully. ''The powers granted are very limited. The board has unlimited power of inspection, suggestion and recommendation, but no administrative power whatsoever.'' Still, the State Board could and did register vigorous disapproval, and it made enough impact so that a bill to dissolve the new monitoring agency was introduced into the legislature almost immediately. The bill failed, but hostile legislators were able to limit inspection dramatically at one point by cutting off all travel funds for the commissioners.

Despite such constraints, the State Board fulfilled an important function as the first official agency in the state to collect and tabulate information about the actual living conditions of dependent members of society, including children. For example, the board reported that in 1880 Illinois almshouses housed 386 children; forty were assessed as feebleminded, twenty-four diseased, fourteen defective, and eighty-three had been born in the almshouse. Of that eighty-three, seventy-nine were illegitimate, a fact pointed to by almshouse critics to illustrate their concern about the inadequate separation of the sexes in the institutions. Some poorhouses had schools or arranged that children should attend the public schools in the vicinity; but in many county almshouses, the children did not go to school at all. Still, there was no doubt in anyone's mind that these children were getting an education, a thorough grounding in the seamier side of life.

In 1879 there was a movement in Cook County to get children out of the almshouse and into private child care institutions. This effort revealed the prevailing attitudes of reformers toward the parents of children who were dependent because of poverty. Much negotiation was necessary to settle which orphanages were to take the children, since religious groups insisted that the children's religious affiliations be respected. Yet in all the negotiations, no one considered that the poorhouse mothers might have an opinion about the removal of their children. The private institutions involved required the termination of parental rights before they would take the children. When the mothers in the Cook County poorhouse learned that their children's well-being was to be bought at the expense of their parenthood, they protested vigorously but without success. Some reformers, in fact, expressed the view that the mothers' unwillingness to give up their children demonstrated their lack of affection for their families. But in the end, the mothers succeeded in making an eloquent statement about these high-handed methods. When the officials from the child care institutions arrived to pick up the children, they found that most of them were gone. To prevent their removal to the orphanages, the mothers had managed to find places outside the poorhouse for all but seventeen out of seventy-five children. The Cook County poorhouse had a rule that no parents who refused to give consent to the adoption of their children could enter the poorhouse, but in 1880, the county agent objected to the rule as inhumane and cruel. He refused to enforce the policy, and his stance meant that children began to enter the Cook County poorhouse again, with and without parents, less than a year after the ''rescue operation'' of 1879.

The concern that children were growing up in such a wretched setting did not disappear, despite the limited success of the Cook County effort, but it took another forty years for the Illinois legislature to close almshouses to children. In 1895 a law provided that orphan children could be removed from the poorhouse and placed in private homes, but only when a private charity or individual would assume the expenses connected with such placement. By 1900 a dozen states, beginning with Michigan in 1869, had ended the practice of putting children in the poorhouse, but Illinois proved more resistant to thoroughgoing reform. Finally, in 1919 the legislature passed a law limiting the time in the poorhouse to thirty days for girls under eighteen and boys under seventeen, after which other arrangements would have to be made for them. This effectively ended the use of the poorhouse as a child welfare institution. By that time the number of children in Illinois poorhouses had shrunk considerably: to 171 children in 1918 compared to 470 at the peak, 1886.

CHILD CARE INSTITUTIONS UNDER PUBLIC AUSPICES

Although the county poorhouses provided most of the public care of destitute children in nineteenth-century Illinois, no one made much of an argument to counter the accusations leveled against them of pinch-penny meanness and spiritual demoralization. In reality, they existed as the most frankly minimal of offerings for children in need, with a policy set far more by a consciousness of county expenditures than of children's welfare. Noted social welfare thinker Homer Folks remarked in 1900 that ''the states of Illinois and Missouri, notwithstanding their large cities have been singularly backward in making public provisions for destitute and neglected children.'' In fact, Illinois had only two child welfare institutions under public auspices during the nineteenth century, both far more specialized than the catch-all poorhouses provided by most counties. These

institutions were the Soldiers' Orphans' Home and, until 1870, the Chicago Reform School.

The Illinois Soldiers' Orphans' Home founded in 1865 in Normal, Illinois, was a state-funded institution for the care of children whose fathers had been killed or disabled in the Civil War. An institution with a limited purpose, the Soldiers' Orphans' Home was meant to close once its original population had been cared for. But in the 1870s the eligibility for care was broadened to include children of all Civil War veterans, an act that established the institution on a more permanent basis. Frequently the children were half-orphans whose mothers simply could not feed them any more. In 1872, for example, 532 out of 642 children had living mothers. In 1879, the superintendent gave this description of the newly arrived children for that year: ''The class now entering are, for the most part, young and in particularly destitute circumstances—those whom their mothers have struggled long and hard to keep, but who now find themselves, at the commencement of winter, without the means for support, and know they must either send them away to be cared for elsewhere, or permit them to remain at home to suffer. The state must now take these burdens of care and responsibility where the weary mothers lay them down.''

The separation of children from mothers unable to provide for them financially was a tragic constant in nineteenth-century children's institutions. At least at the Soldier's Orphans' Home there was some connection maintained between children and their families; mothers were not required to terminate their parental rights when they placed their children there, and it was not uncommon for the children in the institution to spend time, sometimes whole summers, with their mothers. The population of the home fluctuated with the season and with the economic climate of the times.

This enlightened aspect of the place, however, was not typical of the administration. The Soldier's Orphans' Home was often plagued by scandals and investigations, and the treatment of the children was very harsh. The fact that it was a publicly funded institution meant that it was scrutinized fairly intensively by the State Board of Charities, and the board found little to praise in the orphanage. The quality of administrators varied widely, since they were appointed by the governor. The first superintendent, Mrs. Ohr, was a Civil War colonel's widow with small children but no business capacity and a rapacious appetite for elegance, furnished at the expense of the state. In 1869, early in her tenure, both the Springfield Register and the Chicago Times voiced accusations about serious mistreatment of the children. Although Mrs. Ohr and her staff were exonerated, one steward was dismissed on the grounds that he had made sexual advances to a number of little girls in the institution. Mrs. Ohr weathered this upset, kept on because she was ''a mother to these orphans,'' in the words of the investigating committee. But eventually she went too far; a combination of totally ignoring the trustees' instructions, keeping the children from school in order to perform chores around the institutions, and thoroughly profligate spending finally ended her career at the Soldiers' Ophans' Home some twenty years after she had launched it.

The two superintendents who followed Mrs. Ohr were more business-like in their approach, but they had no training in the care of children, orphans or not; they were strictly political appointments. The most difficult regime for the children up to the turn of the century was that of a Republican politician named J. L. Magner, who was nicknamed ''the cattle driver'' by some of the Bloomington/Normal locals because of his harsh treatment of the children. There was consistent criticism that the children were made to work too hard, at tasks that were sometimes beyond them, and they were often kept home from school to work. One particularly distressing instance of work beyond the children's capacity was the scalding death of a three-year-old child, burned while being bathed by some of the older children of the institution.

Nor were the superintendents and their policies the only difficulty. The building, planned by a board of trustees with a poetical turn, was gracefully adorned with turrets and ''crowned with a tasteful observatory.'' But Frederick Wines secretary of the State Board of Charities, assessed the building as a thoroughgoing failure on a practical level. There were no closets, no playgrounds, only two bathrooms for over three hundred children, no infirmary, and no private quarters for the superintendent's family. Perhaps worst of all, there was no deep wellspring to supply water. The well went dry after the first year, and water had to be brought in by railroad. The Soldiers' Orphans' Home, beset by scandals and mismanagement, conjured up the worst fears of Illinois citizens about public institutions run badly because of patronage appointments.

The Chicago Reform School, also a public institution, won approval from most critics for efficient management and humane treatment of its inmates. But the school's involvement with pre-delinquent boys ended with the noted O'Connell decision of 1870, and the institution closed shortly after this. With the exception of the inadequate provision of the poorhouse, the responsibility for dependent children in Chicago, from 1871 to the end of the century, was under private auspices.

THE GROWTH OF PRIVATE INSTITUTIONS IN THE 19TH CENTURY

The state's minimal response to dependent children was an obdurate problem in the nineteenth century. An equally disorganizing feature of child welfare in Illinois resulting from state reluctance was the proliferation of private agencies to care for children. These institutions mushroomed in the state (particularly in Chicago) in the last half of the nineteenth century, offering a wide variety of services to children, based in part on their religious and cultural identification and in part on the variety of needs that the complex crises of urban life created. These agencies, originally meant to fill the gap left by the inadequacy of state responses quickly because entrenched in the public life of the city. Their presence contributed to the fragmentation that would plague child welfare efforts in Illinois through the twentieth century, resulting in a lack of coordination that left many dependent children unserved. By the end of the nineteenth century, critics in Illinois and around the country began to see the dominance of private agencies as a negative and talk in terms of a stronger state organization; but in the mid-nineteenth century, the private child welfare institutions were autonomous, both organizationally and financially, not always by their own choosing.

The Chicago Orphan Asylum, founded in 1848 to respond to the crisis of the cholera epidemic of that year, was the first orphanage in Cook County. It was followed in 1849 by the Roman Catholic Orphan Asylum, which aimed to serve Catholic children and keep them out of the Protestant Chicago Orphan Asylum. This carving out of religious turf, begun so early in the history of child care institutions was to be a major factor in the development of orphanages in Chicago. In addition to a competition among religions for the care of children, a strong sense of ethnicity motivated founders of these institutions. Chicago had institutions representing all nationalities; there were German orphanages, Irish orphanages, Swedish, Polish, Lithuanian, and Jewish orphanages, as well as institutions founded by ''native Americans'' of English stock.

Besides motives of religion and ethnicity, institutions developed to respond to a variety of needs among children. Many of them took in the children of the poor but insisted that parents relinquish their rights to the children before they were accepted. A few, like the Chicago Nursery and Half-Orphan Asylum, were founded to offer support to working mothers who could not keep their children at home, yet wanted to preserve their families. The children lived at the institution, but mothers were expected to visit them regularly and contribute something toward their children's support. The Chicago Home for the Friendless originally took in homeless and battered women as well as children but soon revised its mission to focus on only on children. The Chicago Foundling Hospital specialized in caring for the abandoned infants found with such appalling regularity on the streets and brought by the police to the institution for what care and comfort it could offer. The mortality rate in foundling hospitals was always shockingly high; the babies had frequently suffered from exposure, and feeding them adequately and safely, in the days before infant formula and pasteurized milk, posed a major problem. The desertion of infants was a disturbing and highly visible form of child mistreatment, provoking an 1887 law that made such abandonment a crime resulting in automatically terminated parental rights. But not all children left at the foundling hospital were abandoned on the streets. Dr. William Shipman, founder of the hospital, witnessed a poignant scene in which a mother and her little boy said a heartbroken farewell to their baby before placing it in the champagne basket used as a receptacle outside the foundling hospital. In typical nineteenth century fashion. Shipman sympathized with a mother pushed to such lengths, yet his assistance took the form of only taking the baby, not of investigating ways that the family might stay together.

One development among private institutions that especially reflected the growing awareness of children and their needs was the Illinois Humane Society, which began its child saving work in 1877. By the time the population of Cook County had begun its phenomenal growth, going from 43,383 people in 1850 to 607,524 in 1880. Both the stresses of city life and its anonymity provoked child abuse, according to Oscar Dudley, director of the Illinois Humane Society, who observed that ''what is everybody's business is nobody's business''; and thus children could be terribly treated by parents and guardians even though there were laws in effect to protect them. The Humane Society originally began as the Society for the Prevention of Cruelty to Animals, but in 1877, Director Dudley transferred the society's attention to cruelty against children by arresting an abusive guardian. There was, he wrote, ''no reason that a child should not be entitled to as much protection under the law as a dumb animal.'' The Illinois Society for the Prevention of Cruelty to Animals changed its name to the Illinois Humane Society in 1881, recognizing that over two-thirds of its investigations involved cruelty against children rather than animals. Dudley asserted that from 1881, when the Humane Society began to keep records, until the time that he was writing (1893), over ten thousand children had been rescued.

The rescue operations were broadened from cases of abuse to the protection of children exploited by their employers, particularly when children were forced to beg or were entertainers or victims of the infamous padrone system. Dudley reported great success in finding asylums and homes for these children, a situation receiving tacit approval from the state, which did not at this point assume responsibility for neglected or abused children or supervise private child placement activities.

