right and honorable decision to resign from the United States Senate.

I believe that it is in the best interests of the Senate and of the State of Oregon to reach closure on this matter as soon as possible.

Therefore, it is my recommendation that your resignation become effective no later than October 1, 1995. I would further recommend that you relinquish the Chairmanship of the Senate Committee on Finance effective today.

I know of your deep concern for your personal and committee staff, and I will work to provide them with an appropriate period of time to complete their own transition.

Sincerely,

BOB DOLE.

This is Senator PACKWOOD's reply:

DEAR BOB: I hereby tender my resignation as of October 1, 1995. I also am relinquishing today, Friday, September 8, my chairmanship of the Senate Committee on Finance.

I appreciate very much your concern and willingness to help the Personal and Committee staff in having an appropriate period of time to complete their own transition.

Thanks so much.

Sincerely,

BOB PACKWOOD.

Mr. President, I ask unanimous consent that those letters be printed in the RECORD.

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

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, September 8, 1995.

Senator BOB PACKWOOD,
259 Russell, Washington, DC.

DEAR BOB: As I said on the Senate floor yesterday, it is my belief that you made the right and honorable decision to resign from the United States Senate.

I believe that it in the best interests of the Senate and of the State of Oregon to reach closure on this matter as soon as possible.

Therefore, it is my recommendation that your resignation become effective no later than October 1, 1995. I would further recommend that you relinquish the Chairmanship of the Senate Committee on Finance effective today.

I know of your deep concern for your personal and committee staff, and I will work to provide them with an appropriate period of time to complete their own transition.

Sincerely,

BOB DOLE.

U.S. SENATE,
Washington, DC, September 8, 1995.

Hon. BOB DOLE,
Senate, Washington, DC.

DEAR BOB: I hereby tender my resignation as of October 1, 1995. I also am relinquishing today, Friday, September 8, my chairmanship of the Senate Committee on Finance.

I appreciate very much your concern and willingness to help the Personal and Committee staff in having an appropriate period of time to complete their own transition.

Thanks so much.

Sincerely,

BOB PACKWOOD.

Mr. DOLE. Mr. President, I think that answers any questions anybody may have had.

FAMILY SELF-SUFFICIENCY ACT

The Senate continued with the consideration of the bill.

Mr. ASHCROFT. I thank the Senator from Connecticut. I am delighted to have this opportunity to make a few remarks and to offer two amendments to the Dole modified amendment for the welfare reform proposal.

Mr. President, the Dole modified amendment which is offered today is a substantial improvement, a very substantial and significant step toward the right kind of operation in terms of reforming welfare. I am pleased to see that the mechanism for delivering block grants—which was first recommended in the proposal I made on welfare reform called CIVIC, Senate bills 842, 843, 844 and 845, the proposal for delivering block grants directly from the Department of the Treasury to the States—is included and that will vastly reduce the Federal welfare bureaucracy, which I considered to be a bureaucratic tax upon the poor, and make resources available to the truly needy. It should limit Washington's interference in the States' welfare reform efforts.

As I have spoken many times on the floor, ending the micromanagement and intermeddling involvement of HHS to the extent possible, and giving States the opportunity to craft and shape welfare reform so that it meets the needs of the people in the States, is very important. We do need to replace the failed system of welfare which has been a Washington-run system, and the modified amendment proposed by Senator DOLE would help achieve this, in part, by adopting the proposal which is for direct block grants to the States that bypass much of the redtape of Washington.

Also, it is important that the Dole amendment includes an independent audit provision which will eliminate much of the Washington micromanagement and prevent funds from being consumed needlessly on bureaucratic oversight. Under this provision, States would supply to the Department of the Treasury audits conducted by independent auditors demonstrating their compliance and that block grant funds have been used properly in serving the needy populations.

I want to also say how pleased I am to see that the modified amendment includes a provision adapted from my welfare reform bill, which recognizes that Government programs alone will never solve all of our welfare needs. We have to allow States to involve a number of nongovernmental charitable organizations, including faith-based organizations, in serving the poor. Organizations like the Salvation Army and Boys and Girls Clubs are often more successful in serving people in need than are governmental institutions. We need to be able to tap these resources effectively. There is a character in the programs like the Boys and Girls Clubs and the Salvation Army that is important in meeting needs. It is a character associated with charity, which provides for a kind of compassion and caring that instills hope and aspiration in the lives of people.

The modified amendment includes very important provisions in this respect, which will ensure that such organizations that are selected to participate in meeting the needs of the poor are not forced to compromise their character. Furthermore, any person eligible for assistance who would be offended by going to one of these organizations to receive assistance would have an opportunity to receive alternative services from the state. There have been clear guidelines set to protect individual rights and to protect the rights of the organization.

While these are important provisions included in the modified Dole amendment, Mr. President, the modified amendment still I think needs adjustment and falls shorts of being a comprehensive welfare reform bill.

That is why I intend to send a pair of amendments to the desk which would broaden the bill to include block grants for two major welfare programs: Food stamps and supplemental security income, or the SSI program.

Block grants are essential for these programs because if you leave welfare partially open ended as entitlement programs, and partially block granted, there is a tendency on the part of jurisdictions to shift the welfare caseload from the areas which are block granted to the areas that are open ended and entitlements.

As a result, rather than controlling and managing welfare effectively, you just push from one area of the welfare population to another, move people from AFDC over to SSI. In some cases, that move would be far more expensive.

A single child on SSI gets $448 a month. There are AFDC programs which provide $200 or $300 a month, and a shift in that population would not be a reform at all in terms of cost containment, but a way of just dramatically increasing our welfare costs. As a matter of fact, it would make it very difficult for us to control costs.

In addition, when you have a program which has no limit on it, totally entitlement and totally federally funded, the incentives on the part of State and local instrumentalities to combat fraud and abuse are low. If we give the items in block grants to the States, the incentive to contain fraud and abuse, to detect it, to root it out of the system, is elevated.

Mr. President, fraud and abuse are rampant in the Food Stamp Program and SSI today because as the rolls grow, the money flows. There is no incentive to the welfare industry to reduce the problem. The only way we will be able to combat fraud and abuse is to give States the ability to design and enforce these programs and the incentive for them to limit the expenditures in these programs. I intend to send two amendments to the desk regarding SSI and food stamps.

Finally, Mr. President, I join today Senator COATS in introducing an

amendment which also recognizes we must look beyond Government to solve the welfare problems. Specifically, we need to encourage people to get involved personally in helping the needy. Our amendment combines proposals which we have offered in the past to accomplish this goal. It would provide a nonrefundable tax credit to individuals who volunteer time as well as money to give to charitable organizations so that individuals who contributed at least 50 hours per year at nonprofit private or religious charitable organizations which serve the needy would be eligible for not just the tax deduction regarding a $500 contribution, but if they also have a $500 contribution, they would be eligible for a tax credit of up to $500.

Mr. President, let me emphasize that simply rearranging the deck chairs on the ''Welfare Titanic'' would be turning our backs on the most pressing issues facing our future. We must fundamentally reform the entirety of our welfare system.

We simply cannot tinker around the margins. We cannot afford to repeat the mistakes we made in the past. We must all admit that Government alone has failed miserably and will continue to fail.

We must, I believe, have these expanded block grants so we do not have a partial system of block grants which invites cost-shifting and does not provide incentives for fraud and abuse containment.

I believe we must invite a far broader band of our society to participate in meeting the needs of the needy, and for that reason we need to encourage involvement by a far broader group of individuals in society.

AMENDMENTS NOS. 2561 AND 2562 TO AMENDMENT NO. 2280

Mr. ASHCROFT. Mr. President, I send two amendments to the desk and I ask unanimous consent they be considered as having been offered individually.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] proposes amendments numbered 2561 and 2562 to amendment No. 2280.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

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

Mr. ASHCROFT. I wish to thank the Senator from Connecticut for his courtesy.

Mr. DODD. I send my apologies to the Senator from Missouri and the people of Missouri for saying the State of Ohio.

Mr. ASHCROFT. Perhaps the Senator needs to apologize to the Senator from Ohio if he is offended.

I yield to my colleague from Florida.

AMENDMENTS NOS. 2563 AND 2564 TO AMENDMENT NO. 2280

Mr. GRAHAM. Mr. President, I thank the Senator from Connecticut. On behalf of Senator KENNEDY, I send two amendments to the desk to be offered, and I ask the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for Mr. KENNEDY, proposes amendments numbered 2563 and 2564 to amendment No. 2280.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2563

(Purpose: To terminate sponsor responsibilities upon the date of naturalization of the immigrant)

On page 289, line 5, strike the period and insert '', but in no event shall such period extend beyond the date (if any) on which the alien becomes a citizen of the United States under chapter 2 of title III of the Immigration and Nationality Act.''

On page 291, line 14, strike the period and insert '', but in no event shall such period extend beyond the date (if any) on which the alien becomes a citizen of the United States under chapter 2 of title III of the Immigration and Nationality Act.''

On page 293, line 16, insert ''but in no event shall the sponsor be required to provide financial support beyond the date (if any) on which the alien becomes a citizen of the United States under chapter 2 of title III of the Immigration and Nationality Act.'' after ''quarters''.

AMENDMENT NO. 2564

(Purpose: To grant the Attorney General flexibility in certain public assistance determinations for immigrants)

On page 292, line 5, strike ''and''.

On page 292, line 11, strike the period and insert ''; and''.

On page 292, between lines 11 and 12, insert the following new subparagraph:

(F) benefits or services which serve a compelling humanitarian or compelling public interest as specified by the Attorney General in consultation with appropriate Federal agencies and departments.

AMENDMENTS NOS. 2565 THROUGH 2569 TO AMENDMENT NO. 2280

Mr. GRAHAM. Mr. President, I ask the pending amendment be set aside, and on behalf of myself and cosponsors, I send to the desk five amendments.

The PRESIDING OFFICER. The amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes amendments numbered 2565 through 2569 to amendment No. 2280.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2565

(Purpose: To provide a formula for allocating funds that more accurately reflects the needs of States with children below the poverty line, and for other purposes)

On page 17, line 2, strike ''paragraphs (3) and (5), section 407 (relating to penalties),'' and insert ''section 407 (relating to penalties)''.

On page 17, beginning on line 16, strike all through line 22, and insert the following: ''equal to the amount determined under paragraph (3), reduced by the amount (if any) determined under subparagraph (B).''

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

''(3) STATE FAMILY ASSISTANCE GRANT.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), for purposes of paragraph (2), the amount of the State family assistance grant to a State for a fiscal year is an amount which bears the same ratio to the amount appropriated for such fiscal year under paragraph (4)(A) as the average number of minor children in families within the State having incomes below the poverty line for the 3-preceding fiscal years bears to the average number of minor children in families within all States having incomes below the poverty line for such 3-preceding fiscal years.

''(B) SPECIAL RULES.—

''(i) CEILING.—Except as provided in clause (ii), the amount of the State family assistance grant for a fiscal year to a State shall not exceed—

''(I) for fiscal year 1996, an amount equal to 150 percent of the total amount of Federal payments to the State under section 403 for fiscal year 1994 (as such section was in effect before October 1, 1995); and

''(II) for each fiscal year thereafter, an amount equal to 150 percent of the total amount of the State family assistance grant to the State for the preceding fiscal year.

