

and tested and assisted with their job of adapting to this world.

When it is appropriate for mothers and newborns to go home before the end of a 48-hour period or a 96-hour safe haven, they will go home—if it is appropriate, they will go home. Followup care will be required and studied in greater depth because of the fine amendment that Senator DEWINE of Ohio was able to add.

Please understand that this bill does not require that all mothers stay in the hospital for a specified length of time any more than it requires all mothers to give birth in hospitals. A woman, in consultation with her doctor, may decide to leave the hospital before 48 hours, but in no event can an insurance company require that she leave in less than 48 hours.

Mr. President, April 17, 1996, is an important day for the Senate. The Labor and Human Resources Committee held a markup on the newborns bill and, after careful consideration, the committee members voted overwhelmingly to send the bill to the full Senate.

What I would like to do is return to the letters that are en route to the distinguished Senators from Kansas and South Dakota. One letter makes a bit of history. Six different professional medical groups have all signed the same letter asking for full Senate action in behalf of mothers and newborns. They are the American Medical Association, the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, the American Nurses Association, the Association of Women's Health, Obstetric and Neonatal Nurses, all joined by the March of Dimes Birth Defects Foundation. All have joined together to say:

As organizations representing health care professionals and advocates committed to quality maternity care, we urge you to schedule for consideration by the full Senate S. 969. We ask you to lend your leadership to guarantee that women and their newborns receive adequate insurance coverage at one of the most important times in their lives.

Mr. President, this is remarkable unity and should inspire us in the Senate to do the same and take action.

A second letter comes from more than 30 cosponsors and supporters of the Newborns' and Mothers' Health Protection Act. This letter says many of the same things:

Let us move on this bill. Newborns and their mothers need it. It is very important. We hope—

The letter goes on to say—

we will be able to inform hundreds of thousands of interested mothers by Mother's Day when this vote will occur.

Several of our women colleagues in the Senate—in fact, all of them—have agreed to sign a third letter. Let me quote a few words from it. It simply says: "What better Mother's Day gift can we give to new mothers than passing this bill?"

A fourth letter comes from the Center for Patient Advocacy, a non-partisan organization devoted to qual-

ity of care for patients. They write and say much the same thing. They say pass the newborn bill. Pass it so that by Mother's Day we can assure mothers that they will be taken care of.

Finally, I want to mention what I believe are the most important letters and pieces of correspondence of all. Those are from the more than 83,000—83,000 men and women, doctors and nurses, grandparents and families who have written my office alone to support this bill—83,000.

The Baumans in my State of New Jersey, the Drumms of Philadelphia, the Joneses of New York, the Avandoglios of Tennessee, are just a few of the families who have generously shared their personal experience and support for this bill.

The Newborns' and Mothers' Health Protection Act has earned unprecedented, unified, professional support from doctors and prompted many thousands of Americans to write us in support of this bill. The bill has been carefully developed with input from all interested parties on both sides of the aisle and throughout the community. It has passed the wise review of the Labor Committee and passed with flying colors.

Many in the Senate have indicated their support. I hope we will honor the occasion of Mother's Day and the voice of so many Americans by announcing as soon as possible that the Senate will vote on this bill and, in passing this bill, will say to mothers that now we understand that giving birth deserves the respect that the insurance industry has failed to give it in requiring women to leave hospitals in less than 24 hours.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

WELFARE REFORM

Mr. ROTH. Mr. President, it has been 39 months since President Clinton outlined his welfare reform goals to the American people. But he has failed to deliver on his promise. Welfare reform was not enacted in 1993 nor in 1994.

Sixteen months ago, President Clinton declared at a joint session of Congress that, "Nothing has done more to undermine our sense of common responsibility than our failed welfare system. It rewards welfare over work. It undermines family values."

As a matter of record, the new Republican Congress passed welfare reform twice in 1995.

H.R. 4, the "Personal Responsibility and Work Opportunity Act of 1995," received bipartisan support in both the House and Senate as it was being drafted. But the President rejected this bipartisan approach. It has now been 16 weeks since he vetoed authentic welfare reform legislation for the second time.