STATE INVOLVEMENT IN THE LATE 19TH CENTURY

The only real state or city involvement with private institutions originally was that the mayor, acting as guardian for dependent children, had the power to place them in child care institutions. The city of Chicago (where most of the children's institutions flourished), the surrounding countries, and the state of Illinois all proved very reluctant to contribute financially to private institutions. The city did give very occasional assistance, in times of real crisis like the cholera epidemics or the Great Fire of 1871, but it was limited in quantity and very episodic. The most the city would do for the Chicago Nursery and Half-Orphan Asylum, for example, was to provide that the city could buy or lease the land upon which the asylum would be built. For the Englewood Infant Nursery, the assistance was even more meager: in 1893 the city provided ten tons of hard coal and burial space for dead babies. For the children who managed to survive, the funding had to come from other sources.

The state did make one major concession in funding when it agreed to provide subsidies for the industrial schools that developed in the last years of the century. The schools were modeled after English institutions made famous by the renowned English reformer Mary Carpenter, who in the 1870s and 1880s enjoyed considerable influence in the United States. The primary point of the schools, reflecting the use of the word ''industrial,'' was to train children to earn their own living in later life, although in fact the training tended to be geared much more toward a traditional agricultural economy than toward anything having to do with industry. Boys learned farming, some shoe and broommaking, woodcarving and academic subjects. Girls were primarily given a common school education and taught domestic skills.

The willingness to fund the industrial schools was traceable to their mission: they were founded to deal with older, predelinquent street children who threatened the public order by begging, consorting with objectional characters, or living in houses of ill-fame. The law establishing industrial schools added that children in the poorhouse were proper subjects for the schools, which meant that in practice there was a mix of younger veterans of the street. The State Board of Charities, which inspected the schools, objected to this mix, but the industrial schools survived this criticism, as well as a series of court challenges ranging from civil liberties concerns to objections that the schools were sectarian institutions and therefore not appropriate recipients of state funds.

The development of the subsidy system, the state funding of private institutions on an amount-per-child basis, was a phenomenon noted by Homer Folks in The Care of the Destitute, Neglected and Dependent Children, his end-of-the-century assessment of child care trends in the United States. Neither Folks nor other observers of current philanthropic trends, groups like the national Conference of Charities and the Illinois State Board of Charities, really approved of such an arrangement. They urged Illinois to move in the direction of states like Kansas and Iowa, which had converted veterans' orphans' homes similar to the Illinois Soldiers' Orphans' Home to state institutions that served all dependent children, regardless of religion, ethnicity, or parental status. These states and others around the country were moving toward a point where the state assumed primary responsibility for dependent children, not by warehousing them in local poorhouses but by placing them in state-run, central institutions from which they were placed out into foster and adoptive homes. This system of central state control was known as the ''Michigan Plan,'' after the first state to enact the policy. Illinois's neighbors Wisconsin and Minnesota, as well as Michigan, had state institutions for dependent children, winning the approval of child welfare theorists who applauded such centralization. It was, they argued, more efficient and economical, providing children with far better, more consistent care than Illinois's system, where a child might be placed with a superb private agency but might also be made to endure the grim inadequacies of the poorhouse.

''The real contest, if such it may be called,'' wrote Folks in 1900, ''will be between the state and the contract or subsidy systems. To put it plainly, the question now being decided is this—is our public administration sufficiently honest and efficient to be entrusted with the management of a system for the care of destitute children, or must we turn that branch of public service over to private charitable corporations, leaving to public officials the functions of paying the bills; and of exercising such supervision over the workings of the plan as may be possible? ''Illinois was seen as nonprogressive in its increasing use of the subsidy system, allowing private agencies to dominate the field while the state remained relatively uninvolved in the care and protection of dependent children.

This minimal level of state involvement offended against another philanthropic tenet, the idea that the state should have a monitoring function over all agencies, public and private, as well as keeping in touch with children who had been placed in families. The State Board of Charities did visit the industrial schools, which got public funds, but it was not until the Juvenile Court Act was passed in 1899 that the State Board was given responsibility for inspection of private as well as public agencies for children.

Another significant change from an earlier view, at least among the more ''advanced'' thinkers, was a rejection of institutions as the best substitute for a child's family. In the nineteenth century, institutions and asylums of all kinds had sprung up, not only in Illinois but all across the United States. Asylums were not intended to be a dumping ground for society's unfortunates, as the county poorhouses were, but were rather supposed to be a specialized environment in which the needs of a particular dependent population could be met most effectively. But it was not long before a set of critics arose who stressed the negative effects of institutions and urged that institutional life should be resorted to only under special circumstances or on a very temporary basis. For special cases, like the handicapped, perhaps institutions could provide resources and training that they would not receive elsewhere, these critics agreed; but for children whose greatest problem was that for one reason or another their families were not functioning, the negative effects of institutions far outweighed the positive aspects.

According to the anti-institutional analysis, the regimentation in institutions was destructive of initiative and individuality. The qualities that brought rewards in an institutional setting—mindless obedience, dependence, obsequiousness—were the very traits that all agreed were destructive to the forming of a healthy, independence adult citizen. Furthermore, institutions by their nature seemed to foster abuse and bad treatment. Exposes and investigations of various institutions featured accusations of physical cruelty and psychological debasement.

Institutions were expensive, physically and psychologically barren, and downright unnatural for children, according to Charles Loring Brace, a minister who worked for the Children's Aid Society of New York. Brace began a program that took the street children of New York City and sought to improve their lives not by placing them in the highly controlled environment of an institution but by resettling them in homes in midwestern and western states such as Illinois. He was convinced that the best solution for children in need of placement was to provide homes in the simplest and most direct way, relying as much as possible on the basic goodness that he believed informed the souls of most Americans, especially those who still lived away from the corrupting city in the virtue-producing agricultural heartland of the nation. The methods of the Children's Aid Society reflected the simplicity of Brace's moral equation. Brace and his associates would arrive in a western town with a trainload of children, and using the medium of the local churches, would call upon citizens to give these needy young people a home. The entire plan of ''free foster homes'' was really only an updated version of apprenticeship, in which the child agreed to work in exchange for care and training, except that this child-placing organization, aided by such technological developments as the railroads, reached much farther afield than the overseers of the poor had done in earlier times. Free foster homes differed further in that they were no legal bonds struck at all between the child and his foster family. Brace firmly believed that a child who brought a willing pair of hands to a family would be valued accordingly and could safely count on good treatment in his new home.

This notion proved, not surprisingly, to be overly sanguine, as the Children's Aid Society came to discover when the accusations began to grow in the later years of the century that New York was not really solving children's problems by the use of its ''Children West'' program but was merely dumping one of its troublesome populations onto other states. At various times the Children's Aid Society conducted surveys and studies of its ''alumni,'' claiming a very high success rate for the program, but critics questioned the quality of these studies, and oppositions to Brace's program continued. The 1899 Illinois Juvenile Court Act forbade any agencies to bring children unaccompanied by their parents or guardians, without the approval of the State Board of Charities. This was partly a protection against the importing of child labor in Illinois, but it was a response as well to organizations like the Children's Aid Society. The law included the provision that any child who became a public charge within five years of arrival in Illinois should be removed to his or her home state.

The notion of placing children in families and the belief that normal family life was a far healthier situation than institutions was firmly entrenched in child welfare thinking by the end of the century. But the earlier, more naive, notion that foster families could be trusted to care for dependent children without supervision had been replaced in philanthropic thinking by a belief that it was important for an outside agency regularly to check on the child and act in his behalf. Coupled with this was the beginning of

a move away from ''free'' foster homes to the belief that boarding homes, foster homes in which a family got payment for keeping the foster child, were most productive of humane treatment. Child welfare theorists and practitioners worried that if a family's greatest inducement to take a foster child was the child's potential economic contribution, there might be a strong incentive for them to over-burden him with work, at the expense of his academic education, which reformers were coming more and more to see as the true and proper occupation of childhood.

One final change in philanthropic theory that saw little reflection in practice but was to bring about a revolution in twentieth-century social welfare was the growing conviction that the best thing that could be done for children was to keep them with their families whenever possible. Students of society came increasingly to regard poverty as a result of faulty economic and social structure rather than of personal failings of feckless or lazy individuals, and they disapproved of the kind of casual invasion of poor families' lives that could demand the sacrifice of parental rights in return for assistance. This belief in the preservation of the family became a basic underpinning of the social welfare faith as it was articulated in the next fifty years, and the state of Illinois, with its experiment in mothers' pension programs, was to be in the forefront of progressive practice in this area.

In the last decade of the nineteenth century, through, the innovations that would make Illinois notable a few years later were nowhere in sight. Surrounded by vigorous neighbors, Illinois was considered conservative in its reluctance to deal with its child welfare functions and in its willingness to relinquish the charge to private agencies. In fact, the state's attitude toward dependent children had changed very little in the course of the nineteenth century. The first laws and provisions for dependent children had reflected a lack of ardor bordering on indifference, and at the end of the century, the state's engagement in child welfare, despite the crisis engendered by rapid growth and economic stress, was tepid at best. The combination of fiscal conservatism and ethnic and religious tensions meant that state action was regarded with suspicion in many quarters and kept efforts fragmented and inadequate to the need. There was also a fear that the patronage and corruption for which Illinois was already famous might make state administration of programs for dependent children less effective than privately run efforts. Ironically, it was in part this very disorganization and inaction that would lead to the founding of the Juvenile Court and bring Illinois, however briefly, within the pale of reformers' approval.

FOR FURTHER READING

The Historical Society Library has numerous pamphlets, annual reports, and other materials from institutions such as the Chicago Nursery and Half-Orphan Asylum, the Chicago Home for the Friendless, and the Chicago Foundlings' Hospital. For a broad historical perspective on the United States's care for needy children, see Joseph Hawes's The Children's Rights Movement: A History of Advocacy and Protection (Boston: Twayne Publishers, 1991) and James Leiby's A History of Social Welfare and Social Welfare and Social Work in the United States (New York: Columbia University Press, 1978). To learn more about child welfare reform between the Progressive era and the New Deal, see Mina Carson's Settlement Folk: Social Thought and the American Settlement Movement, 1885–1930 (Chicago: The University of Chicago Press, 1990) and Robyn Muncy's Creating a Female Dominion in American Reform, 1890–1935 (New York: Oxford University Press, 1991). Marilyn Irvin Holt's The Orphan Trains: Placing Out in America (Lincoln: The University of Nebraska Press, 1992) discusses one nineteenth-century solution to the plight of urban orphans.

Ms. MOSELEY-BRAUN. So, Mr. President, in order to make certain that we do not have this accident of geography become the difference between children sleeping in the streets or children provided for and given sustenance—food and shelter—I have proposed this amendment, which says that the safety net will, in any event, be there for the children. And that child poverty, which is a national issue for us as Americans, will not then become balkanized in terms of the response that is given by the Government, that our national community recognizes that child poverty is a national issue, and child welfare, in the final analysis, has to have at least a national safety net. And that is what this first amendment provides.

Mr. President, with regard to this amendment I understand that these amendments will be taken up tomorrow. Let me say also that there are tables that I ask unanimous consent to have printed in the RECORD showing the number of children who will be denied or who are in jeopardy of being denied assistance by virtue of the operation of the underlying legislation.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

PRELIMINARY ESTIMATE OF THE NUMBER OF CHILDREN DENIED AFDC DUE TO THE 60 MONTH TIME LIMIT IN THE SENATE REPUBLICAN LEADERSHIP PLAN

State	Projected number of children on AFDC in 2005 under current law	Number of children denied AFDC because the family received AFDC for more than 60 months	Percentage of children denied AFDC because the family received AFDC for more than 60 months
Alabama	122,000	37,000	30
Alaska	30,000	8,000	27
Arizona	170,000	46,000	27
Arkansas	63,000	20,000	32
California	2,241,000	807,000	36
Colorado	101,000	28,000	28
Connecticut	136,000	41,000	30
Delaware	28,000	8,000	29
District of Columbia	56,000	21,000	38
Florida	605,000	156,000	26
Georgia	348,000	116,000	33
Hawaii	48,000	15,000	31
Idaho	17,000	4,000	24
Illinois	598,000	203,000	34
Indiana	177,000	56,000	32
Iowa	82,000	25,000	30
Kansas	73,000	22,000	30
Kentucky	187,000	59,000	32
Louisiana	235,000	81,000	34
Maine	55,000	19,000	35
Maryland	185,000	59,000	32
Massachusetts	256,000	82,000	32
Michigan	553,000	217,000	39
Minnesota	155,000	50,000	32
Mississippi	153,000	53,000	35
Missouri	218,000	73,000	33
Montana	28,000	7,000	25
Nebraska	39,000	12,000	31
Nevada	30,000	9,000	30
New Hampshire	24,000	7,000	29
New Jersey	302,000	100,000	33
New Mexico	72,000	19,000	26
New York	917,000	303,000	33
North Carolina	281,000	88,000	31
North Dakota	15,000	5,000	33
Ohio	597,000	171,000	29
Oklahoma	111,000	37,000	33
Oregon	97,000	30,000	31
Pennsylvania	517,000	194,000	38
Rhode Island	52,000	16,000	31
South Carolina	135,000	37,000	27
South Dakota	18,000	6,000	33
Tennessee	246,000	75,000	30
Texas	670,000	185,000	28
Utah	45,000	12,000	27
Vermont	22,000	7,000	32
Virginia	166,000	50,000	30
Washington	237,000	75,000	32
West Virginia	93,000	33,000	35
Wisconsin	205,000	61,000	30
Wyoming	14,000	4,000	29
Territories	173,000	47,000	27
Total	12,000,000	3,900,000	33

HHS/ASPE analysis. States may not sum to total due to rounding.
The analysis shows the impact at full implementation.
It assumes States utilize a 15 percent hardship exemption from the time limit as permitted under the bill.