''(ii) MINIMUM ALLOCATION.—

''(I) IN GENERAL.—Subject to subclause (II), if the amount of the State family assistance grant determined under subparagraph (A) for a fiscal year is less than 0.6 percent of the total amount appropriated for such fiscal year under paragraph (4)(A), the amount of such grant for such fiscal year shall be an amount equal to the lesser of—

''(aa) 0.6 percent of the amount appropriated under paragraph (4)(A) for such fiscal year, or

''(bb) an amount equal to two times the total amount of Federal payments to the State under section 403 for fiscal year 1994 (as such section was in effect before October 1, 1995).

''(II) REDUCTION IF AMOUNTS NOT AVAILABLE.—If the aggregate amount by which State family assistance grants for States is increased for a fiscal year under subclause (I) exceeds the aggregate amount by which State family assistance grants for States is decreased for the fiscal year under clause (i), the amount of the State family assistance grant to a State to which this clause applies shall be reduced by an amount which bears the same ratio to the aggregate amount of such excess as the average number of minor children in families within the State having incomes below the poverty line for the 3-preceding fiscal years bears to the average number of minor children in families within all States to which this clause applies having incomes below the poverty line for such 3-preceding fiscal years.

''(C) ALLOCATION OF REMAINDER.—

''(i) IN GENERAL.—A State that is an eligible State for a fiscal year shall be entitled to an increase in the State family assistance grant equal to the additional allocation amount determined under clause (ii) (if any) for such State for the fiscal year.

''(ii) ADDITIONAL ALLOCATION AMOUNT.—The additional allocation amount for an eligible State for a fiscal year determined under this clause is the amount which bears the same ratio to the remainder allocation amount for the fiscal year determined under clause (iii) as the average number of minor children in families within the eligible State having incomes below the poverty line for the 3-preceding fiscal years bears to the average number of minor children in families within all eligible States having incomes below the poverty line for such 3-preceding fiscal years.

''(iii) REMAINDER ALLOCATION AMOUNT.—The remainder allocation amount determined under this clause is the amount (if any) that is equal to the difference between—

''(I) the amount appropriated for the fiscal year under paragraph (4)(A), and

''(II) an amount equal to the sum of the family assistance grants determined under this paragraph (without regard to this subparagraph) for all States for such fiscal year.

''(iv) ELIGIBLE STATE.—For purposes of this subparagraph, the term 'eligible State' means a State whose State family assistance grant for the fiscal year, as determined under this paragraph (without regard to this subparagraph), is less than the total amount of Federal payments to the State under section 403 for fiscal year 1994 (as such section was in effect before October 1, 1995).

''(D) OPTION TO BASE ALLOCATIONS ON PRECEDING FISCAL YEAR DATA.—The Secretary may in lieu of using data for the 3-preceding fiscal years, allocate funds under this paragraph based on data for the most recent fiscal year for which accurate data are available.

''(E) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) POVERTY LINE.—The term ''poverty line'' has the same meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

''(ii) 3-PRECEDING FISCAL YEARS.—The term '3-preceding fiscal years' means the 3 most recent fiscal years preceding the current fiscal year for which data are available.

''(iv) PUBLICATION OF ALLOCATIONS.—Not later than January 15th of each calendar year, the Secretary shall publish in the Federal Register the amount of the family assistance grant to which each State is entitled under this subsection for the fiscal year that begins in such calendar year.

On page 23, beginning on line 7, strike all through page 24, line 18.

AMENDMENT NO. 2566

(Purpose: To require each responsible Federal agency to determine whether there are sufficient appropriations to carry out the Federal intergovernmental mandates required by this Act, provide that the mandates will not be effective under certain conditions, and for other purposes)

At the appropriate place, insert the following new section:

SEC. . UNFUNDED FEDERAL INTERGOVERNMENTAL MANDATES.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) no later than 15 days after the beginning of fiscal year 1996, and annually thereafter through fiscal year 2000, the Director of the Congressional Budget Office shall, in a manner similar to section 424(a) (1) and (2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658c(a) (1) and (2)), estimate the direct costs for the fiscal year of each Federal intergovernmental mandate resulting from the enactment of this Act or any other legislation that includes welfare reform provisions and determine whether there are sufficient appropriations for the fiscal year to provide for the direct costs,

(2) each responsible Federal agency shall, for each fiscal year described in paragraph (1), identify any appropriations bill or other legislation that provides Federal funding of the direct costs described in paragraph (1) which relate to each Federal intergovernmental mandate within the agency's jurisdiction and shall determine whether there are insufficient appropriations for the fiscal year to provide such direct costs, and

(3) no later than 30 days after the beginning of each fiscal year described in paragraph (1), the responsible Federal agency shall notify the appropriate authorizing committees of Congress of the agency's determination under paragraph (2) and submit either—

(A) a statement that the agency has determined based on a re-estimate of the direct costs of such mandate, after consultation with State, local, and tribal governments, that the amount appropriated is sufficient to pay for the direct costs of such Federal intergovernmental mandate for the fiscal year, or

(B) legislative recommendations for—

(i) implementing a less costly Federal intergovernmental mandate, or

(ii) making such mandate ineffective for the fiscal year.

(b) LEGISLATIVE ACTION.—

(1) IN GENERAL.—The Congress shall consider on an expedited basis, under procedures similar to the procedures set forth in section 425 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658d), the statement or legislative recommendations described in subsection (a)(3) no later than 30 days after the statement or recommendations are submitted to Congress.

(2) LEGISLATIVE ACTION REQUIRED.—The Federal intergovernmental mandate to which a statement described in subsection (a)(2) relates shall—

(i) cease to be effective on the date that is 60 days after the date the statement is submitted under subsection (a)(3)(A) unless Congress has approved the agency's determination under subsection (a)(3)(A) by joint resolution during the 60-day period;

(ii) cease to be effective on the date that is 60 days after the date the legislative recommendations described in subsection (a)(3)(B) are submitted to the Congress, unless Congress provides otherwise by law; or

(iii) in the case that such mandate has not yet taken effect, continue not to be effective unless Congress provides otherwise by law.

(c) DEFINITIONS.—For purposes of this section:

(1) RESPONSIBLE FEDERAL AGENCY.—The term ''responsible Federal agency'' means the agency that has jurisdiction with respect to a Federal intergovernmental mandate created by the provisions of this Act or any other legislation that is enacted that includes welfare reform provisions.

(2) FEDERAL INTERGOVERNMENTAL MANDATE; DIRECT COSTS.—The terms ''Federal intergovernmental mandate'' and ''direct costs'' have the meanings given such terms by section 421 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658).

(3) WELFARE REFORM PROVISIONS.—The term ''welfare reform provisions'' means provisions of Federal law relating to any Federal benefit for which eligibility is based on need.

AMENDMENT NO. 2567

(Purpose: To provide that the Secretary, in ranking States with respect to the success of their work programs, shall take into account the average number of minor children in families in the State that have incomes below the poverty line and the amount of funding provided each State for such families)

On page 64, line 10, after the period, insert the following: ''In ranking States under this subsection, the Secretary shall take into account the average number of minor children in families in the State that have incomes below the poverty line and the amount of funding provided each State for such families.''

AMENDMENT NO. 2568

(Purpose: To set national work participation rate goals and to provide that the Secretary shall adjust the goals for individual States based on the amount of Federal funding the State receives for minor children in families in the State that have incomes below the poverty line, and for other purposes)

On page 12, strike lines 10 and 11, and insert the following:

''(C) Satisfy the work participation rate goals established for the State pursuant to section 404(b)(6).

On page 29, beginning with line 19, strike all through the table preceding line 3, on page 30, and insert the following:

SEC. 404. NATIONAL WORK PARTICIPATION RATE GOALS.

''(a) NATIONAL GOALS FOR WORK PARTICIPATION RATES.—A State to which a grant is made under section 403 shall make every effort to achieve the national work participation rate goals specified in the following tables for the fiscal year with respect to—

''(1) all families receiving assistance under the State program funded under this part:

''If the fiscal year is:	*The national participation rate goal for all families is:*
1996	25
1997	30
1998	35
1999	40
2000 or thereafter	50;

and

''(2) with respect to 2-parent families receiving such assistance:

''If the fiscal year is:	*The national participation rate goal is:*
1996	60
1997 or 1998	75
1999 or thereafter	90.

On page 35, between lines 2 and 3, insert the following:

''(6) MODIFICATIONS TO NATIONAL PARTICIPATION RATE GOALS TO REFLECT THE NUMBER OF FAMILIES RECEIVING ASSISTANCE IN EACH STATE.—The Secretary, after consultation with the States, shall establish specific work participation rate goals for each State by adjusting the national participation rate goals to reflect the level of Federal funds a State is receiving under this part for the fiscal year and the average number of minor children in families having incomes below the poverty line that are estimated for the State for the fiscal year. Not later January 15, 1996, and each year thereafter, the Secretary shall publish in the Federal Register the participation rate goals for each State for the current fiscal year.

On page 52, beginning on line 24, strike all through ''fiscal year,'' on page 53, line 4, and insert the following:

''(3) FAILURE TO SATISFY PARTICIPATION RATE.—

''(A) IN GENERAL.—If the Secretary determines that a State has failed to satisfy the work participation rate goals specified for the State pursuant to section 404(b)(6) for a fiscal year,

AMENDMENT NO. 2569

(Purpose: To provide for the perspective application of the provisions of title V)

On page 300, line 10, insert ''other than section 506 of this Act,'' after ''law,''.

On page 302, between lines 5 and 6, insert the following:

SEC. 506. APPLICATION OF TITLE TO CERTAIN BENEFICIARIES.

The provisions of, and amendments made by, this title shall not apply to any noncitizen who is lawfully present in the U.S. and receiving benefits under a program on the date of the enactment of this Act.

Mr. GRAHAM. Mr. President, I offered several amendments which I will explain in brief.

My first amendment would change the formula for distributing Federal welfare funds to the States.

I am offering this amendment with Senator DALE BUMPERS. I would ask for unanimous consent to add Senators BRYAN, MOSELEY-BRAUN, PRYOR, JOHNSTON, and REID as cosponsors.

In sum, our formula amendment would distribute funds under this bill on the basis of a State's number of children in poverty.

In the interest of time, I ask unanimous consent to have printed in the RECORD at this point a description of the Graham-Bumpers formula amendment. Thank you.

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

GRAHAM-BUMPERS CHILDREN'S FAIR SHARE PROPOSAL

The Graham-Bumpers Children's Fair Share proposal allocates funding based on the number of poor children in each state.

The amendment would be needs based, adjusts for population and demographic changes, treats all poor children equitably does not permanently disadvantage states based on previous year's spending in a system that is being dismantled, and allows all states a more equitable chance at achieving the work requirements in S. 1120. The Graham-Bumpers Children's Fair Share measure would establish a fair, equitable and level playing field for poor children in America, regardless of where they live.