Mr. President, few people have dared to look inside H.R. 4 as it was, after

all, a complex bill reflecting a complex welfare system. Today, I would like to recommend a recent article on the Republican welfare proposal. The article describes how the bill incorporates three different conservative approaches to solving the problems which plague our failed welfare system. Let me quote from the conclusion of the article entitled, "Welfare Fixers."

What is especially interesting about the three conservative strands of thought about welfare is that despite the theoretical differences among them, together they provide a coherent guide as to how to fix a broken system. As men are not angels, Charles MURRAY's negative incentives have their place. But neither are men brutes, and hence something more is needed than a "technology" of behavioral change. As Marvin Olasky reminds us, a rebirth of the spirit of religious charity would change many lives for the better. And as Lawrence Mead reminds us, in a commercial republic such as ours, work is the proper condition for all who are able.

The article goes on to say that:

Indeed, the politicians have seen the big picture in a way that is perhaps not so easy for the lone social thinker to do. The Republican welfare-reform bills in Congress, along with the many state plans being put into effect by Republican governors, make use of Murray's incentives, Olasky's religious charities, and Mead's workfare. If there are theoretical and practical difficulties with each of these approaches, it is precisely the combination that may make conservative welfare reform politically palatable and even, in the end, effective.

Mr. President, you might expect such praise to come out of the Heritage Foundation or the National Review or another prestigious conservative organization. However, this particular article was written by Adam Wolfson, the Executive Editor of the Public Interest and was just published in this month's edition of Commentary.

Republicans understand, and H.R. 4 reflects the reality, that there is not a singular approach to welfare reform. We believe that if families are going to escape from the vicious cycle of dependency, they must be enabled to find their own way out. Welfare reform is not simple because human beings are complex.

The goal of welfare reform for all families to leave welfare.

But the path on how they get there is not necessarily a straight line. Nor, under the Republican approach, must all families follow the same path.

In contrast, this is precisely why Washington will never be able to end welfare as we know it. The bureaucrats in Washington see people only in terms of numbers, not as individuals. In the tradition of scientific management, everything must be reduced to bureaucratic procedures and mathematical equations.

But by vetoing welfare reform, the President ignored the most important number of all. That is, if we do nothing, the number of children on welfare will increase in the coming years.

When he talks about work and family values, President Clinton may talk like a Republican, or at least like a

New Democrat. But he acts like an old bureaucrat by opposing reforms which are not controlled by Washington. By his vetoes, he is protecting the bureaucracy and accepting the status quo in which more children will fall into the trap of dependency.

The causes and cures of poverty involve some of the most intimate acts in human behavior. What many families on welfare need cannot be sent through the mail nor reproduced in the Federal Register.

There is no flaw in admitting that we do not understand how or why individuals will respond to the various incentives and sanctions present in every day life in modern society. The mistake is believing, especially after 30 years of evidence to the contrary, that Washington does know how to apply these incentives and sanctions to the lives of millions of people.

Under the present system, welfare dependency is allowed to become a permanent condition. This is one of the cruelest features of the welfare system because it saps the human spirit.

The true measure of success will be whether the timeless values of work and family life are restored.

Only then while we help free families from the present welfare trap and save future generations from its effects. To do this, we must give the State and local governments all of the tools they need to change the existing welfare system. Different families have different needs.

These tools must include Medicaid, the largest welfare program. For some families, the potential loss of the value of health care coverage locks them into dependency.

Mr. President, I ask unanimous consent to have Adam Wolfson's article, "Welfare Fixers," printed in the RECORD.

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

[From the Commentary, Apr. 1996]

WELFARE FIXERS

(By Adam Wolfson)

In 1982, the journalist Ken Auletta defined the question of the underclass: how do we explain why "violence, arson, hostility, and welfare dependency rose during a time when unemployment dropped, official racial barriers were lowered, and government assistance to the poor escalated"?

Indeed, government spending on welfare increased from about \$33 billion in 1964 to over \$300 billion in 1992 (both figures in 1992 dollars). During the Reagan and Bush years alone, total welfare spending rose more than 50 percent. But all the while, rates of poverty, illegitimacy, non-work, crime, and family break-up got worse, not better. From 1965 to 1990, the illegitimacy rate for blacks rose from 28 to 65 percent, and for whites from 4 to 21 percent. Meanwhile, work among the poor plummeted, to the point where today only about 11 percent of poor households are headed by a full-time worker. For many, Aid to Families with Dependent Children (AFDC)—what most of us think of when we speak of welfare—has become a permanent condition, with over 50 percent of its recipients remaining on the rolls for over ten years.