Child poverty rates among industrialized countries

	Percent
Finland	2.5
Sweden	2.7
Denmark	3.3
Switzerland	3.3
Belgium	3.8
Luxembourg	4.1
Norway	4.6
Austria	4.8
Netherlands	6.2
France	6.5
Germany (West)	6.8
Italy	9.6
United Kingdom	9.9
Israel	11.1
Ireland	12.0
Canada	13.5
Australia	14.0
United States	21.5

Ms. MOSELEY-BRAUN. Mr. President, in my State of Illinois, quite frankly, it suggests some 34 percent of the children may be denied AFDC or may be denied subsistence if the family violates the time limitation rule, which would translate, Mr. President, in some 203,000 children being at risk of homelessness, being at risk of hunger.

I do not believe, Mr. President, that we can take the kind of chances to allow our children to once again end up as homeless half-orphans and friendless foundlings. We have to assure our national commitment is to child welfare, and that the safety of our children is a paramount concern and one that will not be abrogated without regard to what we do with regard to this legislation overall. It is for that purpose that I file and submit this first amendment.

UNANIMOUS-CONSENT AGREEMENT

Mr. NICKLES. Mr. President, I make a unanimous consent agreement request. I ask unanimous consent that all amendments to H.R. 4 must be offered by 5 p.m. tomorrow; that if cloture is filed in relation to H.R. 4 or an amendment thereto that the vote not

occur on that cloture motion prior to 6 p.m. on Wednesday, September 13; that no amendment be given more than 4 hours equally divided; and the two leaders have up to 10 relevant amendments that would not have to be offered by 5 p.m. tomorrow.

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

Mr. NICKLES. Mr. President, I thank my friend and my colleagues on both sides of the aisle.

I announce that there will be no further rollcall votes until morning. There will be votes tomorrow morning, votes starting at 9:30. We may have as many as three or four amendments we will be voting on, for Senators' information, so we ask them to be prompt. Again, no more votes tonight.

We will stay here for some additional time if Senators have additional amendments they wish to have considered. We will be happy to consider those. We have taken up a lot and we are setting those aside and so I think we are making some good progress on the bill.

Again, no further rollcall votes tonight, and we will have rollcall votes stacked tomorrow morning beginning at 9:30. I thank my friend and colleague from Illinois for allowing me to interrupt.

Ms. MOSELEY-BRAUN. Mr. President, I want to submit all of my amendments at this time. I want to make certain that I have enough time to discuss and file my amendment this evening.

AMENDMENT NO. 2472 TO AMENDMENT NO. 2280

(Purpose: To prohibit a State from imposing a time limit for assistance if the State has failed to provide work activity-related services to an adult individual in a family receiving assistance under the State program)

Ms. MOSELEY-BRAUN. Mr. President, my second amendment speaks to the issue of State responsibility. I call it a State responsibility amendment. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Ms. MOSELEY-BRAUN] proposes an amendment numbered 2472 to amendment No. 2280.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 40, between lines 16 and 17, insert the following:

''(4) FAILURE OF STATE TO PROVIDE WORK-ACTIVITY RELATED SERVICES.—The limitation described in paragraph (1) shall not apply to a family receiving assistance under this part if the State fails to provide the work experience, assistance in finding employment, and other work preparation activities and support services described in section 402(a)(1)(A)(ii) to the adult individual described in paragraph (1).

Ms. MOSELEY-BRAUN. The second amendment I call the State Responsibility Act. Essentially it says that States shall not just knock somebody, a family, off for failing to meet the work requirement unless they have helped them to try and find a job.

It is kind of basic. I will read it:

The limitation described . . . shall not apply to a family receiving assistance under this part if the State fails to provide the work experience, assistance in finding employment, and other work preparation activities.

Mr. President, the underlying legislation, has a cutoff for assistance and rules regarding work. For individuals who do not go to work, they will not receive any support.

That is fine, Mr. President. I think we can all agree again, anybody who can work should work and anybody who has children ought to be responsible in the first instance to take care of them.

However, Mr. President, it is also a reality that there are parts of this country in which frankly there are not the employment opportunities available that people can even take jobs.

The absence of jobs in some areas I think is a major problem and frankly defies some of the suggestions made here that the problem with people receiving public assistance is that they just do not want to work. The fact of the matter is that the problem in very many instances is that there are no jobs for people to work at. Even if they wanted to work there are no jobs.

In fact, in my own State, we have areas of my State in which unemployment ranges from 20 to 40 percent. The statistics indicate that 80 percent, frankly, of African-American males between the ages of 16- and 19-years-old in the city of Chicago are currently unemployed.

Mr. President, 55 percent of the 20- to 24-year-olds are out of work. It is not possible to move recipients into permanent private-sector jobs if there is no effort to provide or create those jobs and if the jobs are not there and if individuals have not been given some assistance in terms of transitioning.

Under the bill that we have before the Senate, the number of people participating in the work/job preparation activities is estimated to increase by over 161 percent by the year 2000. Again, that means that States like Illinois will receive some $444 million less in AFDC funds, but on the other hand be required to increase by 122 percent the number of people participating in work and job preparation activity.

Those numbers just do not fit. Eight into three will not go. The numbers do not add up therefore, I think it really is a real concern that States not be allowed to just kick people off without having done what the bill says they should do in providing people with transition to work.

The text of the legislation says that the State has to outline how they intend to ''provide a parent or caretaker in such families with work experience, assistance in finding employment and other work preparation activities and support services that the State find appropriate.''

Now, that is fine language. I have no problem with that. But the question becomes what if the State does not do this? What then happens to the families? What then happens to the children?

Again, this amendment simply, I think, seeks to clarify that in the event the State has not done that, has not provided work experience assistance in finding employment or the work for the work preparation activities, that the individual then will not be penalized for circumstances frankly that then are legitimately and, in a way that can be documented, beyond their control.

So that is the second amendment that I submit for consideration of my colleagues.

Mr. NICKLES. I appreciate the Senator offering her amendments tonight. Would the Senator please give us a copy of the amendments? I have a copy of your first amendment and comments or questions I might ask. If the Senator would like to go ahead, if we could have copies of both the second and third amendments, that would help.

Ms. MOSELEY-BRAUN. Absolutely. I thought I had provided the Senator with a copy, but I will give it to him right now.

This is the third amendment and this is the second.

AMENDMENT NO. 2473 TO AMENDMENT NO. 2280

(Purpose: To modify the job opportunities to certain low-income individuals program)

The PRESIDING OFFICER. If there is no objection, the previous amendment will be laid aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Ms. MOSELEY-BRAUN] proposes an amendment numbered 2473 to amendment No. 2280.

Ms. MOSELEY-BRAUN. 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:

On page 122, between lines 11 and 12, insert the following:

SEC. 111. MODIFICATIONS TO THE JOB OPPORTUNITIES FOR CERTAIN LOW-INCOME INDIVIDUALS PROGRAM.

Section 505 of the Family Support Act of 1988 (42 U.S.C. 1315 note) is amended—

(1) in the heading, by striking **"DEMONSTRATION";**

(2) by striking ''demonstration'' each place it appears;

(3) in subsection (a), by striking ''in each of fiscal years'' and all that follows through ''10'' and inserting ''shall enter into agreements with'';

(4) in subsection (b)(3), by striking ''aid to families with dependent children under part A of title IV of the Social Security Act'' and inserting ''assistance under the State program funded part A of title IV of the Social Security Act in the State in which the individual resides'';

(5) in subsection (c)—

(A) in paragraph (1)(C), by striking ''aid to families with dependent children under part A of title IV of the Social Security Act'' and inserting ''assistance under the State program funded part A of title IV of the Social Security Act''; and

(B) in paragraph (2), by striking ''aid to families with dependent children under title IV of such Act'' and inserting ''assistance under the State program funded part A of title IV of the Social Security Act'';

(6) in subsection (d), by striking ''job opportunities and basic skills training program (as provided for under title IV of the Social Security Act'' and inserting ''the State program funded under part A of title IV of the Social Security Act''; and

(7) by striking subsections (e) through (g) and inserting the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of conducting projects under this section, there is authorized to be appropriated an amount not to exceed $25,000,000 for any fiscal year.''.

Redesignate the succeeding sections accordingly.

Ms. MOSELEY-BRAUN. Mr. President, I am actually delighted that the Senator from New York is on the floor at this moment, because this next amendment essentially makes permanent a part of the Family Support Act that establishes what is called the Job Opportunities for Low-income Individuals Program.

The JOLI Program—that is what it is called, JOLI, Job Opportunities for Low-income Individuals—is to create job opportunities for AFDC recipients and other low-income individuals. Grants can be made to private, nonprofit corporations to make investments in local business enterprises that will result in the creation of new jobs. This amendment authorizes appropriations for a program that is already in place as a demonstration program. This would make it permanent.

The rationale for the amendment is that the underlying bill does not provide any support at all for job creation. Even though S. 1120 requires some kind of work activity within 24 months, and eligibility for assistance ends after some 60 months, whether the individual has found a job or not. So, there is no question but that we will need to see a great creation of thousands of private-sector jobs in order to absorb the influx of new workers.

So the JOLI Program actually helps. It is working. It helps individuals to become self-sufficient through the development of microenterprises for economic development and other kinds of job training. The really good news about JOLI is that this is not reinventing the wheel. It is already in place. It was authorized under section 505 of the Family Support Act of 1988.

Under a recent evaluation of JOLI, the first 20 JOLI intermediaries—that is, community-based organizations that are the grantees—have assisted some 334 individuals to start or stabilize their own businesses, and it has assisted an additional 535 people to secure employment in jobs paying an average wage of about $8 an hour, which is really quite remarkable. Of the 869 low-income individuals benefiting from the demonstration program, most of them had become economically self-sufficient within a year of their involvement or interaction with the program.

So the JOLI Program addresses the scarcity of jobs in many urban as well as rural communities and recognizes the need to ensure that welfare recipients and other low-income people have access to employment opportunities in the private sector. It utilizes the capacity of community-based organizations and the private sector to develop jobs so individuals who right now are mired in poverty will have some options and have some hope, and will have the ability to take care of themselves and their families.

Again, we are talking about the 5 million people who are adults who are presently receiving public assistance and who will, therefore, hopefully, be given a hand up as opposed to a handout—will be given the ability to work, will be given the ability to care for themselves and their children. I think job creation is an integral part of any honest welfare reform that we undertake to have in this session of the Senate.

AMENDMENT NO. 2474 TO AMENDMENT NO. 2280

(Purpose: To prohibit a State from reserving grant funds for use in subsequent fiscal years if the State has reduced the amount of assistance provided to families under the State program in the preceding fiscal year)

Ms. MOSELEY-BRAUN. Mr. President, I have a last amendment I send to the desk.

The PRESIDING OFFICER. If there is no objection, the pending amendment will be set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Ms. MOSELEY-BRAUN] proposes an amendment numbered 2474 to amendment No. 2280.

Ms. MOSELEY-BRAUN. 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:

On page 25, strike lines 13 through 18, and insert the following:

''(3) AUTHORITY TO RESERVE CERTAIN AMOUNTS FOR ASSISTANCE.—

''(A) IN GENERAL.—A State may reserve amounts paid to the State under this part for any fiscal year for the purpose of providing, without fiscal year limitation, assistance under the State program operated under this part.

''(B) EXCEPTION.—In any fiscal year, a State may not exercise the authority described in subparagraph (A) if the State has reduced the amount of cash assistance provided per family member to families under the State program during the preceding fiscal year.

Ms. MOSELEY-BRAUN. Mr. President, this last amendment—again, this is one of these efforts to keep the worst from happening. Again, we all hope it does not happen, that the States are not less than responsible in their execution of the underlying bill. This amendment is designed to serve as a buttress against what has been characterized as the race to the bottom.

Essentially, if a State decides to cut its cash assistance benefits, to cut the amount that it spends to address the issue of poverty within that State, then that State will be prohibited from carrying forward unused block grant funds.