Disparities in funding would be narrowed in the short-run and eliminated over time—in sharp contrast to S. 1120.I11*Children's Fair Share Allocation Formula:* The Children's Fair Share formula would allocate funding based on a three-year average of the number of children in poverty. This information would come from the Bureau of the Census in its annual estimate through sampling data. With the latest data available, the Secretary would determine the state-by-state allocations and publish the data in the Federal Register on January 15 of every year.

Small State Minimum Allocation: For any State whose allocation was less than 0.6%, the minimum allocation would be set at the lesser of 0.6% of the total allocation or twice the actual FY 1994 expenditure level.

Allocation Increase Ceiling: For all states except those covered by the small state minimum allocation, the amount of the allocation would be restricted to increase not more than 50% over FY 1994 expenditure levels in the first year and to 50% increases for every subsequent year.

Final Adjustment to Minimize Adverse Impact: The savings from the ''allocation increase ceiling'' would exceed that for ''small state minimum allocation''. The net effect of these adjustments would be reallocated among the states who receive less than their FY 1994 actual expenditures.

Mr. GRAHAM. My second amendment addresses the issue of unfunded mandates. In the spirit of S. 1, the first bill of this session that will seek to limit unfunded mandates in the future, a bill which was passed with bipartisan support and signed into law by the President, I am offering an amendment to apply the principles of S. 1—the unfunded mandates bill—to the welfare reform bill.

My third amendment deals with the section of the Dole bill the calls for a ranking of States' compliance with the provisions of this bill. My thesis is that this ranking system would be inherently unfair, because of the disparate amounts that would flow to States under this bill. Therefore, if we're going to give the States a grade, my amendment would require the Secretary to take into account the number of poor children in each State.

My fourth amendment deals with the work-participation goals in the Dole bill. My amendment would allow those work goals to be modified, based on the amount of funding a State receives. My final amendment would allow legal aliens currently receiving benefits to continue to be eligible under this legislation.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the pending amendment be set aside.

Mr. DODD. Will my colleague yield for a second?

AMENDMENT NO. 2570 TO AMENDMENT NO. 2280

(Purpose: To reduce fraud and trafficking in the Food Stamp program by providing incentives to States to implement Electronic Benefit Transfer systems)

Mr. DODD. Mr. President, in behalf of my colleague from Vermont, I would like to send an amendment to the desk

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

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. LEAHY, proposes an amendment numbered 2570.

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

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

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

AMENDMENT NO. 2571 TO AMENDMENT 2280

(Purpose: To modify the maintenance of effort provision)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 2571 to amendment number 2280.

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

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

The amendment is as follows:

In section 403(a)(5) of the amendment, strike B–D, and insert the following:

''(B) HISTORIC STATE EXPENDITURES.—For purposes of this paragraph, the term 'historic State expenditures' means expenditures by a State under parts A and F of title IV for fiscal year 1994, as in effect during such fiscal year.

''(C) DETERMINATION OF STATE EXPENDITURES FOR PRECEDING FISCAL YEAR.—

''(i) IN GENERAL.—For purposes of this paragraph, the expenditures of a State under the State program funded under this part for a preceding fiscal year shall be equal to the sum of the State's expenditures under the program in the preceding fiscal year for—

''(I) cash assistance;

''(II) child care assistance;

''(III) job education, training, and work; and

''(IV) administrative costs.

''(ii) TRANSFERS FROM OTHER STATE AND LOCAL PROGRAMS.—In determining State expenditures under clause (i), such expenditures shall not include funding supplanted by transfers from other State and local programs.

''(D) EXCLUSION OF FEDERAL AMOUNTS.—For purposes of this paragraph, State expenditures shall not include any expenditures from amounts made available by the Federal Government.

Mr. JEFFORDS. Mr. President, there is a little confusion. Some time ago the Senator from Utah offered three amendments on my behalf. Only two were delivered in that package. This is the third amendment, so there is no confusion.

This amendment will clarify the definition of maintenance of effort.

I ask unanimous consent that my amendment be set aside.

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

AMENDMENTS NOS. 2572 THROUGH 2576 TO AMENDMENT NO. 2280

Mr. SANTORUM. Mr. President, I send the following five amendments to the desk on behalf of the Senator from New Mexico [Mr. DOMENICI] and ask for their consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for Mr. DOMENICI, proposes amendments numbered 2572 through 2576 to amendment No. 2280.

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

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

The amendments are as follows:

AMENDMENT NO. 2572

(Purpose: To improve the child support enforcement system by giving States better incentives to improve collections)

On page 590, after line 23, strike (a) incentive Payments and all that follows through page 595, line 2 and insert the following:

Share collections 50/50 with all States.

Set national standards that all states must reach before incentives are made.

National standards will be set up for Paternity Establishment, Support Order establishment, Percentage of cases with collections, ratio of support due to support collected and cost effectiveness.

Set basic matching rate at 50 percent and allow incentive matching rates up to 90 percent of expenditures for the performance categories.

Change audit process to invoke audit sanctions if States do not meet 50 percent of the performance standard.

Require IRS COBRA notices to be sent to the State Child Support Agency.

AMENDMENT NO. 2573

(Purpose: To maintain the welfare partnership between the States and the Federal Government)

On page 21, after line 25, insert the following:

''(5) Welfare partnership.—

''(A) In general.—Beginning with fiscal year 1997, if a State does not maintain the expenditures of the State under the program for the preceding fiscal year at a level equal to or greater than 75% of the level of historic State expenditures, the amount of the grant otherwise determined under paragraph (1) shall be reduced in accordance with subparagraph (B).

''(B) Reduction.—The amount of the reduction determined under this subparagraph shall be equal to—

(i)(I) the difference between the historic State expenditures and the expenditures of the State under the State program for the preceding fiscal year;

(ii) the amount determined under clause (i)(I)

''(C) Historic state expenditures.—For purposes of this paragraph, the term ''historic State expenditures'' means expenditures by a State under parts A and F of title IV for fiscal year 1994, as in effect during such fiscal year.

''(D) Determining state expenditures.—

''(i) In general.—Subject to (ii) and (iii), for purposes of this paragraph the expenditures of a State under the State program funded under this part for a preceding fiscal year shall be determined by adding the expenditures of that State under its State program for—

''(I) cash assistance;

''(II) child care assistance;

''(III) job education and training, and work; and

''(IV) administrative costs;

in that fiscal year.

''(ii) Exclusion of grant amounts.—The determination under (i) shall not include grant amounts paid under paragraph (1) (or, in the case of historic State expenditures, amounts paid in accordance with section 403, as in effect during fiscal year 1994).

''(iii) Reservation of federal amounts.—For any fiscal year, if a State has expended amounts reserved in accordance with subsection (b)(3), such expenditure shall not be considered a State expenditure under the State program.''

AMENDMENT NO. 2574

(Purpose: To express the Sense of the Senate regarding the inability of the non-custodial parent to pay child support)

At the appropriate place in the bill, insert the following new provision:

''SEC. . SENSE OF THE SENATE.

''It is the sense of the Senate that—

''(a) States should diligently continue their efforts to enforce child support payments by the non-custodial parent to the custodial parent, regardless of the employment status or location of the non-custodial parent; and

''(b) States are encouraged to pursue pilot programs in which the parents of a non-adult, non-custodial parent who refuses to or is unable to pay child support must

''(1) pay or contribute to the child support owned by the non-custodial parent; or

''(2) otherwise fulfill all financial obligations and meet all conditions imposed on the non-custodial parent, such as participation in a work program or other related activity.''

AMENDMENT NO. 2575

(Purpose: To allow States maximum flexibility in designing their Temporary Assistance programs)

On page XX, after line XX, strike and all that follows through page XX, Line XX.

AMENDMENT NO. 2576

(Purpose: To create a national child custody database, and to clarify exclusive continuing jurisdiction provisions of the Parental Kidnapping Prevention Act)

On page 792, after line 22, add the following new title:

TITLE —CHILD CUSTODY REFORM

SEC. 01. SHORT TITLE.

This title may be cited as the ''Child Custody Reform Act of 1995''.

SEC. 02. REQUIREMENTS FOR EXCLUSIVE CONTINUING JURISDICTION MODIFICATION

Section 1738A of title 28, United States Code, is amended—

(1) in subsection (d) to read as follows:

''(d)(1) Subject to paragraph (2) the jurisdiction of a court of a State that has made a child custody or visitation determination in accordance with this section continues exclusively as long as such State remains the residence of the child or of any contestant.

''(2) Continuing jurisdiction under paragraph (1) shall be subject to any applicable provision of law of the State that issued the initial child custody determination in accordance with this section, when such State law establishes limitations on continuing jurisdiction when a child is absent from such State.'';

(2) in subsection (f)

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (1), respectively and transferring paragraph (2) (as so redesignated) so as to appear after paragraph (1) (as so redesignated); and

(B) in paragraph (1) (as so redesignated), by inserting ''pursuant to subsection (d),'' after ''the court of the other State no longer has jurisdiction,''; and

(3) in subsection (g), by inserting ''or continuing jurisdiction'' after ''exercising jurisdiction''.

SEC. 03. ESTABLISHMENT OF NATIONAL CHILD CUSTODY REGISTRY.

Section 453 of the Social Security Act (42 U.S.C. 653) (as amended by section 916) is further amended by adding at the end the following new subsection:

''(p)(1) Not later than 1 year after the date of enactment of this subsection, the Secretary, in consultation with the Attorney General, shall conduct and conclude a study regarding the most practicable and efficient way to create a national child custody registry to carry out the purposes of paragraph (3). Pursuant to this study, and subject to the availability of appropriations, the Secretary shall create a national child custody registry and promulgate regulations necessary to implement such registry. The study and regulations shall include—

''(A) a determination concerning whether a new national database should be established or whether an existing network should be expanded in order to enable courts to identify child custody determinations made by, or proceedings filed before, any court of the United States, its territories or possessions;

''(B) measures to encourage and provide assistance to States to collect and organize the data necessary to carry out subparagraph (A);

''(C) if necessary, measures describing how the Secretary will work with the related and interested State agencies so that the database described in subparagraph (A) can be linked with appropriate State registries for the purpose of exchanging and comparing the child custody information contained therein;

''(D) the information that should be entered in the registry (such as the court of jurisdiction where a child custody proceeding has been filed or a child custody determination has been made, the name of the presiding officer of the court in which a child custody proceeding has been filed, the telephone number of such court, the names and social security numbers of the parties, the name, date of birth, and social security numbers of each child) to carry out the purposes of paragraph (3);

''(E) the standards necessary to ensure the standardization of data elements, updating of information, reimbursement, reports, safeguards for privacy and information security, and other such provisions as the Secretary determines appropriate;

''(F) measures to protect confidential information and privacy rights (including safeguards against the unauthorized use or disclosure of information) which ensure that—

''(i) no confidential information is entered into the registry;

''(ii) the information contained in the registry shall be available only to courts or law enforcement officers to carry out the purposes in paragraph (3); and

''(iii) no information is entered into the registry (or where information has previously been entered, that other necessary means will be taken) if there is a reason to believe that the information may result in physical harm to a person; and

''(G) an analysis of costs associated with the establishment of the child custody registry and the implementation of the proposed regulations.