One thing, however, has changed. Since 1935, when AFDC was first created, through President Lyndon Johnson's War on Poverty in the 1960's, to Bill Clinton's 1992 promise to "end welfare as we know it," welfare innovation and welfare reform were pretty much a Democratic affair. That is no longer the case. When conservative Republicans gained control of Congress in 1994, they also assumed a major share of responsibility for the nation's welfare system and those trapped in it.

How do they intend to proceed? As it happens, although most conservatives agree on the permanent need to end welfare as a federal entitlement, there have been three different and, to some extent, rival schools of thought about how to reform the system. All three have been incorporated in the Personal Responsibility and Work Opportunity Act, which formed the basis of the Republican welfare bill that President Clinton eventually vetoed this past January, and also in the many state plans now being put into effect by such Republican governors as Tommy Thompson of Wisconsin and John Engler of Michigan. The three approaches therefore bear scrutiny, for it is no exaggeration to say that the well-being of America's welfare population, and indeed of American society, depends upon the conceptual clarity with which we approach this long-festering problem.

The most influential of the three schools is associated preeminently with the name of Charles Murray, and its guiding premise is that humans respond rationally to economic incentives. It is a tribute to the sheer rhetorical force and intellectual brilliance of Murray's extensive writings that, although conservatives often tend to resist mechanistic views of human nature, they have embraced this analysis almost without reservation. The most important parts of the Republican welfare bill, those dealing with "personal responsibility," are in fact based on Murray's logic. I am referring in particular to those sections which attempt to curb the high rates of family disintegration and out-of-wedlock births by the application of negative economic incentives. Under these provisions, states would be permitted (though not required) to deny cash assistance to children born out of wedlock to teenage mothers, and would also be permitted (though again not required) to deny additional cash assistance to mothers on welfare who continue to have more children.

Why, Senator Daniel P. Moynihan asked in connection with this aspect of the conservative reform effort, should children have to pay for the sins of their fathers (and mothers)? The answer is to be found in certain assumptions that were first spelled out by Murray over a decade ago in his now-classic book, *Losing Ground: American Social Policy 1950-1980*. The crucial passage appears midway through the book:

"It is not necessary to invoke the *Zeitgeist* of the 1960's, or changes in the work ethic, or racial differences, or the complexities of post-industrial economies, in order to explain . . . illegitimacy and welfare dependency. All were results that could have been predicted . . . from the changes that social policy made in the rewards and penalties, carrots and sticks, that govern human behavior. All were *rational responses* to changes in the rules of the game of surviving and getting ahead." [Emphasis added]

In other words, according to Murray, the welfare state has provided exactly the wrong incentives to the poor and the underclass by rewarding non-work, family dissolution, and out-of-wedlock births. It follows that if we change the rules of the game, behavior will change with it. Get rid of the economic supports (e.g., AFDC) that enable poor single

mothers to support additional children, and they will eventually either abstain from sex, or use birth control, or (one supposes) have abortions.

There is much to Murray's argument. But implementing it might also entail more than the American people and their representatives are willing to swallow. The key to his rationalist approach is "the overriding threat, short-term and tangible." Here is how he describes the threat in a recent article on reducing illegitimacy:

"A major change in the behavior of young women and the adults in their lives will occur only when the prospect of having a child out of wedlock is once again so immediately, tangibly punishing that it overrides everything else. . . . Such a change will take place only when young people have it drummed into their heads from their earliest memories that having a baby without a husband entails awful consequences."

Murray relies heavily on a calculus of pleasure and pain in part because, as a libertarian, he sees no other way. Since government "does not have the right to prescribe how people shall live or to prevent women from having babies," it is left with no options for affecting people's lives other than the tax code. But there is also a deeper reason for Murray's reliance on what he labels "the technology of changing behavior." He thinks it the only effective means of training the human animal. Thought he acknowledges the roles of religion and morality in forming people's sensibilities and attitudes, much of the force of these other agencies, he writes, has always been "underwritten by economics."