This is called—I call this the race-to-the-bottom amendment. The notion is, if we send the States this money in a block grant, there is nothing to prohibit that State from saying we do not want to have assistance for poor children. We are not going to address the issue of job creation. We are not going to train people to go back to work. We are not going to provide the children with any assistance. We are just going to further squeeze the amount of resources devoted to the whole issue of poverty in our State and we are going to take the money we get from the Federal Government and use that to go from year to year to year to year and not maintain our own effort.

If one State does it, then the next State would be incentivized, if you will, to do as much, which will then start—hopefully not, but might well start, if you will—a race to the bottom and a cycle of the States trying to underbid one another in terms of the amount of assistance that they provide for poor people who live in that State.

I think that would be a real tragedy. As a result, this amendment simply says that a State may not carry over funds from one year to the next if they have reduced the amount of benefits that are available for poor children and for poor families in that State.

Again, this stops the States from penalizing poor people in ways that would be inconsistent with the legislation. So it is, in that regard, simply a preventive, protective, prophylactic amendment, if you will.

The other reason for this legislation, just to be real candid in terms of the dollars, frankly, is that this legislation—because of the level of appropriations, it has been estimated that the States will, overall, have to cut. They will not have enough money, frankly, to do what is required of them in the legislation. CBO has already advised that most States will not have the money to provide for the kind of job training, the kinds of transition services—or certainly child care in this legislation. So, that being the case, there should not be any money left over. But in the event there is, I think we should put a buttress and a stop that says we are not going to allow States to engage in this race to the bottom, engage in this effort to see who can be the most punitive with regard to poor people in that State.

So that is the last amendment.

Mr. President, I want, in closing—and I have wanted to give my colleague a chance, so I kind of rushed through a little bit to try to speed up so he would

have the opportunity to present his amendment—to talk about this issue in another context.

I had occasion, back in my State, to meet with and work with a task force members came from all sectors—from the business sector, from the community activist sector, people who were advocates, actual welfare mothers served on the panel—to talk about the issues having to do with our response to poverty. I started my conversation this evening saying welfare is not and has never been anything other than a response to poverty; a response that engenders strong feelings, certainly, but that is what it is. We must not lose sight of the underlying issue as we approach the question of how well the response works.

The point is that I believe we have, when all is said and done—we can talk about differences in philosophy about block grants and whether or not there is too much Federal bureaucracy. Although, frankly, the numbers, by the way, do not support the notion that a whole lot of money that is presently dedicated to the AFDC Program goes into administration on the Federal level.

In fact, most of the administrative expenses take place at the State level. I think it is important that we make that point.

I think it is also important—and I am digressing here—to point out that because most of the administration takes place at the State and local level, it is likely that by operation of this new law, should it pass, the States will in fact be stuck with what has been called a huge unfunded mandate in that they will be called on to administer and to do things that they do not presently have the resources to do. And they are going to have to find the resources to do that from places other than the Federal Government. We will not be there to help out with State efforts to create jobs. We will not be there to help out with child care. We will not be there to help out with the administration of whatever the State response is. That is a fundamental problem I think with the underlying bill.

But the point that I really want to make is one that the Senator from New York I think has eloquently spoken to, and it does go to the fundamental issue of debate in all of this. That is the question of common ground. That is the issue of whether or not we have a commitment as a national community to address the issue of poverty, to address the issue of child welfare, or whether or not we are prepared to balkanize as a country into 50 different welfare systems, into 50 different responses to poverty, into 50 different approaches to child welfare, and whether or not the welfare and the well-being, the possibility of potential for hunger, the possibility of the potential for homelessness of a child in this country will depend on an accident of geography. It is bad enough that a child who is born into poverty suffers the accident of having been born poor. As a friend of mine once said, ''It is your own fault for being born to poor parents.'' I could not disagree with that point.

But the fact of matter is, we have to make sure that the accident of being born to poor parents is not exacerbated by where that took place.

The question is whether or not, as Americans, we will have the foresight to recognize that through this as the very central issue of the nature of our Federal Government, the nature of Federalism and the nature of our Nation and the kind of country that we will have. Will we have a country in which everyone recognizes that the welfare of a child in Oklahoma, in Nevada, or Iowa is as important to the Senator from California and the Senator from Illinois and the Senator from New York as the welfare of a child in his or her own State, or will we have a situation in which by virtue of the balkanization provided by this underlying bill, the only children about whose welfare you or I can have a say about are the children in the State from which we are elected?

I do not think, Mr. President, that is a direction that the American people want to see us fall off to.

As we talk about the devolution in Government, the devolution that we ought to consider to welfare work better, making it work efficiently, giving people opportunity, giving people an opportunity to go to work, giving children the kind of care and the kind of safety net that they need to have so that they will have opportunities, so they possibly will not have to be born to poor children, and their children, whether or not they will have to be born to poor parents, that their children will have a chance to do better.

That is, it seems to me, consistent with the American dream and is consistent with the whole concept of what this Nation is about.

I therefore hope that a direction that this bill takes in the final analysis, when all is said and done, and the amendments are put on it, that we reaffirm and not reject and walk away from our national commitment to address the issue of poverty and to provide for the welfare of all of our children.

Thank you.

Mr. NICKLES. Mr. President, will the Senator yield for a question?

I compliment my colleague, one, for her interest in her State, her constituents, and also for the fact that she has I think four or five amendments, and she was waiting to offer those tonight and discuss those. I have not had a chance to review all of them. I have looked at a couple of them.

I know my colleague from Pennsylvania has an amendment he wishes to offer. We may have other amendments. So I will be very brief. I will review these amendments a little more in detail over the night and talk about them possibly tomorrow.

But the first amendment that the Senator has is a big one. It is an important one. Our colleague should be able to understand it. So I ask this question: I am reading under ''eligibility.'' This is talking about the underlying bill. But also I might mention under the Daschle bill, there was a time limit for welfare payments from the Federal Government, 5 years. Under the amendment of the Senator from Illinois, it says after the 5 years should expire and a welfare recipient still has a dependent child, the State would be mandated to provide a voucher program to provide assistance to the minor child.

Is that correct?

Ms. MOSELEY-BRAUN. That is correct.

Mr. NICKLES. The Senator also mentions that she did not want to have unfunded mandates in one of the other amendments but this would be—correct me, if I am wrong, you do not fund this program. You just mandate that the States after 5 years would have to provide a voucher program to provide assistance even though we do not give them any money?

Ms. MOSELEY-BRAUN. We will not give them the money. In fact, if anything, the welfare of those children in those families, if anything, should have first dibs on the block grants that we at the Federal Government level are providing the money that goes to the States that is calculated to, and the whole idea is to provide for the welfare of minor dependent children.

So if that minor dependent child has a parent who does not comply with the work requirement or misses some other test that is set up, that child will still be provided for first.

So, if anything, I call this the child voucher, but really, if anything, it should be called the Child First amendment.

Mr. NICKLES. I wanted to make sure, though, that we understood. Because this has a benefit, it would not have been provided under the Daschle substitute.

Ms. MOSELEY-BRAUN. Yes, it would have. This particular safety net for children was provided for in the Daschle substitute.

Mr. NICKLES. I will be happy to review it. I appreciate my colleague.

I just looked at the other amendment. She has one amendment that says you want to have a pilot program and you wanted to authorize $25 million for the job opportunities for certain low-income individuals. Is that correct?

Ms. MOSELEY-BRAUN. That is correct.

Mr. NICKLES. That is a program we have ongoing now.

Ms. MOSELEY-BRAUN. That is correct.

Mr. NICKLES. How much are we appropriating for that program at this point?

Ms. MOSELEY-BRAUN. We are right now at about 5.6. So $5.6 million.

Mr. NICKLES. Just for my colleagues' information, according to

CRS, we have 154—I have heard now 155—various employment and training programs. This is one program that you would like to maybe take out of the block grants and increase its funding by fivefold. Is that correct?

Ms. MOSELEY-BRAUN. This is a demonstration. This is not just about training. There is a demonstration program that is already in existence for micro-enterprises development, for a variety of approaches to economic development and job creation for low-income individuals. This already exists. Yet the increase is $5.4 million in fiscal year 1995.

Yes, there is a fivefold increase in the funding for this job training and job creation program for low-income individuals. It is that increase.

But I would point out to my colleague that there is no question—again, in the eyes of what we are with doing here—that there is a suggestion that you cannot do welfare reform and put people to work on the cheap. You are going to have to make investment in those counties, in those States such as Wisconsin where there is a successful welfare reform experiment under way. There is no question that to transition people from welfare to work requires that we give them something to work at, give them skills, training, and micro-enterprise loans to start businesses or whatever. But there is some assistance required to leverage human capability to provide that they get back into the private sector and to get back to work.

There are two counties in Wisconsin in which there have been work to welfare, a work transition pilot program. There is no question but that the investment is made on the front end to give individuals the ability to transfer off of welfare and to transfer from dependency to independency.

The JOLI Program has done that. It has done it successfully. It was initiated as a part of the Family Support Act. It works. It is not like trying something brand new. It has worked.

It seems to me that in light of the fact that job creation is not addressed at all in the underlying legislation—and it is not. There is no ability for creating jobs in the bill without this amendment.

Mr. NICKLES. Will the Senator yield on that?

Ms. MOSELEY-BRAUN. Let me finish my point. In light of that fact that there is no effort to leverage private activities to create jobs, this amendment says let us take something that works and let us expand it so that since the States have to have, since individuals who live in these various States will have to comport and comply with work requirements, let us give the States some assistance in providing job creation and private sector entrepreneurial activity.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I will just make a brief statement, not necessarily continue the colloquy.

I appreciate the commitment of my friend and colleague from Illinois. Just a couple of comments pertaining to this amendment.

This second amendment we have been discussing is rather small. It says we would have a $25 million pilot program to continue a program we already have and quadruple its costs or multiply it by five.

That is directly contrary to what we are trying to do in this bill. As I mentioned before, according to CRS we have 154—I put this in the RECORD earlier today—Federal job training programs, some of which—and I know my colleague from New York is the author and sponsor of some—some of which have probably done some good. A whole lot of them probably have not. And so to think that we have 155 and my colleague from Illinois has picked out one——

Ms. MOSELEY-BRAUN. Will the Senator yield for just a comment?

This is not a job training program. This has nothing to do with job training. The JOLI Program is job creation. It gives poor people the opportunity to access money, equity capital in order to start their own businesses and start their own jobs. It is not job training.

That is why it was distinct from the job training debate. That is a whole other debate. If you take a look at what the Family Support Act language that created the JOLI program you will see that it is not a job training program. This amendment says let us give poor people the opportunity to create their own jobs.

Mr. NICKLES addressed the Chair.

Ms. MOSELEY-BRAUN. If I may just respond to my colleague, since we are in a colloquy, some of the initiatives under JOLI have come from other parts of the world. There has been a famous experiment that started actually in India, I say to the Senator from New York, in which poor people were given tiny loans called microloans to start their own businesses.

So it is not job training, and it is to be distinguished from the job training debate.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. NICKLES. Mr. President, I again appreciate my colleague's initiative, her commitment to her cause. I will just state that this Senator is going to vote against it, and this will probably be one we will have a rollcall vote on tomorrow. It does increase the authorization of this program by fivefold. One may not call it a jobs program. I would have to look and see if it was included on the list according to CRS as a Federal employment and/or job training program. Maybe it is a lending program. I am not sure it belongs—if it is a lending program and financing program, maybe it should or should not be in this bill. I do not know that I want to multiply programs by that kind of multiplier at this point.

The overall scope of this bill says we are going to be saving—if we pass this bill, we are going to be saving $70 billion. Now, we are talking about big money. I will go back to the amendment that our colleague from Illinois raised before, but I wish to be really brief because I know our colleague from Pennsylvania has an amendment.

But the initial amendment is a very big amendment. And I will have to compare it—and I appreciate her statement that it was in the Daschle substitute, but as I understand it, it is a bill that would basically waive the 5-year requirement or time limit.

President Clinton said that he wanted to have a time limit, and we are talking about Federal payments—have a time limit on how long an individual or family can receive money from the Federal Government. If we are to end welfare as we know it, we are going to have to have some limitations. As I read the first amendment, as long as there is a dependent minor child, you would continue to have assistance.

Now, the assistance from the Federal Government would be terminated after 5 years, cash assistance. Under the Senator's amendment, the State would provide vouchers for supplemental assistance. That is an unfunded mandate. Maybe the States could take it from other savings in the program. I will try to study that a little more. But the essence of it is the family can be on welfare forever if they continue to have children. And that is not the thrust of what we are trying to do in the bill which is to have real incentive to get off welfare, to break the welfare dependency cycle and to make some improvements.