''(2) As used in this subsection—

''(A) the term 'child custody determination' means a judgment, decree, or other order of a court providing for custody or visitation of a child, and includes permanent and temporary orders, and initial orders and modifications; and

''(B) the term 'custody proceeding'—

''(i) means a proceeding in which a custody determination is one of several issues, such as a proceeding for divorce or separation, as well as neglect, abuse, dependency, wardship, guardianship, termination of parental rights, adoption, protective action from domestic violence, and Hague Child Abduction Convention proceedings; and

''(ii) does not include a judgment, decree, or other order of a court made in a juvenile delinquency, or status offender proceeding.

''(3) The purposes of this subsection are to—

''(A) encourage and provide assistance to State and local jurisdictions to permit—

''(i) courts to identify child custody determinations made by, and proceedings in, other States, local jurisdictions, and countries;

''(ii) law enforcement officers to enforce child custody determinations and recover parentally abducted children consistent with State law and regulations;

''(B) avoid duplicative and or contradictory child custody or visitation determinations by assuring that courts have the information they need to—

''(i) give full faith and credit to the child custody or visitation determination made by a court of another State as required by section 1738A of title 28, United States Code; and

''(ii) refrain from exercising jurisdiction when another court is exercising jurisdiction consistent with section 1738A of title 28, United States Code.

''(4) There are authorized to be appropriated such sums as may be necessary to establish the child custody registry and implement the regulations pursuant to paragraph (1).''.

SEC. 04. SENSE OF THE SENATE REGARDING SUPERVISED CHILD VISITATION CENTERS.

It is the sense of the Senate that local governments should take full advantage of the Local Crime Prevention Block Grant Program established under subtitle B of title III of the Violent Crime Control and Law Enforcement Act of 1994, to establish supervised visitation centers for children who have been removed from their parents and placed outside the home as a result of abuse or neglect or other risk of harm to such children, and for children whose parents are separated or divorced and the children are at risk because of physical or mental abuse or domestic violence.

Mr. SANTORUM. Mr. President, I ask unanimous consent that those amendments be set aside for later consideration.

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

AMENDMENT NO. 2577, 2578 AND 2579 TO AMENDMENT NO. 2280

Mr. SANTORUM. Mr. President, I send to the desk three amendments on behalf of the Senator from New York, Senator D'AMATO and ask for their consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for Mr. D'AMATO, proposes amendments numbered 2577, 2578, and 2579 to amendment No. 2280.

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

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

The amendments are as follows:

AMENDMENT NO. 2577

(Purpose: Changing the date for the determination of fiscal year 1994 expenditures)

On page 17, line 20, strike ''February 14'' and insert ''May 15''.

AMENDMENT NO. 2578

(Purpose: Claims arising before effective date)

On page 124, between lines 9 and 10, insert:

(3) CLOSING OUT ACCOUNT FOR THOSE PROGRAMS TERMINATED OR SUBSTANTIALLY MODIFIED BY THIS TITLE.—In closing out accounts, Federal and State officials may use scientifically acceptable statistical sampling techniques. Claims made under programs which are repealed or substantially amended in this title and which involve State expenditures in cases where assistance or services were provided during a prior fiscal year, shall be treated as expenditures during fiscal year 1995 for purposes of reimbursement even if payment was made by a State on or after October 1, 1995. States shall complete the filing of all claims no later than September 30, 1997. Federal department heads shall—

(A) use the single audit procedure to review and resolve any claims in connection with the close out of programs, and

(B) reimburse States for any payments made for assistance or services provided during a prior fiscal year from funds for fiscal year 1995, rather than the funds authorized by this title.

AMENDMENT NO. 2579

(Purpose: Terminating efforts to recover funds for prior fiscal years)

On page 124, between lines 9 and 10, insert:

Notwithstanding the preceding sentence, the Secretary of Health and Human Services shall cease efforts to recover previously granted funds, shall pay any amounts being deferred, and shall forgive any disallowance pending appeal before the Departmental Appeals Board or before any Federal court unless the Secretary determines that there was not substantial compliance with the program requirements underlying the claims or, upon probable cause, believes that there is evidence of fraud on the part of the State. The preceding sentence shall not be construed as diminishing the right of a State to administrative or judicial review of a disallowance of funds.

Mr. SANTORUM. Mr. President, I ask unanimous consent that those amendments be set aside for later consideration.

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

AMENDMENT NO. 2580 TO AMENDMENT NO. 2280

(Purpose: To limit vocational education activities counted as work)

Mr. SANTORUM. Mr. President, I send an amendment to the desk in behalf of Senator Grams of Minnesota and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for Mr. GRAMS, proposes an amendment numbered 2580 to amendment No. 2280.

Mr. SANTORUM. 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 36, between lines 13 and 14, insert the following;

''(4) LIMITATION ON VOCATIONAL EDUCATION ACTIVITIES COUNTED AS WORK.—For purposes of determining monthly participation rates under paragraphs (1)(B)(i)(I) and (2)(B)(i) of subsection (b), not more than 20 percent of adults in all families and in 2-parent families determined to be engaged in work in the State for a month may meet the work activity requirement through participation in vocational educational training.

Mr. SANTORUM. Mr. President, I ask unanimous consent that that amendment be set aside for later consideration.

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

AMENDMENT NO. 2560

Mr. SANTORUM. Mr. President, seeing no other Senators present, I would like to respond to the comments of the Senator from Connecticut.

As I said, yesterday when I made comments on the issue of child care, I have sympathy for what he is talking about. I was a member of the Ways and Means Committee which last year worked on the Republican Task Force on Welfare and came up with a bill, H.R. 3,500, with the Senator from Massachusetts spoke to and came over and said we should adopt the Santorum bill over here from last session because indeed in the last session we introduced a bill that, as chairman of the task force, will provide more money for child care recognizing the need that if we are going to put people into work that we would in fact be required to come up with some more money for child care.

I say that under H.R. 3,500 we did not block grant the program. We did not give States the kind of flexibility that we do in this bill, and that Governors from across the country—as I said, yesterday, 80 percent of the people who are on welfare today are represented by Republican Governors. Those Governors have almost unanimously—I think there is one Governor so far that has not come out and endorsed this proposal—said that they are willing to take the allocation of resources provided in this bill and can in fact run programs that will put people to work and provide day care and the other support services that are necessary to get people into work.

So while we did provide money in that bill in the House, we did not provide the flexibility that the Governors wanted. They believe, as sort of the age-old tradeoff, as most Governors will tell you, if you are going to give us all these requirements give us the money to live with them. If you are going to give us responsibility, give us the flexibility and we will not need as much money.

That is pretty much the bottom line here. We believe we are actually able to provide more money overall if we give more flexibility to run the programs and not have the bureaucratic hoops to jump through here in Washington which cost a lot of money for the States to comply with. So that is one comment.

The other comment I would make is that in the programs that have in fact required work and in fact did put people into work. I cite the example of Riverside, CA, Grand Rapids, MI and Atlanta. In those programs where you had these work requirements you had substantial cost savings from the existing programs as a result of implementing this program.

You had I believe about a 15 percent reduction in food stamps, over 20 percent reduction in AFDC payments and over 25 percent reduction in AFDC caseload. So you got a lot of people off welfare who maybe should not have been on welfare in the first place and you had a reduction in the expenditures which that pool of resources

could be used to provide the supplemental benefits that are necessary to put people to work. In fact, that is what was done in these experimental cities that I referenced.

So it is a matter of better targeting resources. It is not a matter that we have to keep putting up more and more money.

The final point I wanted to make on child care, and it is a sensitive one, is that I share the concern, and in fact I support the Snowe amendment which now is the modified Dole package which would provide for mothers who have children under 5 to be able to be exempted from the work requirement if they can demonstrate that they simply do not have child care available or the child care available is simply unaffordable under the circumstances that they are in.

I support that because I think we first have to make sure that before we create an entitlement for someone to get child care we have to make sure there are not any other sources of day care available. There are people on welfare who have parents and grandparents who can help provide day care for children, who have neighbors, who have other situations in which they can in fact find child care for their children without resorting to government entitlement. The government entitlement and the big concern I have with the Government entitlement is it becomes the first resort for day care, not the last, and that it becomes another program that just simply grows and grows and grows and we continue to break down the family, the need for parents and grandparents as we have done historically not just in this country, in every civilization known, to have parents and grandparents of the mother be able to be there and help provide for the extended family.

We can continue to say that is not as important, or the Government is going to take their place now, that the Government is going to be in there first to provide this day care. I think that is harmful. I do not think that should be the first resort. I think we should say that families should continue to work together and not look to the Government to provide day care for children. If you are going to have children, there should be a responsibility of not only the parents but the grandparents involved to be a participant in helping. And in fact that is what happens today in most cases in America.

If we create this entitlement, which is what has been talked about, I think we really potentially damage. Unintended as it may be, I think we damage the nucleus of the relationships of families in America, and the dependency which I think is so necessary between generations to hold families together.

The other point I would want to make on that is that if we provided an entitlement for mothers—and it is predominantly mothers—for mothers on welfare, we say if you go on welfare and then go to work under a work program, we will provide you day care, but if you do not go on welfare and you just are trying to make ends meet as a single mom, you are on your own, wow. What are we saying here? What are we saying to single mothers who are out there, as they are, in the millions today just trying to get kids to day care and get to work and not be late and get home on time and the rest, and we say if you get on welfare, we will make it easy for you; the Government will pay for it? What are we saying?

Mr. DODD. Will my colleague yield?

Mr. SANTORUM. I will be happy to yield.

Mr. DODD. It is an interesting point because presently we provide about 640,000 children in a program with assistance. What we need to talk about is not just people on welfare but people going to work at 125 percent or so of poverty. And there is a transition where people should start to contribute to their own child care needs.

I did not mention this in my remarks, but one of the dangers I think of what is going to happen here is that you have people working right now that are out there, they are getting help with their child care. If we are now going to say to the welfare recipient that you have got to go to work, and we are going to say, take what exists out there today, we may be taking care from some of the very people working right now, managing to stay at work because they are getting help with child care. They are going to be put into a second-class status because the person on welfare is going to utilize that dollar.

My colleague is correct. We have provided, not to any great extent, for some families to try and keep them off of welfare because even if you get off welfare, you have to stay off and staying off requires a bit of time so you can get up to a point where you can afford the rent. Setting aside health care and looking just at food, rent and so forth, average day care costs, private costs are $80, $100 a week, for the least expensive programs in many cases, and if you are pulling down something a bit above minimum wage that gets almost impossible.

So it is a good point, but it seems to me it does not necessarily argue against trying to get people off welfare and providing that transitional assistance. I think the Senator was making that point.

Mr. SANTORUM. I am not making the point that we should not provide child care for women who are on welfare who want to work. I am not saying we should not do that. The point I was making is I do not think we should create a guaranteed entitlement for it. There is a difference. The Senator mentioned in fact for working mothers today there is no entitlement to day care. There simply is not. We do, as the Senator mentioned, have some 600,000 people who are in need of day care assistance, that assistance, but it is a very tough program. You have to walk through the hoops to be able to qualify. You have to prove that there is no family or other kind of support necessary.

It is not easy to qualify. And even at that, even if you qualify, you are not guaranteed a slot.