I do appreciate my colleague's introduction of the amendments and her statements and also her dedication to some of the things she is trying to do. But at least as far as this Senator is concerned, I do not think we will be, at least I will not be able to accept the first amendment as well. I will look at the other couple of amendments that our colleague introduced and will consider those. So again I would like to inform my colleagues tomorrow morning at 9:30 my guess is we will have several rollcall votes. And again I thank my colleague from Illinois for introducing her amendments.

Ms. MOSELEY-BRAUN. I wish to thank my colleague from Oklahoma, except I would just say one thing. I do not mind the Senator taking issue with the amendment one way or another, but I think it is real important not to misrepresent what the amendment is about. It is not about keeping families on welfare forever. It is a child-first amendment. It has to do with children. If the State decides to have a shorter time limit than the bill or the family is cut off because the parent will not go to work, then we have to I think maintain some kind of a safety net for that child.

I do not believe the President of the United States or any other Member of this body wants to set up a set of rules that would leave us with 6-year-old children sleeping in streets homeless and hungry. I do not believe anybody wants to do that. But we do not have any guarantee in the underlying legislation, and that is what this amendment seeks to fix.

I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I thank the Chair. I rise to offer an amendment. Before I do that, I just want to make a couple of comments about what the Senator from Illinois stated and characterized the Republican leadership bill, which I am very hopeful will be adopted by the Senate. She says that the bill balkanizes welfare reform into 50 separate programs and that this is bad, that everyone should be treated the same.

I happen to believe that that is the problem with this system, that everybody is treated the same and not particularly well, and the balkanization into 50 separate programs is a bad idea. But balkanization into a million individual efforts to help poor people in our society is a good idea. And that is what this bill does.

Sure, it gives a lot of flexibility to the States, but there are many provisions in this bill which tell the States and direct the States and encourage the States to go farther; to go down to the local level and to the community level and make this a program that is a program that talks about communities and neighborhoods helping neighborhoods and friends helping friends. And that is the dynamism that is in this bill that has never been tried from a Federal perspective before.

So, yes, it is balkanization but not to 50 but to 50 times 50 times 50 and more. And that is the excitement about this bill. That is why we are so committed to seeing this happen.

The Senator from Illinois also said that there is nothing in this bill about job creation, and I have heard this over and over and over again. And I feel like a broken record getting up and responding to it. But I will say several things.

The Senator from Illinois said there is nothing about job creation. What she is referring to, I assume the Senator is referring to is that there is no Federal dollars to place people in employment. There is no specific pot of Federal dollars to say we will pay for employment slots and for supervision and for paying their stipend while they are working.

What I would say is that the Governors of the States, the Republican Governors of the States, I believe 29 out of 30 of the Governors have said that this bill is an acceptable bill to them; that they do not need a big pot of money if they can run their own program; that they can do it cheaper and better, put more people to work, get more people off the rolls if they have the flexibility to run their own program without all the tripwires and redtape that is involved in the Federal system.

That is Governors, as I said before, Republican Governors, who represent 80 percent of the welfare recipients in this country. Republican Governors are from States that represent 80 percent of welfare recipients and they say this is a good deal; they can live with this; they want this. And they can create the jobs to put the people to work as required by this legislation.

I would also say that we eliminate, in the Dole bill we eliminate the provision in current law, which was maintained in the Daschle bill, we eliminate the provision that says if you are a city or State or any other kind of municipality, you can no longer fill a vacancy with a welfare recipient. That is current law. You cannot fill a vacancy with a welfare recipient in a courthouse or school or any other municipality or government entity.

What we say is, if there is a vacancy there and you want to give someone on welfare a chance, you can fill that vacancy with someone. I used the example earlier today, when we talked about this, of folks on a road crew standing there with that sign: ''Slow,'' ''Stop.'' You cannot fill that vacancy, if it occurs, with a welfare recipient.

You can today under the Dole provision. That is creating jobs. You want to talk about creating job slots, that creates a lot of job slots in communities across this country that are illegal today. So we do expand the opportunities for people on welfare to get jobs under this piece of legislation.

Mr. President, one other comment. The Senator from Illinois said that children should not suffer because of being born accidentally into poverty. Unfortunately, in this country and every other country in the world, poverty exists. The difference between other countries and this country is that when you are born into poverty, you are not frozen into poverty by the Government which does not allow you to rise in society.

There are many cultures and civilizations in this world that doom you to the life in which you were born, but we do not have a caste system in this country. We do not have levels of classes in this country. The greatness of this country is that the grandson of a coal miner who lived in a company town outside of Johnstown, PA, can be a U.S. Senator, as I am.

That is the greatness of this country, that we still offer opportunity, and that is what is lacking in the current system. We disincentivize people from getting off the welfare roll by providing, as Franklin Roosevelt said, the subtle narcotic to the masses of welfare. We are going to get rid of the subtle narcotic and turn that into Powerade, into a system to give them the energy and the opportunity to move forward and rise.

AMENDMENT NO. 2477 TO AMENDMENT NO. 2280

(Purpose: To eliminate certain welfare benefits with respect to fugitive felons and probation and parole violators, and to facilitate sharing of information with law enforcement officers, and for other purposes)

Mr. SANTORUM. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment will be set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for himself and Mr. NICKLES, proposes an amendment numbered 2477 to amendment No. 2280.

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

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

The amendment is as follows:

On page 42, line 2, insert '', Social Security number, and photograph (if applicable)'' before ''of any recipient''.

On page 42, between lines 21 and 22, insert the following new subsection:

''(e) DENIAL OF ASSISTANCE FOR ABSENT CHILD.—Each State to which a grant is made under section 403—

''(1) may not use any part of the grant to provide assistance to a family with respect to any minor child who has been, or is expected by the caretaker relative in the family to be, absent from the home for a period of 45 consecutive days or, at the option of the State, such period of not less than 30 and not more than 90 consecutive days as the State may provide for in the State plan;

''(2) at the option of the State, may establish such good cause exceptions to paragraph (1) as the State considers appropriate if such exceptions are provided for in the State plan; and

''(3) shall provide that a caretaker relative shall not be considered an eligible individual for purposes of this part if the caretaker relative fails to notify the State agency of an absence of a minor child from the home for the period specified in or provided for under paragraph (1), by the end of the 5-day period that begins on the date that it becomes clear to the caretaker relative that the minor child will be absent for the period so specified or provided for in paragraph (1).

On page 130, line 8, insert '', Social Security number, and photograph (if applicable)'' before ''of any recipient''.

On page 198, between lines 14 and 15, insert the following new section:

SEC. ___. DISQUALIFICATION OF FLEEING FELONS.

Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015), as amended by section 319(a), is further amended by adding at the end the following new subsection:

''(o) No member of a household who is otherwise eligible to participate in the food stamp program shall be eligible to participate in the program as a member of that or any other household during any period during which the individual is—

''(1) fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State; or

''(2) violating a condition of probation or parole imposed under Federal or State law.''.

On page 302 after line 5, add the following new section:

SEC. 504. INFORMATION REPORTING.

(a) TITLE IV OF THE SOCIAL SECURITY ACT.—Section 405 of the Social Security Act, as added by section 101(b), is amended by adding at the end the following new subsection:

''(f) 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.''.

(b) 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.''.

(c) HOUSING PROGRAMS.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), as amended by section 1004, is further amended by adding at the end the following new section:

''SEC. 28. PROVISION OF INFORMATION TO LAW ENFORCEMENT AND OTHER AGENCIES.

''(a) NOTICE TO IMMIGRATION AND NATURALIZATION SERVICE OF ILLEGAL ALIENS.—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 subsection 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.''.

At the appropriate place, insert the following new section:

SEC. ___. ELIMINATION OF HOUSING ASSISTANCE WITH RESPECT TO FUGITIVE FELONS AND PROBATION AND PAROLE VIOLATORS.

(a) ELIGIBILITY FOR ASSISTANCE.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(1) in section 6(l)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by inserting immediately after paragraph (6) the following new paragraph:

''(7) provide that it shall be cause for immediate termination of the tenancy of a public housing tenant if such tenant—

''(A) is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State; or

''(2) is violating a condition of probation or parole imposed under Federal or State law.''; and

(2) in section 8(d)(1)(B)—

(A) in clause (iii), by striking ''and'' at the end;

(B) in clause (iv), by striking the period at the end and inserting ''; and''; and

(C) by adding after clause (iv) the following new clause:

''(v) it shall be cause for termination of the tenancy of a tenant if such tenant—

''(I) is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State; or

''(II) is violating a condition of probation or parole imposed under Federal or State law;''.

(b) PROVISION OF INFORMATION TO LAW ENFORCEMENT AGENCIES.—Section 28 of the United States Housing Act of 1937, as added by section 504(c) of this Act, is amended by adding at the end the following new subsection:

''(b) EXCHANGE OF INFORMATION WITH LAW ENFORCEMENT AGENCIES.—Notwithstanding any other provision of law, each public housing agency that enters into a contract for assistance under section 6 or 8 of this Act with the Secretary shall furnish any Federal, State, or local law enforcement officer, upon the request of the officer, with the current address, Social Security number, and photograph (if applicable) of any recipient of assistance under this Act, if the officer—

''(1) furnishes the public housing agency with the name of the recipient; and

''(2) notifies the agency that—

''(A) such recipient—

''(i) is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State; or

''(ii) is violating a condition of probation or parole imposed under Federal or State law; or

''(iii) has information that is necessary for the officer to conduct the officer's official duties;

''(B) the location or apprehension of the recipient is within such officer's official duties; and

''(C) the request is made in the proper exercise of the officer's official duties.''.

Mr. SANTORUM. Mr. President, the amendment that I sent to the desk I hope is going to be a noncontroversial amendment. I believe it is one that should get broad support, hopefully unanimous support, of this body. It is an amendment that is very similar in nature to one that was adopted in the House of Representatives on their bill offered by Representative BLUTE of Massachusetts having to do with fugitive felons who receive welfare.

Yes, that is right. There are people who are fleeing the law, felons in which warrants are out for their arrest, who are hiding from the law on the welfare rolls. You say, ''How does that happen?'' Someone has been convicted of a felony and has escaped or violated parole or has been issued a warrant for their arrest on a felony charge and is eluding the law. While eluding the law, they sign up for welfare to support their eluding the law.

You say, ''Well, how can this happen?'' It is very easy to happen, because in most States in this country, if you are on the welfare rolls and the police department wants to find out if you are on the welfare rolls and they have a felony warrant for your arrest, the welfare department cannot tell the police department that you are receiving benefits. Why? Because your rights to privacy are protected. If you are on the welfare rolls, you have a right of privacy.

You may be a murderer. In fact, one of the reasons I offered this amendment is just last year in Pittsburgh—I have a July 29, 1994, article about a man who was on the welfare rolls. When they found this guy in Philadelphia, they found him and searched him, obviously, and they found a welfare card with his photo on it, his correct name. He did not even bother to lie about what his name was. He was protected by privacy. You say this must be an odd occurrence. This was a murderer, fleeing the law for years and collecting Government benefits.

In Cleveland, they did a sting operation, and they rounded up a lot of felons at this sting operation and searched them, and they found out that a third of the people they caught in the sting operation that had existing warrants were on welfare.

I visited the police department in Philadelphia and talked to their fugitive task force. They have a fugitive task force in the police department in Philadelphia. They have some 50,000 outstanding fugitive warrants in the city of Philadelphia. Historically, what the police officers have said is anywhere from 65 to 75 percent of the felons they catch are on welfare of some sort, whether it is food stamps or AFDC, SSI, you name it, they are collecting money while eluding the law. Not having to sign up for legitimate work where they might be caught, they can stay home and run around with their buddies at night and collect welfare. So you support them while the Federal Government and the State and local counties try to track them down. This is absurd.

So what we are suggesting is that the welfare offices, when contacted by the police department, must give the police department, if they have a warrant—I am not talking about people just wanting to search who is on the welfare rolls, but if you have a warrant

for someone's arrest, a felony warrant, that you can contact the welfare office and say, ''Has such and such signed up for welfare?'' You can give the name and address. And you will find, at least the police told me, when it comes to receiving welfare benefits, they give the correct address to receive those benefits. They do not lie about what address those benefits go to. So you get the name, the address—we have the name—the address, the Social Security number and a photo because a lot of these folks just have police sketches. You might have what their name is, but you may not have a good photo or it may not be a recent photo.

So what we do is give police a tremendous advantage, at least according to the police departments I have talked to and the research I have done, in tracking down fugitive felons.

As I said before, I do not think this is a controversial measure. I think this is something that can and should be supported by everyone.

There is an additional provision in the bill that deals with another problem on AFDC, and that is the term ''when a child is temporarily absent from the home.'' What happens there? This is a separate issue than the fugitive issue, but it is included in the amendment.

We have situations where you have a mother and children or a child who, unfortunately, may be sent to prison or sent to detention, or whatever the case may be, but be out of the home for a period of years. Under the laws in most States, because the Federal law does not define ''temporarily absent,'' what happens is that mom continues to receive welfare benefits for that child, even though the child has not lived in the home for years or months because they are in jail.

We think that is sort of a silly idea. If the child is being otherwise detained because of incarceration as a runaway, whatever the case may be, we should not continue to pay the mother the benefits for the child who is no longer living there. That, you would think, is pretty much common sense, but under the Federal law today, that is not common sense. So we define what ''temporarily absent'' is.

Again, I am hopeful this amendment will be agreed to and adopted, but I am going to ask at this point 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.

Mr. NICKLES. Mr. President, I wish to compliment my colleague from Pennsylvania. I think this is an excellent amendment. It is kind of bothersome to think that there might be thousands of fleeing felons receiving welfare, and maybe because there is a lack of coordination between law enforcement and welfare agencies and offices, they are able to get away with it. I do not doubt my colleague's homework. It is probably quite accurate. To think that that is happening, it needs to be stopped. His amendment would go a long way toward stopping it.

I ask unanimous consent to be added as a cosponsor, and I hope my colleagues support it.

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

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

AMENDMENT NO. 2469, AS MODIFIED

Mrs. FEINSTEIN. I want to modify a prior amendment and also introduce two additional amendments. I will try to be brief. I call up amendment No. 2469 and send a modification to the desk. Once the amendment has been modified, I ask unanimous consent that it be laid aside in the previous order of consideration.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 2469), as modified, is as follows:

Beginning on page 18, line 22, strike all through page 22, line 8, and insert the following:

''(3) SUPPLEMENTAL GRANT AMOUNT FOR POVERTY POPULATION INCREASES IN CERTAIN STATES.—

''(A) IN GENERAL.—The amount of the grant payable under paragraph (1) to a qualifying State for each of fiscal years 1997, 1998, 1999, and 2000 shall be increased by the supplemental grant amount for such State.

''(B) QUALIFYING STATE.—For purposes of this paragraph, the term 'qualifying State', with respect to any fiscal year, means a State that had an increase in the number of poor people as determined by the Secretary under subparagraph (D) for the most recent fiscal year for which information is available.

''(C) SUPPLEMENTAL GRANT AMOUNT.—For purposes of this paragraph, the supplemental grant amount for a State, with respect to any fiscal year, is an amount which bears the same ratio to the total amount appropriated under paragraph (4)(B) for such fiscal year as the increase in the number of poor people as so determined for such State bears to the total increase of poor people as so determined for all States.

''(D) REQUIREMENT THAT DATA RELATING TO THE INCIDENCE OF POVERTY IN THE UNITED STATES BE PUBLISHED.—

''(i) IN GENERAL.—The Secretary shall, to the extent feasible, produce and publish for each State, county, and local unit of general purpose government for which data have been compiled in the then most recent census of population under section 141(a) of title 13, United States Code, and for each school district, data relating to the incidence of poverty. Such data may be produced by means of sampling, estimation, or any other method that the Secretary determines will produce current, comprehensive, and reliable data.

''(ii) CONTENT; FREQUENCY.—Data under this subparagraph—

''(I) shall include—

''(aa) for each school district, the number of children age 5 to 17, inclusive, in families below the poverty level; and

''(bb) for each State and county referred to in clause (i), the number of individuals age 65 or older below the poverty level; and

''(II) shall be published—

''(aa) for each State, annually beginning in 1996;

''(bb) for each county and local unit of general purpose government referred to in clause (i), in 1996 and at least every second year thereafter; and

''(cc) for each school district, in 1998 and at least every second year thereafter.

''(iii) AUTHORITY TO AGGREGATE.—

''(I) IN GENERAL.—If reliable data could not otherwise be produced, the Secretary may, for purposes of clause (ii)(I)(aa), aggregate school districts, but only to the extent necessary to achieve reliability.

''(II) INFORMATION RELATING TO USE OF AUTHORITY.—Any data produced under this clause shall be appropriately identified and shall be accompanied by a detailed explanation as to how and why aggregation was used (including the measures taken to minimize any such aggregation).

''(iv) REPORT TO BE SUBMITTED WHENEVER DATA IS NOT TIMELY PUBLISHED.—If the Secretary is unable to produce and publish the data required under this subparagraph for any county, local unit of general purpose government, or school district in any year specified in clause (ii)(II), a report shall be submitted by the Secretary to the President of the Senate and the Speaker of the House of Representatives, not later than 90 days before the start of the following year, enumerating each government or school district excluded and giving the reasons for the exclusion.

''(v) CRITERIA RELATING TO POVERTY.—In carrying out this subparagraph, the Secretary shall use the same criteria relating to poverty as were used in the then most recent census of population under section 141(a) of title 13, United States Code (subject to such periodic adjustments as may be necessary to compensate for inflation and other similar factors).

''(vi) CONSULTATION.—The Secretary shall consult with the Secretary of Education in carrying out the requirements of this subparagraph relating to school districts.

''(vii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph $1,500,000 for each of fiscal years 1996 through 2000.''

AMENDMENT NO. 2478

(Purpose: To provide equal treatment for naturalized and native-born citizens)

Mrs. FEINSTEIN. 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 California [Mrs. FEINSTEIN] proposes an amendment numbered 2478.

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 amendment is as follows:

On page 274, lines 23 and 24, strike ''individual (whether a citizen or national of the United States or an alien)'' and insert ''alien''.

On page 275, line 5, strike ''individual'' and insert ''alien''.

On page 275, line 10, strike ''individual's'' and insert ''alien's''.

On page 275, line 11, strike ''individual'' and insert ''alien''.

On page 275, line 14, strike ''individual'' and insert ''alien''.

On page 275, line 20, strike ''individual'' and insert ''alien''.

On page 275, line 21, strike ''individual'' and insert ''alien''.

On page 276, lines 2 and 3, strike ''individual (whether a citizen or national of the United States or an alien)'' and insert ''alien''.

On page 276, line 14, strike ''individual'' and insert ''alien''.

On page 278, line 1, strike ''**NONCITIZENS**'' and insert ''**ALIENS**''.

On page 278, line 8, strike ''a noncitizen'' and insert ''an alien''.

On page 278, line 13, strike ''a noncitizen'' and insert ''an alien''.

On page 278, line 16, strike ''a noncitizen'' and insert ''an alien''.

On page 278, line 22, strike ''a noncitizen'' and insert ''an alien''.

On page 279, line 4, strike ''a noncitizen'' and insert ''an alien''.

On page 279, line 6, strike ''A noncitizen'' and insert ''An alien''.

On page 279, line 8, strike ''noncitizen'' and insert ''alien''.

Mrs. FEINSTEIN. Mr. President, the Dole bill requires that income and resources of an immigrant sponsor be deemed as available to the immigrant when determining eligibility for all federally funded, means-tested programs. This is the case, whether or not the immigrant is a United States citizen. In other words, it creates two classes of citizens. A naturalized citizen, under the Dole bill, could not be eligible for any form of assistance. I believe this is unprecedented and, as I said, creates two classes of American citizens, which will surely be challenged in the courts on constitutional grounds.

So I rise today to offer an amendment to this bill to provide equal treatment for naturalized and native-born U.S. citizens. This amendment is cosponsored by Senators KOHL and SIMON. It is supported by the National Governors Association, the National Conference of State Legislatures, the National Association of Counties, the National League of Cities, the United States Catholic Conference, and the Leadership Conference on Civil Rights, as well as several other organizations.

The amendment simply removes any reference to citizens in all places in the underlying bill that require deeming, and leaves in place the deeming requirements for benefits to legal aliens.

I think the question before the Senate is this: Does the Constitution of the United States of America provide for two distinct classes of United States citizens—those who are naturalized and those who are native-born? I know of only one benefit which is denied by the Constitution to citizens of our country who were not born in this country, and that one thing is the Presidency of the United States. Article II, section 1 of the Constitution expressly states that ''no person, except a natural born citizen, or a citizen of the United States at the time of the adoption of the Constitution, shall be eligible to the office of President.'' That is where the line is drawn for me.

I do not believe that, absent a constitutional amendment, the Constitution gives this body the authority to deny outright any benefits, save that one, to naturalized citizens. Article I of the Constitution does contain one other distinction with regard to naturalized citizens and their qualifications to be Members of Congress. It says, ''No person shall be a representative who shall not have attained the age of 25 years and been 7 years a citizen of the United States.'' That is whether they are native-born or naturalized. It also says, ''No person shall be a Senator who shall not have attained the age of 30 years, and been 9 years a citizen of the United States.''

I do not believe our forefathers necessarily foresaw the specifics of the debate which is before us today. But I do believe they considered what distinctions should be made between naturalized and native-born citizens. And the result of that consideration is reflected in the Constitution.

The Department of Justice has expressed serious concerns about the constitutionality on the proscription of benefits as applied to naturalized citizens in this bill. In a letter to Senator KENNEDY, dated July 18, a copy of which was also provided to me, Assistant Attorney General, Andrew Fois states:

> The deeming provision, as applied to citizens, would contravene the basic equal protection tenet that ''the rights of citizenship of the native born and of the naturalized person are of the same dignity and are coextensive.''

The letter goes on to say:

> To the same effect, the provision might be viewed as a classification based on national origin; among citizens otherwise eligible for government assistance, the class excluded by operation of the deeming provision is limited to those born outside the United States. A classification based on national origin, of course, is subject to strict scrutiny under equal protection review, and it is unlikely that the deeming provision could be justified under this standard.

At this time, Mr. President, I ask unanimous consent that the full text of the letter from the Justice Department be printed in the RECORD.

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

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 18, 1995.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: This letter follows your question to Attorney General Janet Reno regarding the constitutionality of the deeming provisions in pending immigration legislation at the Senate Judiciary Committee's oversight hearing on June 27.

You have asked for our views regarding the ''deeming'' provisions of section 204 of S. 269, Senator Simpson's proposed immigration legislation. Our comment here is limited to the question raised by application of section 204 to naturalized citizens.

We have serious concerns about section 204's constitutionality as applied to naturalized citizens. So applied, the deeming provision would operate to deny, or reduce eligibility for, a variety of benefits including student financial assistance and welfare benefits to certain United States citizens because they were born outside the country. This appears to be an unprecedented result. Current federal deeming provisions under various benefits programs operate only as against aliens (see, e.g., 42 U.S.C. §615 (AFDC); 7 U.S.C. 2014(i) (Food Stamps)) and we are not aware of any comparable restrictions on citizen eligibility for federal assistance. As a matter of policy, we think it would be a mistake to begin now to relegate naturalized citizens—who have demonstrated their commitment to our country by undergoing the naturalization process—to a kind of second-class status.

The provision might be defended legally on the grounds that it is an exercise of Congress' plenary authority to regulate immigration and naturalization, or, more specifically, to set the terms under which persons may enter the United States and become citizens. See *Mathews* v. *Diaz,* 426 U.S. 67 (1976); *Toll* v. *Moreno,* 458 U.S. 1, 10–11 (1982). We are not convinced that this defense would prove persuasive. Though Congress undoubtedly has power to impose conditions precedent on entry and naturalization, the provision at issue here would function as a condition subsequent, applying to entrants even after they become citizens. It is not at all clear that Congress' immigration and naturalization power extends this far.

While the rights of citizenship of the native born derive from §1 of the Fourteenth Amendment and the rights of the naturalized citizen derive from satisfying, free of fraud, the requirements set by Congress, the latter, apart from the exception noted [constitutional eligibility for President], becomes a member of the society, possessing all the rights of a native citizen, and standing, in the view of the constitution, on the footing of a native. The constitution does not authorize Congress to enlarge or abridge those rights. The simple power of the national Legislature, is to prescribe a uniform rule of naturalization, and the exercise of this power exhausts it, so far as respects the individual.

Schneider v. *Rusk,* 377 U.S. 163, 166 (1964) (internal quotations omitted) (statutory restriction on length foreign residence applied to naturalized but not native born citizens violates Fifth Amendment equal protection component).

Alternatively, it might be argued in defense of the provision that it classifies not by reference to citizenship at all, but rather on the basis of sponsorship; only those naturalized citizens with sponsors will be affected. Again, we have doubts about whether this characterization of the provision would be accepted. State courts have rejected an analogous position with respect to state deeming provisions, finding that the provisions constitute impermissible discrimination based on alienage despite the fact that they reach only sponsored aliens. See *Barannikov* v. *Town of Greenwich,* 643 A.2d 251, 263–64 (Conn. 1994); *El Souri* v. *Dep't of Social Services,* 414 N.W.2d 679, 682–83 (Mich. 1987). Because the deeming provision in question here, as applied to citizens, is directed at and reaches only naturalized citizens, the same reasoning would compel the conclusion that it constitutes discrimination against naturalized citizens. *Cf. Nyquist* v. *Mauclet,* 432 U.S. 1, 9 (1977) (''The important points are that [the law] is directed at aliens and that only aliens are harmed by it. The fact that the statute is not an absolute bar does not mean that it does not discriminate against the class.'') (invalidating state law denying some, but not all, resident aliens financial assistance for higher education).