Mr. DODD. Will my colleague yield on that point?

Mr. SANTORUM. Sure.

Mr. DODD. Just to make the case. We have no entitlement. This amendment is not an entitlement. There is no provision here saying that you are entitled to it. We have been told this is the rough amount of money—with the 165 percent increase under the Dole work provisions, this is the amount of money we have been told would be adequate to provide for child care. There is no entitlement here at all. In the past, I have argued for entitlement.

Mr. SANTORUM. The Senator has.

Mr. DODD. But not on this one. This is no entitlement.

Mr. SANTORUM. If you provide the amount of money that will be necessary to fully fund the program, in a sense you have not created an entitlement but you have created a slot for everyone.

Mr. DODD. Hopefully. But you do not have a right to go to court, as you do under an entitlement program, and say I have met the criteria; therefore, you must provide me.

Mr. SANTORUM. I think that is a distinction without a difference.

Mr. DODD. That is an entitlement program.

Mr. SANTORUM. OK. Then if we are going to provide sufficient money for everyone to get child care as a first resort and a last resort, while it may not be an entitlement, it has in effect the same consequence which is everyone will have a day care slot, and that is a Federal day care slot which I think is a dangerous precedent and a counterproductive one.

Again, I want to emphasize that I think through the Snowe amendment we are going to without a doubt encourage States—and I think a lot of States would do this without our encouragement—encourage States to move forward and to provide day care support for working single parents. And I will go through that rationale again. I think it is important.

Under the Dole provision, we are going to require eventually 50 percent of all people who participate in this program, the welfare program, 50 percent will have to be in the work program. There will be a substantial number, roughly a third is usually the number, a third considered to be incapacitated, disabled, whatever the term you want to use, who will never be in a work program because of either their own incapacity or disability of a child that would make that parent really ineligible to have to leave that child and go to work.

So you are setting aside a third that you pretty well know are not ever going to be in that program. So you have 50 percent of the whole thing and

again a third of that is gone, so you have a pretty good chunk of the remaining caseload that are going to be required to work.

If you say that single parents are going to be required to work irrespective of the age of the child, so they are going to be in the denominator of the equation, but they are not required to work if they can demonstrate that child care is not available to them—and again the State will set the criteria—that means they are not going to be in the enumerator, and if you have a pool here of roughly 67 percent of the whole group, and you have to get 50 percent to work, you have a pretty slim margin to work with to exclude people because they cannot get day care.

So what you are going to do is to meet your 50 percent number the State really is going to be forced to go out and provide day care opportunities for younger mothers, and I think that is what we want to do. We want to make sure that as efficiently as possible we can direct the States to in effect go out and provide those dollars.

So we think we have gotten around the problem without getting into the—I will not use the term entitlement because it is not entitlement—without getting used to, I would say, the guaranteed slot that is being provided for in the Dodd amendment, however well-intentioned I think—I know the Senator from Connecticut has been a champion in trying to expand the number of day care guarantees for parents. However well-intentioned that is, I do not think that is the right direction we should be taking at this time.

Mr. DODD. If my colleague will yield for just one more point, I appreciate his concerns, and I was not aware of his efforts in the previous Congress in the other body with H.R. 3500, with the Senator's own welfare reform and child care proposals, but I will take a look at them. Maybe I will offer that as an amendment, the Santorum bill—

Mr. SANTORUM. Do not put me on the spot.

Mr. DODD. From the previous Congress. I just raise this because it is a good point. States under the Dole proposals I suspect—I am sure they are going to be wanting to do what they can in child care, but I suspect they are also going to weigh the cost of doing that, through whatever mechanism they have to do it, either by cutting spending in other areas or raising taxes, and the penalties imposed upon them if they do not meet the criteria of the legislation regarding a certain percentage of the welfare recipients going to work. They will decide which they would rather do, pay the penalty, which I presume would be lower—I do not know exactly, but I suspect it is lower than what it would be to come up with the resources to see to it that the welfare recipient makes the transition. That is one of my concerns here. So we will end up with States paying the penalties in some cases because it is cheaper to pay the penalties than it is to meet that criteria, or that race to the bottom approach where they will say: Look, we are going to lower this thing so that people will not stay around in this State and they will find some other State, Pennsylvania, New Hampshire, some other place to go to, so you will have a competition as to who will get this thing done and we have another national problem.

Mr. SANTORUM. I would say to the Senator again in the Dole bill as recently modified there is a provision that States have to do 75 percent maintenance of effort over 3 years. There really is no attempt to race to the bottom. I do not know how many States are going to be willing to sort of give back dollars as opposed to reallocating existing dollars.

We are not really asking to spend more money. We are telling them to reallocate dollars to child care, to implement the work program. And that is not costing them any Federal funds to do that. If they violate and suffer penalties, they will lose Federal dollars. And that is a pretty powerful incentive, I think. I will get those numbers as to what the penalties will be.

Mr. DODD. Yes.

Mr. SANTORUM. I think it is important to look. If, in fact, we see the penalties are not particularly stiff, I would look at dealing with that down the road.

I thank the Senator.

Mr. DODD. I thank the Senator.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2581 TO AMENDMENT NO. 2280

(Purpose: To strike the increase to the grant to reward States that reduce out-of-wedlock births)

Mr. JEFFORDS. I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], proposes an amendment numbered 2581.

Mr. JEFFORDS. 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:

Strike the matter between lines 11 and 12 of page 51 (as inserted by the modification of September 8, 1995).

Mr. DODD. Will my colleague yield for one second?

Mr. JEFFORDS. I will be happy to.

AMENDMENT NOS. 2582, 2583, AND 2584, EN BLOC, TO AMENDMENT NO. 2280

Mr. DODD. I send to the desk three amendments on behalf of Senator WELLSTONE.

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

The clerk will report the amendments.

To assistant legislative clerk read as follows:.

The Senator from Connecticut [Mr. DODD] for Mr. WELLSTONE proposes amendments numbered 2582, 2583, and 2584, en bloc.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2582

(Purpose: To amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under such Act)

On page 576, between lines 12 and 13, insert the following:

Subtitle D—Minimum Wage Rate

SEC. 841. INCREASE IN THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than $4.25 an hour during the period ending December 31, 1995, not less than $4.70 an hour during the year beginning January 1, 1996, and not less than $5.15 an hour after December 31, 1996;''.

AMENDMENT NO. 2583

(Purpose: To exempt women and children who have been battered or subject to extreme cruelty from certain requirements of the bill)

On page 14, between lines 12 and 13, insert the following:

''(8) CERTIFICATION REGARDING BATTERED INDIVIDUALS.—A certification from the chief executive officer of the State specifying that—

''(A) the State will exempt from the requirements of sections 404, 405 (a) and (b), and 406 (b), (c), and (d), or modify the application of such sections to, any woman, child, or relative applying for or receiving assistance under this part, if such woman, child, or relative was battered or subjected to extreme cruelty and the physical, mental, and emotional well-being of the woman, child, or relative will be endangered by application of such sections to such woman, child, or relative, and

''(B) the State will take into consideration the family circumstances and the counseling and other supportive service needs of the woman, child, or relative.

On page 14, line 13, strike ''(8)'' and insert ''(9)''.

On page 16, between lines 22 and 23, insert the following:

''(6) BATTERED OR SUBJECTED TO EXTREME CRUELTY.—The term 'battered or subjected to extreme cruelty' includes, but is not limited to—

''(A) physical acts resulting in, or threatening to result in physical injury;

''(B) sexual abuse, sexual activity involving a dependent child, forcing the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities, or threats of or attempts at physical or sexual abuse;

''(C) mental abuse; and

''(D) neglect or deprivation of medical care.

On page 35, between lines 2 and 3, insert the following:

''(6) CERTAIN INDIVIDUALS EXCLUDED IN CALCULATION OF PARTICIPATION RATES.—An individual who is battered or subjected to extreme cruelty and with respect to whom an exemption or modification is in effect at any time during a fiscal year by reason of section 402(a)(8) shall not be included for purposes of calculating the State's participation rate for the fiscal year under this subsection.

On page 36, after line 25, add the following:

The penalties described in paragraphs (1) and (2) shall not apply with respect to an individual who is battered or subjected to extreme cruelty and with respect to whom an exemption or modification is in effect by reason of section 402(a)(8).

On page 74, between lines 2 and 3, insert: Such requirements, limits, and penalties shall contain exemptions described in section 402(a)(8) for individuals who have been battered or subject to extreme cruelty.

On page 175, line 16, strike ''and''.

On page 175, line 20, strike the period and insert ''; and''.

On page 175, between lines 20 and 21, insert the following:

(C) by adding at the end the following new subparagraph:

''(F) The provisions of this subsection shall not apply with respect to any alien who has been battered or subjected to extreme cruelty (within the meaning of section 402(d)(6) of the Social Security Act (42 U.S.C. 602(d)(6)).''

On page 183, line 11, strike the end quotation marks and the end period.

On page 183, between lines 11 and 12, insert:

''(E) EXCEPTION FOR BATTERED INDIVIDUALS.—The requirements of this paragraph shall not apply to an individual who has been battered or subjected to extreme cruelty (within the meaning of section 402(d)(6) of the Social Security Act) if such application would endanger the physical, mental, or emotional well-being of the individual.''.

On page 192, between line 16 insert at the end: ''The standards shall provide a good cause exception to protect individuals who have been battered or subjected to extreme cruelty (within the meaning of section 402(d)(6) of the Social Security Act).''

On page 197, line 13, after ''section'' insert ''6(d)(1)(E) or''.

On page 287, line 21, strike ''or (V)'' and insert ''(V), or (VI)''.

On page 291, lines 18 and 19, strike ''or (V)'' and insert ''(V), or (VI)''.

On page 299, line 11, strike ''or''.

On page 299, line 14, strike ''title II'' and insert ''title II; or (VI) a noncitizen who has been battered or subjected to extreme cruelty (within the meaning of section 402(d)(6))''.

On page 612, line 24, strike ''rights'' and inserting ''rights, and only if such resident parent or such resident parent's child is not an individual who has been battered or subjected to extreme cruelty (within the meaning of section 402(d)(6)) by such absent parent''.

On page 715, line 8, strike ''arrangements.'' and insert ''arrangements. Such programs shall not provide for access or visitation if any individual involved is an individual who has been battered or subjected to extreme cruelty (within the meaning of section 402(d)(6)) by the absent parent.''.

AMENDMENT NO. 2584

(Purpose: To exempt women and children who have been battered or subject to extreme cruelty from certain requirements of the bill)

At the end of the amendment, insert the following new title:

TITLE —PROTECTION OF BATTERED INDIVIDUALS

SEC. 01. EXEMPTION OF BATTERED INDIVIDUALS FROM CERTAIN REQUIREMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of, or amendment made by, this Act, the applicable administering authority of any specified provision shall exempt from (or modify) the application of such provision to any individual who was battered or subjected to extreme cruelty if the physical, mental, or emotional well-being of the individual would be endangered by the application of such provision to such individual. The applicable administering authority shall take into consideration the family circumstances and the counseling and other supportive service needs of the individual.

(b) SPECIFIED PROVISIONS.—For purposes of this section, the term ''specified provision'' means any requirement, limitation, or penalty under any of the following:

(1) Sections 404, 405 (a) and (b), 406 (b), (c), and (d), 414(d), 453(c), 469A, and 1614(a)(1) of the Social Security Act.

(2) Sections 5(i) and 6 (d), (j), and (n) of the Food Stamp Act of 1977.

(3) Sections 501(a) and 502 of this Act.

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) BATTERED OR SUBJECTED TO EXTREME CRUELTY.—The term ''battered or subjected to extreme cruelty'' includes, but is not limited to—

(A) physical acts resulting in, or threatening to result in, physical injury;

(B) sexual abuse, sexual activity involving a dependent child, forcing the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities, or threats of or attempts at physical or sexual abuse;

(C) mental abuse; and

(D) neglect or deprivation of medical care.

(2) CALCULATION OF PARTICIPATION RATES.—An individual exempted from the work requirements under section 404 of the Social Security Act by reason of subsection (a) shall not be included for purposes of calculating the State's participation rate under such section.

Mr. DODD. I thank my colleague.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I ask unanimous consent that my amendment be set aside.

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

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 2585 TO AMENDMENT NO. 2280

Mr. STEVENS. 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 Alaska [Mr. STEVENS], for himself and Mr. MURKOWSKI, proposes an amendment numbered 2585.

Mr. STEVENS. 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 16 of the pending amendment, beginning on line 13, strike all through line 17 and insert in lieu thereof the following:

''(4) INDIAN, INDIAN TRIBE, AND TRIBAL ORGANIZATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the terms 'Indian', 'Indian tribe', and 'tribal organization' have the meaning given such terms by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(B) IN ALASKA.—For purposes of grants under section 414 on behalf of Indians in Alaska, the term 'Indian tribe' shall mean only the following Alaska Native regional non-profit corporations—

''(i) Arctic Slope Native Association,

''(ii) Kawerak, Inc.,

''(iii) Maniilaq Association,

''(iv) Association of Village Council Presidents,

''(v) Tanana Chiefs Conference,

''(vi) Cook Inlet Tribal Council,

''(vii) Bristol Bay Native Association,

''(viii) Aleutian and Pribilof Island Association,

''(ix) Chugachmuit,

''(x) Tlingit Haida Central Council,

''(xi) Kodiak Area Native Association, and

''(xii) Copper River Native Association.

Mr. STEVENS. I want to make a brief explanation of this amendment. I hope it will be adopted as a technical amendment. I have provided a copy to each side.

I think this is a necessary change in the provision that is in the Dole amendment dealing with Indians, Indian tribes and tribal organizations. It will provide in Alaska there be a specific regional framework for block granting welfare funds. We think that is necessary to meet the circumstances of our State. After all, it is one-fifth the size of the United States.

The administrative costs of just having the welfare assistance programs administered from Juneau are almost the same as administering the whole east coast of the United States from Washington, DC. It is something we are trying to get away from through block granting.

This amendment would apply only to Alaska and specify that there are 12 Alaska Native regional nonprofit corporations that are the only native organizations in Alaska which would be eligible to receive family subsistence block grants directly under the concepts of this bill. I think that this will limit the eligible organizations. There are some 170 different organizations that would be entitled otherwise if we would block grant directly to those organizations.

We prefer to do it on a regional basis to keep administrative costs to a minimum and it is my hope that having decided to do this, if it is approved by Congress, that within each region the regional nonprofits themselves will work with the villages so that these moneys can be administered with the very least administrative costs and will not be spending money on people flying planes or going to visit these individual areas from far distant places. Let the people of the area determine what the basic family assistance money should be used for.

It is consistent with the law. We are not changing the law at all. It merely changes the concept of the tribal organization that is specified in the previous subsection (a) of subsection 4, which is the Indian tribe and tribal organization section. I am hopeful that it will be accepted as a technical amendment.

I ask that the amendment be set aside temporarily until there is a report from the two sides.

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

AMENDMENT NO. 2586 TO AMENDMENT NO. 2280

(Purpose: To modify the religious provider provision)

Mr. SANTORUM. Mr. President, I send the following amendment to the desk, and ask for its immediate consideration on behalf of the Senator from Maine, Senator COHEN.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] for Mr. COHEN proposes an amendment numbered 2586.

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:

In section 102(c) of the amendment, insert ''so long as the programs are implemented consistent with the Establishment Clause of the United States Constitution'' after ''subsection (a)(2)''.

In section 102(d)(2) of the amendment, strike subparagraph (B), and redesignate subparagraph (C) as subparagraph (B).

Mr. SANTORUM. I ask unanimous consent that that amendment be set aside for later consideration.

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

AMENDMENT NO. 2587 TO AMENDMENT NO. 2280

(Purpose: To maintain a national Job Corps program, carried out in partnership with States and communities)

Mr. SANTORUM. Mr. President, I send to the desk an amendment on behalf of the Senator from Pennsylvania, Senator SPECTER, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] for Mr. SPECTER proposes an amendment numbered 2587.

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

Mr. SANTORUM. I ask unanimous consent that the amendment be set aside for later consideration.

Mr. LAUTENBERG. Mr. President, I rise in strong opposition to the Dole-Packwood welfare reform bill.

Mr. President, we live in the greatest nation on Earth. We are the wealthiest country in the world. But it is clear that some in our society do not share in this wealth. They are poor. They are jobless and in some cases homeless. And they must rely on public assistance to survive. In America, this is unacceptable. And we should be committed to improving their lives.

Mr. President, there is no question that the current welfare system needs reform. But the central goal for any welfare reform bill should be to move welfare recipients into productive work.

This will only happen if we provide welfare recipients with education and job training to prepare them for employment. It will only happen if we provide families with affordable child care. It will only happen if we can place them into jobs, preferably in the private sector or—as a last resort—in community service.

But the Dole-Packwood bill is not designed to help welfare recipients get on their feet and go to work. It is only designed to cut programs—pure and simple.

It is designed to take money from the poor so that Republicans can provide huge tax cuts for the rich. That is what is really going on here!

Unfortunately, Mr. President, the radical experiment proposed in this legislation will inflict problems on our society while producing defenseless victims. Those victims are not represented in the Senate offices. They are not here lobbying against this bill. They do not even know they are at risk.

The victims will be America's children. And there will be millions of them.

Mr. President, the AFDC Program provides a safety net for 9 million children. These young people are innocent. They did not ask to be born into poverty. And they do not deserve to be punished.

These children are African-American, Hispanic, Asian, and white. They live in urban areas and rural areas. But, most importantly, they are American children. And we as a Nation have a responsibility to provide them with a safety net.

The children we are talking about are desperately poor, Mr. President, They are not living high off the hog. These kids live in poverty.

Consider the following:

The median AFDC grant for a family of three is $366 per month. This is the same amount a Member of Congress makes in one day; $366 per month does not buy much these days. As a matter of fact, it gets a family of three to 38 percent of the Federal poverty level.

Mr. President, this is the median. Consider the conditions some children live under in certain States.

In Mississippi, the maximum a family of three can receive is $120 per month. This will get a family to 13 percent of the poverty level.

In Texas, the maximum a family of three can receive is $184 per month. This will get a family to 19 percent of the poverty level.

Mr. President, it is hard for many of us to appreciate what life is like for the 9 million children who live in poverty and who benefit from AFDC.

I grew up to a working class family in Paterson, NJ, in the heart of the Depression. Times were tough. And I learned all too well what it meant to struggle economically.

But as bad as things were for my own family, they still were not as bad as for millions of today's children.

These are children who are not always sure whether they will get their next meal. Not always sure that they will have a roof over their heads. Not always sure they will get the health care they need.

Mr. President, these children are vulnerable. They are living on the edge of homelessness and hunger. And they did not do anything to deserve this fate.

Mr. President, if we are serious about reforming a program that keeps these children afloat, we will not adopt a radical proposal like the Dole-Packwood bill. We will not put millions of American children at risk. And we will not simply give a blank check to States and throw up our hands.

Mr. President, this Republican bill is not a serious policy document. It is a budget document. It's a down payment on a Republican tax cut that targets huge benefits for millionaires and other wealthy Americans. A tax cut that, as passed by the House, would provide $20,000 to those who make $350,000 per year.

Mr. President, if the Republicans were serious about improving opportunities for those on welfare, they would be talking about increasing our commitment to education and job training. In fact, only last year, the House Republican welfare reform bill, authored in part by Senator SANTORUM, would have increased spending on education and training by $10 billion.

This year, by contrast, the House Republican welfare bill actually cuts $65 billion, including huge reductions in education and training.

So what has changed? The answer is simple. This year, the Republicans need the money for their tax cuts for the rich.

Mr. President, shifting our welfare system to 50 State bureaucracies may give Congress more money to provide tax cuts. But it is not going to solve the serious problems facing our welfare system, or the people it serves.

To really reform welfare, Mr. President, we first must emphasize a very basic American value: the value of work.

We should expect recipients to work. In fact, we should demand that they work, if they can.

Of course, Mr. President, that kind of emphasis on work is important. But it is not enough. We also have to help people get the skills they need to get a job in the private sector. I am not talking about handouts.

I am talking about teaching people to read. Teaching people how to run a cash register or a computer. Teaching people what it takes to be self-sufficient in today's economy.

We also have to provide child care.

Mr. President, how is a woman with several young children supposed to find a job if she can not find someone to take care of her kids? It is simply impossible. There is just no point in pretending otherwise.

Unfortunately, the Dole-Packwood bill does not even begin to address these kind of needs. It does not even try to promote work. It does not even try to give people job training. It does not even try to provide child care.

All it does is throw up its hands and ship the program to the States. That is it.

Mr. President, that is not real welfare reform. It is simply passing the buck to save a buck. And who's going to get the buck that's saved? The people the Republicans really care about: the rich.

Mr. President, if we are serious about welfare reform, I would suggest that we start with adopting provisions that were contained in the ''Work First'' alternative developed by Senators DASCHLE, BREAUX, and MIKULSKI. Unlike the Dole-Packwood bill, this proposal addresses the real problems facing our welfare system.

It emphasizes moving people into productive work by providing education, training, child care, and health care for those who leave the welfare rolls. And after 2 years, recipients would have to work, either in the private sector or in community service.

It provides flexibility for States to run welfare experiments, while preserving the Federal commitment to poor children.

It encourages families to stay together and discourages teen pregnancy.

It contains tough new measures to better collect child support.

Finally, it makes savings in the Food Stamp and SSI Programs by cracking down on waste, fraud, and abuse.

This is a much preferable approach to welfare reform, Mr. President. It emphasizes work and protects the safety net for children. It is the type of balance we need to truly reform our welfare system.

Therefore, I will work with my colleagues to try to improve this Dole-Packwood bill through amendments.

Mr. President, we have an enormous opportunity to improve the welfare system. President Clinton has made welfare reform a priority, and the American people are demanding action.

But to do the job right, we are going to have to work on a bipartisan basis. That means that my Republican colleagues will have to sit down with Senate Democrats and the administration and produce a balanced reform bill. A bill that protects children. And a bill that promotes work.