So understood, the deeming provision, as applied to citizens, would contravene the basic equal protection tenet that ''the rights of citizenship of the native born and of the naturalized person are of the same dignity and are coextensive.'' *Schneider,* 377 U.S. at

165. To the same effect, the provisions might be viewed as a classification based on national origin; among citizens otherwise eligible for government assistance, the class excluded by operation of the deeming provision is limited to those born outside the United States. A classification based on national origin, of course, is subject to strict scrutiny under equal protection review, see *Korematsu* v. *United States*, 323 U.S. 214 (1944), and it is unlikely that the deeming provision could be justified under this standard. See *Barannikova*, 643 A.2d at 265 (invalidating state deeming provision under strict scrutiny); *El Souri*, 414 N.W.2d at 683 (same).

The Office of Management and Budget has advised that there is no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

Mrs. FEINSTEIN. Mr. President, to a great extent, we are a Nation of immigrants. There are very few of us in this body who could claim not to have been a product, in some way, of immigrants.

My mother was born in St. Petersburg, Russia. She left that country hiding in a hay cart during the revolution. They crossed Siberia on their long journey to California. My grandmother was widowed shortly after arriving in this country, left with four small children. My uncle was a carpenter. My mother did not enjoy good health as a child and was hospitalized for many years. There was no widow's pension then, no AFDC. And I am not one that believes that immigrants should come to the United States to get on the dole. But we do have a naturalization process which, after the designated waiting period, and after meeting certain requirements, immigrants take an oath, they become citizens of the United States, with all of the privileges and benefits accorded to native-born citizens, save the one spelled out in the Constitution that I have read today.

This bill essentially says that even if naturalized—even if a naturalized citizen for 20 years, your sponsor's income will be deemed as yours, and you will not be eligible for Federal benefits.

Even if that sponsor is dying from cancer, and no matter what happens to the naturalized citizen, that naturalized citizen is exempted from coverage under this bill.

I believe that violates the equal protection clause of our Constitution and jeopardizes the fairness of the legislation. So the amendment that I am submitting is essentially equal treatment for naturalized and native-born citizens.

Mr. NICKLES. Will the Senator yield for a question?

Mrs. FEINSTEIN. Yes.

Mr. NICKLES. I will be brief. I think I understand the amendment. The Senator is saying that immigrants to the country should be able to receive welfare benefits just as any other citizen can, is that correct?

Mrs. FEINSTEIN. Only if they have become United States citizens. In other words, the deeming provision does not apply if you are naturalized.

In this bill, the deeming provision extends even to naturalized citizens. Therefore, they would not be eligible.

Mr. NICKLES. If an immigrant comes into the country and goes through the processes to be a naturalized U.S. citizen, they are required now to have a sponsor, a sponsor that states that they will make sure that they will not be a ward of the Government for some period of time.

Does the Senator know what that period would be?

Mrs. FEINSTEIN. I did know and I cannot remember what it was.

Mr. NICKLES. I will review that.

Mrs. FEINSTEIN. This is not just a legal immigrant, but a naturalized citizen too.

We are not talking here about removing that requirement for legal immigrants in this amendment. This is just for naturalized citizens.

Mr. NICKLES. I am happy to have the Senator's amendment. I have not seen it before. I will be happy to review it and we will take it up tomorrow morning.

Mrs. FEINSTEIN. I thank the Senator from Oklahoma very much.

AMENDMENT NO. 2479 TO AMENDMENT NO. 2280

(Purpose: To provide for State and county demonstration programs)

Mrs. FEINSTEIN. I send another amendment to the desk.

The PRESIDING OFFICER. The previous amendment shall be laid aside. The clerk will report.

The bill clerk read as follows:

The Senator from California, [Mrs. FEINSTEIN], proposes an amendment numbered 2479 to amendment No. 2280.

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 amendment is as follows:

On page 69, strike lines 18 through 22, and insert the following:

"SEC. 418. STATE AND COUNTY DEMONSTRATION PROGRAMS.

"(a) NO LIMITATION OF STATE DEMONSTRATION PROJECTS.—Nothing in this part shall be construed as limiting a State's ability to conduct demonstration projects for the purpose of identifying innovative or effective program designs in 1 or more political subdivisions of the State.

"(b) COUNTY WELFARE DEMONSTRATION PROJECT.—

"(1) IN GENERAL.—The Secretary of Health and Human Services and the Secretary of Agriculture shall jointly enter into negotiations with all counties or a group of counties having a population greater than 500,000 desiring to conduct a demonstration project described in paragraph (2) for the purpose of establishing appropriate rules to govern establishment and operation of such project.

"(2) DEMONSTRATION PROJECT DESCRIBED.—The demonstration project described in this paragraph shall provide that—

"(A) a county participating in the demonstration project shall have the authority and duty to administer the operation of the program described under this part as if the county were considered a State for the purpose of this part;

"(B) the State in which the county participating in the demonstration project is located shall pass through directly to the county the portion of the grant received by the State under section 403 which the State determines is attributable to the residents of such county; and

"(C) the duration of the project shall be for 5 years.

"(3) COMMENCEMENT OF PROJECT.—After the conclusion of the negotiations described in paragraph (2), the Secretary of Health and Human Services and the Secretary of Agriculture may authorize a county to conduct the demonstration project described in paragraph (2) in accordance with the rules established during the negotiations.

"(4) REPORT.—Not later than 6 months after the termination of a demonstration project operated under this subsection, the Secretary of Health and Human Services and the Secretary of Agriculture shall submit to the Congress a report that includes—

"(A) a description of the demonstration project;

"(B) the rules negotiated with respect to the project; and

"(C) the innovations (if any) that the county was able to initiate under the project.

Mrs. FEINSTEIN. Mr. President, throughout the welfare debate it has often been stated that people closest to the problem know how to best deal with it.

In fact, many States assign administration of Federal welfare programs to counties. As a former mayor, and a former county supervisor, that certainly is the case in California.

Many of the innovations and successes currently under discussion have been initiated at the local level. In my earlier remarks on welfare reform, I mentioned several of them—initiatives made by counties to put people to work, to devise programs to really run their programs with efficiency, and appropriate for their local communities.

This amendment affirms that there will be no limitation on the ability of a State to conduct innovative and effective demonstration projects in one or more of its political subdivisions.

It empowers the Secretary of Health and Human Services to jointly negotiate with any county or group of counties having a population greater than 500,000 to conduct a demonstration project where the county would have the authority and duty to administer the operation of the welfare program covered by this bill.

In essence, what it is saying, for large counties, or a group of small counties, like in Wisconsin for example, the Secretary would have the authority to be able to negotiate so that the grant would go directly from Washington to the counties.

What does this mean? It means you take the State out of it. Why do I want to take the State out of it? Because I know what States do. They charge a cost, they set up a bureaucracy, and therefore a portion of the money will end up in the State. The State can often not send that money to the counties, or find a reason not to send it, and even use it for other purposes.

So in this amendment, the State in which the demonstration county is located would pass directly to the county the portion of the grant determined by

the State as attributable to the residents of that county.

The duration of the demonstration project is 5 years, after which time the Secretary is directed to report to the Congress on the description, rules, and innovations initiated under the project. Essentially, the block grants of the large counties could go directly to the counties, thereby I believe, based on my experience, it would save money and be more efficiently used.

This was in the bill, my understanding is, as it was originally drafted, and it was removed. We would by this amendment place it back. It is similar to an amendment which was in the prior Daschle bill.

I thank the Chair. I yield the floor.

Mr. FEINGOLD. Mr. President, I ask that the pending amendment temporarily be set aside so I can offer two amendments which I expect will be ultimately accepted.

The PRESIDING OFFICER. Without objection, the amendment will be set aside.

Mr. FEINGOLD. The first relates to a study of the impact of changes on the child care food program on program participation and family day care providers.

I have worked with the majority and minority on the Agriculture Committee on the language of the amendment, and I expect it will be accepted by the floor managers.

Mr. President, This amendment is very simple and it addresses an issue of great concern raised by my constituents in Wisconsin.

A few months ago, the House of Representatives repealed the entitlement status for the Child and Adult Care Food Program and placed its funding in a block grant of other child nutrition programs. The 10,000 family day care home sponsors in the United States worried the program would be swallowed up by the larger, more well-known programs such as the Special Supplemental Food Program for Women, Infants and Children.

The Family Day Home sponsors, who administer aspects of the CACFP knew the House proposal effectively meant the end of this very important program. Mr. President, the CACFP is a relatively small program that affects a very large number of children in this country. In addition to providing reimbursements to providers for meals served to low-income children in child care centers, it provides a blended reimbursement for meals served in all participating family day care homes—those with six children or fewer. Most children in the United States that currently receive day care are cared for in small family day care homes. Even more significantly, according to Congress's Select Panel for the Promotion of Child Health, pre-school age children receive about three-quarters of their nutritional intake from their day care providers. Those two facts emphasize the importance of ensuring children receive nutritious meals while they under the supervision of a family day care home provider.

Early this year, the operator of Wisconsin's smallest non-profit sponsor in my State, Linda Leindecker of Horizon's Unlimited in Green Bay, met with me to discuss her specific concerns about the proposals to modify the program she helps deliver. The CACFP, she pointed out, has greater benefits than might meet the eye. While the clear goal of the program is to enhance the nutritional status of children receiving care by family day care homes, it has many less obvious benefits. Linda pointed out that the program provides a strong incentive for small family day care homes to become licensed by the State. A recent survey of over 1,200 day care homes in Wisconsin found that over 70 percent of those surveyed became licensed because of CACFP benefits. That means children are more likely to be in day care homes that provide a safe and more healthy environment with more nutritious meals than unregulated day care homes. These so-called ''underground'' homes are not only operating without health or safety standards, but they are also better able to evade compliance with income tax laws as well.

Not only must family day care homes participating in the CACFP comply with State regulations, they are also subject to random inspections of all their homes by the CACFP sponsors. CACFP care providers must also undergo extensive nutrition education and training programs conducted by sponsors to ensure that the children in participating homes are eating nutritious meals as required by the program. In total, Wisconsin family day care providers are serving nearly 12.5 million healthy breakfasts, lunches, suppers and snacks annually.

Mr. President, the message I have heard loud and clear from Linda and other Family Day Care Home sponsors in Wisconsin is that while the primary benefit of the family day care home portion of the CACFP is the enhanced nutritional status of children in small day care homes, the second most important benefit is the role of this program in creating more licensed and regulated family day care homes. That benefits parents, taxpayers, and children alike.

Mr. President, I am pleased that the Senate Agriculture Committee did not take the drastic approach endorsed by the House. In particular, I am pleased that the Senator from Indiana [Mr. LUGAR] and the Senator from Vermont [Mr. LEAHY] recognized how important CACFP is to this Nation's children by maintaining the identity and entitlement status of the program in S. 904 as approved by the Agriculture Committee

However, the legislation before us, which incorporates the Agriculture Committee's bill S. 904, does make some fundamental changes to the reimbursement structure for family day care homes. The bill establishes an area-wide means test for full reimbursement, tier I, of meals served in family day care and provides a much smaller reimbursement for meals served in homes that do not fall within a qualifying geographic area, tier II. The Democratic alternative to the majority leader's bill also provides for geographic based means testing for CACFP but provides a slightly higher second tier reimbursement.

Wisconsin's day care home sponsors are alarmed by the small tier II home reimbursement and worry that this lower level of reimbursement will eliminate the incentive for family day care homes to become licensed and approved by the State. As some homes drop out of the program and operate underground, even fewer will enter the program at all, making regulated day care less accessible and less affordable to parents of young children. Sponsors are also worried that the nutritional quality of meals served in tier II homes will decline as well. Fifteen cents, they point out, doesn't buy much of a healthy mid-day snack.

I share those concerns, Mr. President. I am concerned that the marginal benefit of day care home participation may no longer justify the cost of being regulated or licensed by the State. If that is the case, I am concerned that not only the quality of day care will decline, but that the quantity of affordable day care will fall as well. While we are debating a bill that proposes to send more low-income parents to work, it is important that there be an adequate supply of safe and affordable day care for their children.

Mr. President, my amendment tries to address those concerns by requiring USDA to study the impact of the changes to CACFP made in this bill on program participation, family day care home licensing and the nutritional quality of meals served in family day care homes. Since the impact of these changes will likely be felt within the first year or two following enactment, my amendment calls for a one-time study of this matter, rather than an annual review.