Mr. President, there is a precedent for such a bipartisan effort, and it can happen again. In 1988, the Senate passed the Family Support Act which provided funds for States to train AFDC recipients so that they could move permanently into the work force.

We passed that legislation by a vote of 96 to 1 when the Democrats controlled both Houses of Congress. It was signed by President Reagan. And you know who attended the bill signing ceremony at the White House? Then-Gov. Bill Clinton.

I would hope that we could repeat this kind of bipartisanship. But to do so, we are going to have to move well beyond budget-driven proposals that simply shift the welfare problem to the States, and that threaten millions of children in the process.

So I would strongly urge my colleagues to reject the Dole-Packwood bill. Let us reform our welfare system. But let us do it right.

I yield the floor.

TRIBAL BLOCK GRANTS AND WELFARE REFORM

Mr. MCCAIN. Mr. President, I rise in strong support of the Indian provisions contained in the Dole substitute to H.R. 4, the Work Opportunity Act of 1995. I commend the distinguished majority leader, Senator DOLE, and the chairman of the Senate Finance Committee, Senator PACKWOOD, for their efforts to overhaul our Nation's welfare system and for including provisions which responsibly address the unique needs and requirements of Indian country. Senators DOLE and PACKWOOD have taken great care to draft a welfare plan that effects real change in a system that is greatly in need of repair while ensuring that all citizens, including our Nation's Indian population, receive equitable access to necessary welfare assistance. It is important to point out that the Dole substitute bill honors in many practical ways the special relationship that the United States has with Indian tribal governments.

Clearly, our welfare system has failed to meet its goals. Dependency is the off-spring of the current welfare system. In order to foster independence, we must completely replace the welfare system that breeds this dependency.

Let me put it plain and simple—the great social programs of the past have failed American Indians as much or even more than they have failed the rest of America's citizens. These programs have failed Indians because they have largely ignored the existence of Indian tribal governments and the unique needs and of the Indian population. Recent attempts to fix this problem have been like placing a band-aid on a gaping wound. Under existing programs, Indians remain the worst-off and yet benefit the least. If we are to truly reform welfare then we cannot ignore Indians, who year-after-year rank the highest in poverty and unemployment.

I believe that the Dole substitute bill promises greater hope for Indians because it allows their own tribal governments to serve Indians now living in poverty. It empowers tribes themselves to assist in ending the welfare dependency often created by existing programs by placing resources necessary to fight local welfare problems into the hands of local tribal governments. Mr. President, I believe this bill demonstrates a real commitment to ending welfare as Indians have known it. As I have said on many occasions, our successes as a nation should be measured by the impact that we have made in the lives of our most vulnerable citizens—American Indians.

Early in the 104th Congress, the Senate Committee on Indian Affairs held several hearings on the potential impact to Indians of various welfare reform proposals such as block grants. During these hearings, tribal leaders spoke out in strong favor of direct Federal funding which would allow tribal governments flexibility in administering local welfare assistance programs and stated their hopes of receiving no less authority than the Congress chooses to give to State governments in this regard. The committee also received testimony from the Inspector General of the U.S. Department of Health and Human Services who testified to how poorly Indians fare under block grants as currently administered by State governments. In response to the record adduced at these hearings, the Indian Affairs Committee developed provisions for direct, block grant funding to tribal governments which are now contained in the Dole substitute bill. These provisions reflect the efforts of many members on both the Indian Affairs and Finance Committees, and to them I express my gratitude.

Let me take several minutes to explain the Indian provisions related to temporary assistance for needy families contained in the leader's bill and the goals and purposes of those governments. In general terms, the bill authorizes Indian governments, like State governments, to receive direct Federal funding to design and administer local tribal welfare programs. Let me be clear—an Indian tribe retains the complete freedom to choose whether or not it will exercise this authority. If it does not, the State retains the authority and the funds it otherwise has under the Dole substitute bill.

Section 402(b) requires a State to certify, as it does with several other important Federal priorities, that it will provide equitable access to Indians not covered by a tribal plan. This provision expressly recognizes the Federal Government's trust responsibility to, and government-to-government relationship with Indian tribes.

Section 402(d) provides standard definitions of the terms ''Indian'', ''Indian tribe'', and ''tribal organization'' in order to clarify the respective limits of State and tribal government responsibilities under the bill.

Section 403(a) establishes the method by which tribal plans are funded, basing tribal grants on the amount attributable to Federal funds spent by a State in fiscal year 1994 on Indian families residing in the service area of an approved tribal plan. Under this Section, States are given advance notice before the tribal grant amounts are deducted from their quarterly payment. Once deducted, the State has no responsibility under the bill for those Indian families and service areas so identified in an approved tribal plan.

Section 403(e) provides that the secretary shall continue to provide direct

funding, for fiscal years 1996 through 2000, to those Indian tribes or tribal organizations who conducted a job opportunities and basic skills training program in fiscal year 1995, in an amount equal to the amount received by such tribal JOBS programs in fiscal year 1995.

Section 404(b)(4) provides that a state may, at its option, count those Indian families receiving assistance under a tribal family assistance plan as part of the calculation of a State's monthly participation rates in accordance with paragraphs (1)(B) and (2)(B) of section 404.

Section 414 is the main Indian provision setting forth the basic authority for tribal direct funding and the express requirements of tribal family assistance plans. It requires the Secretary to make direct funding available to Indian tribes exercising this option in order to strengthen and enhance the control and flexibility of local governments over local programs, consistent with well-settled principles of Indian self-determination. In particular, section 414(a) describes how the goals of welfare reform pursued under this bill and the goals of Indian self-determination and self-governance authorized under separate authority are consistent. Section 414(b) establishes the methodology for funding an approved tribal family assistance plan, including the use of data submitted by State and tribal governments. This provision anticipates that the data involved is already collected or the added burden of data collection required will be de minimus. Section 414(c) provides that in order to be eligible to receive direct funding, an Indian tribe must submit a 3-year family assistance plan. Each approved plan must outline the tribe's approach to providing welfare-related services consistent with the purposes of this section. Each plan must specify whether the services provided by the tribe will be provided through agreements, contracts, or compacts with intertribal consortia, States, or other entities. This allows small tribes to join with other tribes in order to economize on administrative costs and pool their talents to address their common problems. Each plan must identify with specificity the population and service area or areas which the tribe will serve. This requirement is designed to ensure that there is no overlap in service administration and to provide a clear outline to affected State administrations of the boundaries of their responsibilities under the Act. Each plan must also provide guarantees that tribal administration of the plan will not result in families receiving duplicative assistance from other State or tribal programs funded under this part. Each plan must identify employment opportunities in or near the service area of the tribe and the manner in which the tribe will cooperate and participate in enhancing such opportunities for recipients of assistance under the plan consistent with any applicable State standards. And finally, each plan must apply fiscal accounting principles in accordance with chapter 75 of title 31, United States Code. This last requirement is consistent with other Federal authority governing the administration by tribes and tribal organizations of similar block grant programs under authority of the Indian Self-Determination and Education Assistance Act of 1975, as amended. Section 414(d) requires the establishment of minimum work participation requirements, time limits on receipt of welfare-related services, and individual penalties consistent with the purposes of this section and the economic conditions of a tribe's service area and the availability to a tribe of other employment-related resources. These restrictions must be developed with the full participation of the tribes and tribal organizations, and must be similar to comparable provisions in Section 404(d). The remaining provisions of Section 414 further ensure that funding accountability will be maintained by tribes and tribal organizations in administering funds under an approved tribal family assistance plan.

The funds provided to a tribe under section 414 are deducted from the State allocation, but only after advance notice to the State. Having lost the Federal support for temporary assistance to needy Indian families in a tribal plan's service area, the State no longer has any responsibility under the bill for those families. The Indian Affairs Committee has been informed by various State representatives that it is administratively more difficult and costly for States to provide services to Indians who reside in remote locations of their States. While these States acknowledge a responsibility to provide services, circumstances such as geographic isolation make it more difficult to do so. States are, therefore, well-served by these provisions, because if Indian families in a geographical area are identified in an approved and funded tribal plan, a State government no longer has the responsibility to serve those families unless the tribe and the State agree otherwise.

Some tribal representatives have pointed out that some tribes may choose not to exercise the option to administer a tribal plan, because the bill does not require a State to provide State funding to supplement the Federal funding provided to a tribe. As originally drafted, the Indian provisions expressly permitted States to agree to provide State funding or services to an Indian tribe with an approved plan in order to maintain equitable services. It is my understanding that this language was deleted because other provisions in the bill provide sufficient guarantees that States will ensure the delivery of equitable services. But under the bill's current provisions, a State is not prohibited from entering into an agreement with a tribe for the transfer of State funds or the provision of specific State services to a tribe for the benefit of Indians within that State. Indeed, a State government may choose to enter into an agreement with a tribal government to induce the tribe to take over administration of these programs, and one of the inducements could be a transfer of State funds to the tribe that would otherwise have been used by the State to serve those who would now be served under the tribal plan. If State administrators are sincere about making real progress on welfare reform, and I think they are, I expect they will act responsibly and sensitively with tribes that wish to join the State in administering programs that end welfare dependency.

Mr. President, it is important to point out that these Indian provisions are consistent with the purposes of the Dole substitute bill. They do not seek to circumvent these purposes nor give preferable treatment to Indian tribal governments. The tribal plans remain subject to minimum requirements and penalties similar to those applied to State governments. The Dole substitute also requires a tribe to comply with the fiscal accountability requirements of chapter 75 of title 31, United States Code and the Indian Self-Determination and Education Assistance Act of 1975, as amended. I would also submit that giving tribal governments the authority to administer a tribal welfare program is consistent with our goal of empowering local government control over local programs. It only stands to reason that, like States, Indian tribal governments are most familiar with the problems that plague their local communities.

Many of my colleagues in the Senate know that some Indian tribal governments may not have existing capacity or infrastructure to administer complex welfare programs. Consequently, the Dole substitute bill includes provisions authorizing tribes to enter into cooperative agreements with States or other tribal governments for the provision of welfare assistance. This will allow small tribes to join with other tribes in order to economize on administrative costs and pool their talents and resources to address their common problems. However, I believe it is very important to permit and encourage those Indian tribal governments that do possess such capacity to participate in these new welfare initiatives by addressing welfare issues at a local level.

It should go without saying that any State may enter into any agreement it chooses with a tribe for the transfer of State funds to that tribe for the purpose of administering a welfare program that benefits Indians within that State. In my view, it is in both a State and tribe's best interest to work out supplemental agreements for funding and services where necessary because to do otherwise could undermine the goals of the bill.

I know that many Members in this body are aware that Indian Country has historically been plagued by high

unemployment and therefore its residents suffer from extremely high poverty rates. Therefore, I was pleased to learn that the Finance Committee Chairman drafted provisions that enable Indian tribes that are currently administering tribal JOBS programs to continue to do so. Section 403 of the Dole substitute provides that the Secretary shall provide direct funding in an amount equal to the amount received by the existing tribal JOBS programs in fiscal year 1995. By keeping the JOBS programs in Indian country intact, we will acknowledge the positive impact it has made in the lives of thousands of Indians. Indians residing in communities where a tribal JOBS program is in operation have experienced a new sense of hope by developing basic job skills that have helped them to secure stable job opportunities both on and off the reservation. The Dole substitute bill also contains provisions in titles VI and VIII which provide continuing resources for programs that have proven successful in Indian country, such as the Child Care and Development Block Program as well as new programs that are critical to ending the high Indian unemployment rates such as the proposed workforce development and training activities. These provisions, along with the JOBS component will greatly assist in helping Indian country contribute to the goals of welfare reform and the purposes of the act.

Mr. President, I believe it is important to point out that with passage of these provisions in the Dole substitute bill the Senate will discharge some of its continuing responsibilities under the U.S. Constitution—the very foundation of our treaty, trust, and legal relationship with the Nation's Indian tribes, and which vests the Congress with plenary power over Indian affairs. I was deeply troubled to learn that H.R. 4, as passed by the House, did not address the unique status of Indian tribal governments or the trust responsibility of the Federal Government to the Indian tribes. There was no House debate on the status of the welfare state on many Indian reservations nor the impact that the proposed changes to welfare programs would have on access to services already in existence in Indian country. Nor was there any mention made in the House welfare debate of the significant legal and trust responsibility that the Federal Government has to the Indian tribes. Therefore, it is extremely important that the Senate do so. to do otherwise would be to abrogate our responsibilities. I was pleased to learn that the distinguished chairman of the House Ways and Means Committee has acknowledged with some regret the failure of the House to address the Indian issues and has given his assurance to address this oversight during conference on the bill.

As the chairman of the Indian Affairs Committee, I feel it is my responsibility to take a moment to briefly expand my remarks to a discussion of the responsibilities of the Congress toward Indians under the U.S. Constitution. The Constitution provides that the Congress has plenary power to prescribe Federal Indian policy. These powers are provided for pursuant to the Commerce and the Treaty Power clauses. Sadly, over the last two centuries, the Congress has poorly exercised its power and responsibility—subjecting Indian tribal governments to inconsistent or contradictory policies—policies of termination and assimilation. These policies have served to weaken well established Indian systems of government and, in my view, have greatly contributed to the welfare state that exists today on most Indian reservations.

I know that time and time again, I have stood on this floor to recite grim statistics revealing that Indians are, and consistently remain—even in 1995—the poorest of the poor and always the last to benefit. Today, I will withhold from reciting that data because I believe that this bill begins to turn the tide in this Nation's treatment of Indians and their tribal governments. Similar to the unfunded mandates bill we enacted into law earlier their year, the Dole substitute bill under consideration will treat tribal governments like State governments by allowing them the flexibility and authority to directly administer their own programs free of Federal bureaucratic intrusion and control. Due in large part to the leadership of the late President Nixon, the Congress for more than two decades have responsibly exercised its plenary authority by replacing the distorted and dismal policy of termination of Indian tribal governments with empowering policies of tribal self-determination and self-governance—policies that respect and honor the government-to-government relationship between the Federal Government and the Indian tribes—policies that are consistent with the Federal trust responsibility and that set a new course of fairness in the Federal Government's dealings with Indian tribal governments.

Given the renewed commitment by Congress to deal fairly with the Indian tribes, I fully understood why many tribal leaders became concerned when the Congress earlier this year began moving toward a system of block grants to States. The concerns were that if the Congress did not revise the block grant model to reflect its responsibility to Indian tribal governments, the government-to-government relationship between the tribes and the United States would be soon eroded and the Federal trust responsibility held sacred in our Constitution and the decisions of our Supreme Court would be relegated to the States.

These tribal concerns are likewise valid in a practical sense. A Federal Inspector General's report issued in August 1994 found that Federal block grants to States, in some instances have not resulted in equitable services being provided to Indians. That report found that in 15 of the 24 States with the largest Indian populations, eligible Indian tribes did not receive funds even though Indian population figures were used to justify the State's receipt of Federal funding. In addition, findings of the Senate Committee on Indian Affairs revealed that even when States were attempting to serve Indians, the programmatic and administrative costs of providing welfare services to Indians are often greater than providing local services to others. What these findings revealed to me is that when either the Federal or State governments have administered programs for Indians, Indians have not received an equitable share of services.

Mr. President, the whole purpose of welfare reform is to provide the tools to State governments to design and administer local welfare programs. After all, we have come to understand that local governments want and have the ability to create local solutions to address what are, in essence, local problems. I would suggest that this policy is no different than the Federal Indian policies of tribal self-determination and self-governance. I also know that elected tribal officials have a great love of country and an incredible desire to contribute to the Nation's goal of elevating members of their communities out of the depths of poverty. Given the tools to do so, I believe that Indian tribes will make great contribution to the Nation's war on poverty.

Mr. President, before I conclude my remarks, I would like to acknowledge a group of Senators that I believe have demonstrated a great level of understanding and commitment to the importance of addressing the needs of Indian tribes in the Nation's welfare reform movement. Senators HATCH, INOUYE, DOMENICI, SIMON, MURKOWSKI, PRESSLER, CAMPBELL, and KASSEBAUM have contributed to ensuring that Indian tribes are not overlooked and abandoned in the current welfare reform efforts.

Two members of the Indian Affairs Committee deserve particular recognition: my good friend from Kansas, Senator NANCY LANDON KASSEBAUM and my good friend from Utah, Senator ORRIN HATCH. Senator KASSEBAUM, as chairwoman of the Labor and Human Resources Committee, worked closely with the Indian Affairs Committee and Senator SIMON to ensure that provisions for direct Federal funding would be available to Indian tribes in her committee's employment consolidation bill and that tribes would continue to receive funding through the Child Care and Development Block Grant Program. Senator KASSEBAUM'S leadership has greatly contributed to the fairness with which Indian tribes are treated under H.R. 4 and the progress that has been made by the Congress in its treatment of Indian tribes.

I want to give particular thanks to my good friend from Utah, Senator ORRIN HATCH. Senator HATCH has

worked tirelessly with me over the last several months to shape and enhance tribal welfare provisions that could be acceptable in any welfare reform plan. Senator HATCH is a member of the Senate Finance Committee and he is a new member of the Senate Committee on Indian Affairs. He has demonstrated a great level of understanding and commitment to the betterment of the lives of Indian people, and I commend Senator HATCH for his steadfast leadership in ensuring that Indian tribal governments are fairly treated in the welfare reform debate.

Mr. President, I understand that other major welfare reform proposals make an effort to similarly address the needs of Indian tribes. While I have placed my full support behind the provisions of H.R. 4 related to Indian tribal governments, I want to make sure to recognize the attention that has been paid and the work that has been done on behalf of Indian tribal governments by my colleague so the other side of the aisle. For example, I know that S. 1117 would have provided a 3-percent allocation of funds to Indian tribes under the JOBS Program and would have authorized new funding for teen pregnancy prevention and for teen parent group homes, and like the Dole substitute bill, provides continued funding for child care and development block grants to tribes.

The spirit in which the Senate has acted has adhered to a principle that I believe should guide the Congress in matters of Indian affairs: Indian issues are neither Republican, nor Democratic. They are not even bipartisan issues—they are nonpartisan issues. They are day-to-day human issues which call for a level of understanding on both sides of the aisle. While this body is not in total agreement with just how to reform welfare, the one thing we all agree upon is that whatever new form this Nation's welfare system takes, providing equal access to the Nation's Indian population is not only the right thing to do, it honorably discharges some of our continuing responsibilities under the U.S. Constitution.

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

Mr. SANTORUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SENATE ETHICS COMMITTEE PERFORMED WITH HONOR

Mr. BYRD. Mr. President, one definition given for the word ''ethics'' by the Random House Dictionary is—and I quote—''The branch of philosophy dealing with values relating to human conduct, with respect to the rightness and wrongness of certain actions and to the goodness and badness of the motives and ends of such actions.''

Members of this body who are called to service on the Ethics Committee are asked to make judgments quite unlike the judgments required by service on any other committee of the Senate. These individuals are called upon to grapple not only with public policy and legal and constitutional questions, but also with the deeper philosophical questions which have confronted the human race since Adam and Eve found themselves tempted in the Garden—namely ''the rightness and wrongness of certain actions'' by their own colleagues. There is no more daunting task than this.

To be asked to sit in judgment of another's actions and motives is, in one sense, an honor, but it is also an humbling experience for those who are so honored to sit in judgment. And with that charge must come the certain inner realization that no one among us is without fault, that none of us is free from errors in judgment, weakness, and at times failings of character. Such task is made all the more difficult in a body such as this, where politics too easily intrudes, and where friendships developed over long years can cloud one's objectivity.

I am deeply saddened by the tragedy that has befallen our colleague, Senator PACKWOOD. However, he has done the right thing in choosing to spare the Senate further agony over his fate. Although this experience has been difficult for all concerned, one thing is clear. The Senate Ethics Committee has again performed its most arduous function with honor, thoroughness and professionalism. I commend the chairman of the committee, Senator MCCONNELL, vice chairman, Senator BRYAN, Senator MIKULSKI, Senator SMITH, Senator DORGAN, and Senator CRAIG for their handling of this extremely contentious matter. I commend the very professional staff of the Ethics Committee for their diligent work stretching over some 2½ years. I understand that the staff read 16,000 pages of documents, spent approximately 1,000 hours in meetings and interviewed over 260 witnesses during the investigation of this matter. That staff has served the Senate well.

We live in times which are, unfortunately, more politically charged and ruthlessly partisan than I have ever witnessed in my tenure in the Senate. And it is nothing short of amazing that the Ethics Committee, evenly split among Democrats and Republicans, could come to a unanimous decision on this very unfortunate and highly politically charged matter. They were pulled and they were tugged by the media, by other colleagues, by an enormous workload, by political forces outside this body, and I am sure by their own personal inner turmoil over judging the actions and determining the fate of a fellow human being. Still and all, they came through. The ability of the Senate to police itself has been questioned time and time again. In this instance, perhaps the committee's toughest test in many years, I believe that the question has certainly been answered in the affirmative.

I yield the floor and suggest the absence of a quorum.

Mr. SANTORUM. If the Senator will withhold.

Mr. BYRD. I withhold my request.

FAMILY SELF-SUFFICIENCY ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2588 TO AMENDMENT NO. 2280

(Purpose: To require States to provide voucher assistance for children born to families receiving assistance)

Mr. SANTORUM. Mr. President, I send to the desk an amendment on behalf of the Senator from Rhode Island, Senator CHAFEE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for Mr. CHAFEE, proposes an amendment numbered 2588 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 50, beginning with line 12, strike all through line 17, and insert the following:

(2) Vouchers for children born to families receiving assistance—States must provide vouchers in lieu of cash assistance which may be used only to pay for particular goods and services specified by the State as suitable for the care of the child.

Mr. SANTORUM. Mr. President, I ask unanimous consent that that amendment be set aside for later consideration.

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

AMENDMENT NO. 2589 TO AMENDMENT NO. 2280

(Purpose: To provide for child support enforcement agreements between the States and Indian tribes or tribal organizations)

Mr. SANTORUM. Mr. President, I send to the desk an amendment on behalf of the Senator from Arizona, Senator MCCAIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for Mr. MCCAIN, proposes an amendment No. 2589 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.