I think it is critical that Congress have access to the information they need to conduct proper oversight of Federal programs. While the changes made to the CACFP in S. 1120 are intended to maintain program integrity while achieving fiscal responsibility, it is important that Congress find out whether the legislation actually achieves those goals.

That is the intent of my amendment. It is simple and straightforward but it is important.

The second amendment, Mr. President, relates to authority to allow a housing project in Madison, Wisconsin to conduct a demonstration project that waives the current take-one, take-all section 8 requirement that requires a project which accepts a single section 8 resident to take any other section 8 applicant.

The unfortunate result of this policy, Mr. President, is that sometimes it is meant that a project will not accept any section 8 residents at all. This demonstration program would not entail any Federal cost.

I understand that neither the administration nor the authorizing committee has any objection to this amendment and that they support moving in this direction in order to provide greater flexibility for these types of housing programs.

I offer this amendment along with my senior colleague from Wisconsin, Senator KOHL. The amendment would provide an opportunity for Madison, WI, to demonstrate an innovative and emerging strategy in the operation of the Department of Housing and Urban Development assisted housing program by eliminating the take-one, take-all requirement.

That provision requires the manager or owner of multifamily rental housing to make all units available to residents who qualify for section 8 certificates or vouchers under the National Housing Act as long as at least one unit is made available to those residents under the terms of the long-term, 20-year section 8 renter contracts.

The availability of low-income housing is being seriously threatened across this Nation. This is especially true when private property owners are considered who are increasingly choosing to opt out of the HUD section 8 program for a variety of reasons, as their long-term contracts expire.

The situation in this case in Madison is typical of these problems that are being experienced nationwide. HUD itself recognizes this and has actually proposed, Mr. President, that we eliminate the take-one, take-all language.

They project an elimination of the requirement will provide an incentive to attract new multifamily low-income housing developer owners and also retain existing ones.

Local government officials, private institutions, residents and apartment owners in Madison in this case, Mr. President, have agreed to a plan for the Summer Society Circle Apartments that will reduce the concentration of low-income families and densely populated in circumscribed areas.

They believe it will reduce crime and drug and gang activity and stabilize development in neighborhoods by encouraging a mix of low- and moderate-income families. We believe the amendment provides an opportunity to demonstrate that public-private collaborative planning can result in increased, Mr. President, increased availability of quality housing for low- and moderate-income families.

Accordingly, we urge the support of the body. There is no additional cost associated with this demonstration project, which simply allows this community to have greater flexibility in operating in housing projects which meet the needs of the communities.

As I understand the parliamentary situation, it is the desire of the managers to have as many of these amendments offered tonight as possible, and they will be disposed of in due course.

AMENDMENT NO. 2480

(Purpose: To study the impact of amendments to the child and adult care food program on program participation and family day care licensing)

Mr. FEINGOLD. As I said, I expect both of these ultimately to be accepted, and to expedite consideration I now send the first amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2480 to amendment No. 2280.

Mr. FEINGOLD. 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:

On page 283, after line 23, insert the following:

(f) STUDY OF IMPACT OF AMENDMENTS ON PROGRAM PARTICIPATION AND FAMILY DAY CARE LICENSING.—

(1) IN GENERAL.—The Secretary of Agriculture, in conjunction with the Secretary of Health and Human Services, shall study the impact of the amendments made by this section on—

(A) the number of family day care homes participating in the child and adult care food program established under section 17 of the National School Lunch Act (42 U.S.C. 1766);

(B) the number of day care home sponsoring organizations participating in the program;

(C) the number of day care homes that are licensed, certified, registered, or approved by each State in accordance with regulations issued by the Secretary;

(D) the rate of growth of the numbers referred to in subparagraphs (A) through (C);

(E) the nutritional adequacy and quality of meals served in family day care homes that—

(i) received reimbursement under the program prior to the amendments made by this section but do not receive reimbursement after the amendments made by this section; or

(ii) received full reimbursement under the program prior to the amendments made by this section but do not receive full reimbursement after the amendments made by this section; and

(F) the proportion of low-income children participating in the program prior to the amendments made by this section and the proportion of low-income children participating in the program after the amendments made by this section.

(2) REQUIRED DATA.—Each State agency participating in the child and adult care food program under section 17 of the National School Lunch Act (42 U.S.C. 1766) shall submit to the Secretary data on—

(A) the number of family day care homes participating in the program on July 31, 1996, and July 31, 1997;

(B) the number of family day care homes licensed, certified, registered, or approved for service on July 31, 1996, and July 31, 1997; and

(C) such other data as the Secretary may require to carry out this subsection.

(3) SUBMISSION OF REPORT.—Not later than 2 years after the effective date of Sec. 423 of this Act, the Secretary shall submit the study required under this subsection to the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

Mr. FEINGOLD. Mr. President, I ask the pending amendment be set aside so I may offer my second amendment.

The PRESIDING OFFICER. The pending amendment is set aside.

AMENDMENT NO. 2481

(Purpose: To make an amendment relating to public housing)

Mr. FEINGOLD. I send my second amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself and Mr. KOHL, proposes an amendment numbered 2481 to amendment No. 2280.

Mr. FEINGOLD. 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:

At the appropriate place in title X, add the following:

SEC. 10 . DEMONSTRATION PROJECT FOR ELIMINATION OF TAKE-ONE-ONE-TAKE-ALL REQUIREMENT.

In order to demonstrate the effects of eliminating the requirement under section 8(t) of the United States Housing Act of 1937, notwithstanding any other provision of law, beginning on the date of enactment of this Act, section 8(t) of such the United States Housing Act of 1937 shall not apply with respect to the multifamily housing project (as such term is defined in section 8(t)(2) of the United States Housing Act of 1937) consisting of the dwelling units located at 2401–2479 Sommerset Circle, in Madison, Wisconsin.

Amend the table of contents accordingly.

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

Mr. MOYNIHAN. Mr. President, I believe the Senator from California wished to speak.

I was mistaken. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, I ask the pending amendment be laid aside.

The PRESIDING OFFICER. The pending amendment will be set aside.

AMENDMENT NO. 2482 TO AMENDMENT NO. 2280

(Purpose: To provide that noncustodial parents who are delinquent in paying child support are ineligible for means-tested Federal benefits)

Mrs. BOXER. 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. BOXER] proposes an amendment numbered 2482 to amendment No. 2280.

Mrs. BOXER. 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:

On page 712, between lines 9 and 10, insert the following:

SEC. 972. DENIAL OF MEANS-TESTED FEDERAL BENEFITS TO NONCUSTODIAL PARENTS WHO ARE DELINQUENT IN PAYING CHILD SUPPORT.

(A) IN GENERAL.—Notwithstanding any other provision of law, a non-custodial parent who is more than 2 months delinquent in paying child support shall not be eligible to receive any means-tested Federal benefits.

(b) EXCEPTION.—(1) IN GENERAL.—Subsection (a) shall not apply to an unemployed non-custodial parent who is more then 2 months delinquent in paying child support if such parent—

(A) enters into a schedule of repayment for past due child support with the entity that issued the underlying child support order; and

(B) meets all of the terms of repayment specified in the schedule of repayment as enforced by the appropriate disbursing entity.

(2) 2-YEAR EXCLUSION.—(A) A non-custodial parent who becomes delinquent in child support a second time or any subsequent time shall not be eligible to receive any means-tested Federal benefits for a 2-year period beginning on the date that such parent failed to meet such terms.

(B) At the end of that two-year period, paragraph (A) shall once again apply to that individual.

(c) MEANS-TESTED FEDERAL BENEFITS.—For purposes of this section, the term ''means-tested Federal benefits'' means benefits under any program of assistance, funded in whole or in part, by the Federal Government, for which eligibility for benefits is based on need.

Mrs. BOXER. Mr. President, I believe this amendment is quite straightforward. It basically says that, if a noncustodial parent is delinquent on child support payments and gets into arrears extending beyond 2 months, that individual, that deadbeat dad or deadbeat mom, as the case may be, will not be entitled to means-tested Federal benefits.

I think it is very important that we do this. I do not think we should be in the business of giving benefits to people who are neglecting their children. Many families go on welfare because noncustodial parents are not paying their child support.

What we do in this amendment is we give people a second chance. We say if they agree to sign a schedule and commit themselves to the repayment of the arrears and continue the payments on time, then they can get these benefits. But if they fail again, they will have to wait 2 years before they get a chance at those benefits again.

I hope we will have broad support for this amendment.

Only about 18 percent of all cases result in child support collections across this Nation.

And we have to remember we have 9.5 million children counting on AFDC for support. We could really take people out of poverty quickly if the deadbeat parent, be it a mom or a dad—usually it is a dad but sometimes it is a mom—came through with their child support payments.

This amendment is just another way for us to stand up and be counted and say: Look, you are not going to be entitled to get job training, vocational training, food stamps, SSI, housing assistance, and the other means-tested Federal benefits if you are behind on those child support payments. But we are ready to help you. If you will sign a schedule of payments and you live up to that schedule, we will make an exception.

It is interesting to note that America's children are owed more than $34 billion in unpaid child support. Talk about lowering the cost of welfare, collecting unpaid support would be one of the quickest ways to do it. Welfare caseloads could be reduced by one-third if families could rely on even $300 a month, or less, of child support. Mr. President, $300 a month would add up to more than $3,000 a year.

So my amendment would crack down on the deadbeat dads or the deadbeat moms, and basically say you have to pay support or you are not going to get the Federal assistance you would otherwise be entitled to.

So, Mr. President, I do not think I need to continue this dialog with my colleagues. I think at this point I can rest on what I have said. I think the Boxer amendment sends a tough message that we will have little tolerance for people who fail to meet their child support commitments. And we should be tough on these people because they jeopardize the health and well-being of their children by failing to pay support, and they are making the taxpayers pay money that they, in fact, owe to these children. So I rest my case on this amendment. I look forward to its being voted upon.

I ask my friend from Oklahoma and my friend from New York, is it necessary to ask for the yeas and nays at this time, because I certainly would like to have a vote on the amendment?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I will be happy to respond to my colleague from California. Certainly she has a right to request the yeas and nays. I will support that effort.

I have a couple of comments. I had not seen the amendment. I may well support the thrust of it. Others may as well. We are going to have a couple of rollcall votes in the morning and then have some debate over Senator MOYNIHAN's proposal, have the rollcall vote on his, and we may have several other rollcall votes. It will certainly be the Senator's opportunity, if she wishes to ask for the yeas and nays tomorrow. And that will also give her the opportunity to modify the amendment if it would make it more agreeable and more acceptable. That would be my recommendation. But, certainly, if she wishes to ask for the yeas and nays tonight she has that opportunity.

Mrs. BOXER. I thank my friend for his honest answer. I appreciate it. I will withhold because I do believe this is an excellent amendment and if there are small technical problems I will be happy to work with my friends to straighten them out.

So I will withhold, but I look forward to voting on this as soon as I can and I will be back in the morning to debate that, discuss it, at what time my colleague thinks is appropriate.

Mr. NICKLES. I appreciate my colleague from California doing that.

Mr. President, I know of no other Senators having amendments, and my colleague from New York as well. I suggest the absence of a quorum. It will be my intention that the Senate stand in recess until tomorrow morning shortly. But I will withhold for that for the moment. 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. NICKLES. 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

(During today's session of the Senate, the following morning business was transacted.)

HONORING LOWELL C. KRUSE AS RECIPIENT OF THE HOPE AWARD

Mr. ASHCROFT. Mr. President, today I would like to congratulate a Missourian who has dedicated his life to helping others. He has spent his entire career in the medical field, not as a doctor, but as someone just as dedicated and just as committed to service. Mr. Kruse is soon to accept the Hope Award, the highest honor bestowed by the Multiple Sclerosis Society. He has served as a hospital administrator, vice president, and president; but throughout, Mr. Kruse has never forgotten those who are less fortunate.

Mr. Kruse was born on February 9, 1944, in the small midwestern town of Lake City, IA. He earned a bachelor's degree in business administration and psychology from Augustana College in Sioux City, SD, and went on to earn his master's degree in hospital administration from the University of Minnesota. Mr. Kruse started his career first as an assistant administrator at the St. Barnabas Hospital in Minneapolis, MN, then became an associate administrator at the Metropolitan Medical Center in Minneapolis where he remained for 7 years serving as the vice president of community operations.

In 1977, Mr. Kruse assumed the responsibilities as president and CEO of the Park Ridge Hospital and Nursing Home in Rochester, NY, and later president and CEO of Upstate Health System, Inc. in Rochester. In 1984, Mr. Kruse returned to his roots in the Midwest, serving as the president and CEO