It is perhaps this oddly materialist version of human volition that has led some conservatives to look beyond Murray for solutions to the welfare problem. What if, they ask, gutting the welfare system does not have the desired effect forthwith? It will take a very resolute legislator indeed to go on applying negative incentives for as long as it takes. And even if we concede that negative incentives have their place in any plan of welfare reform, how can we expect young people to aspire to the roles of motherhood and fatherhood unless we offer a more elevated conception of these roles in their own terms?

Interestingly enough, Murray himself wrote the preface to a recent book, Marvin Olasky's *The Tragedy of American Compassion*, which embodies an alternative to the "technology" of behavior control. The book's legislative impact has thus far been slight, but its influence can be felt in measures that would authorize states to contract out their welfare services to private religious charities and to churches. Its stamp is also to be found on Republican efforts to restore civil society, like Senator Dan Coats's Project for American Renewal. The book has garnered the endorsements of such heavyweights as William J. Bennett and Newt Gingrich, and later this spring a more policy-oriented sequel will be published by the Free Press under the title *Renewing American Compassion*.

Though Olasky (who teaches at the University of Texas at Austin) agrees with Murray that we should scrap the current welfare system, his analysis of how we got where we are is quite different from Murray's and, correctly understood, leads down different paths. In fact, Olasky turns Murray's thesis on its head. Although he acknowledges the impact of economic incentives on people's behavior, in his view the underlying forces are spiritual and, broadly speaking, religious. Thus, according to Olasky, "the key change of the 1960's" was "not so much new benefit programs [Murray's claim] as a

change in consciousness concerning established ones, with government officials approving and even advocating not only larger payouts but a war on shame."

To Olasky, American social-welfare policy has always reflected the dominant theology of the day. In the 18th and early 19th centuries, theology emphasized a merciful but just God and a sinful human nature that only God's grace could cure. This produced a hardheaded approach to social policy: aid to the poor was given in kind, but not in cash; charity, understood as "suffering with" the needy, was personal and paternalistic; material aid was considered secondary to, and dependent upon, saving souls; aid was for the "deserving," not the "undeserving," poor.

But this Calvinist theology lost out in the late 19th century to a universalistic, liberalized view that "emphasized God's love but not God's holiness," that jettisoned belief in original sin for a Rousseau-like belief in the natural goodness of man, and that essentially secularized a whole range of Christian beliefs. The effects on social policy were dramatic and devastating—and, in Olasky's opinion, completely predictable. The state took over the care of the poor, crowding out private charity. Shame and the work ethic were supplanted by the attitude that the poor have a constitutional right—that is, an entitlement—to welfare. Emphasis shifted from improving the spiritual conditions of the poor to improving their material conditions. As Owen Lovejoy, president of the National Conference of Social Work, put it in 1920, the goal would no longer be private salvation but rather the creation of "a divine order on earth as it is in heaven."

Olasky's history describes, in short, a descent, a fall from grace. As a nation, he claims sweepingly, we have been making war not on poverty but on God, and "the corruption is general." Therefore, although he too, like Murray, would tear down the welfare state, he does not expect any sudden alteration in behavior. Rather, he sees in the end of the welfare state an opportunity for private charities, and in particular private religious charities, to take over some of the responsibilities of caring for the poor, especially in the (for him) primary arena of their spiritual needs.

After all, writes Olasky, it was the federal government's entry into the welfare arena that "crowded out" private religious charities in the first place. Remove the government, and the charities will come surging back. Yet he is honest enough to admit that the historical record is not entirely clear on this point: which came first, the increasing involvement of professionals and the government in the lives of the poor, or a decline in voluntarism and religiosity? This is a crucial question, for if something in the culture led to a decline in voluntarism prior to the federal government's takeover of welfare, then a simple withdrawal of the latter will not necessarily lead to an increase in the former.

"In the end," predicts Olasky, "not much will be accomplished without a spiritual revival that transforms the everyday advice people give and receive, and the way we lead our lives." If that were really so, it would be reasonable to conclude that public-welfare programs should not be scrapped at all, but rather kept in place until the hoped-for spiritual revival occurs, lest the poor be left without God and without material support at once. Be that as it may, however, there is much else in Olasky's thinking, particularly about the role of private "compassion," that reformers can make use of in the months and years to come.

This brings us to the third current. Unlike the first two, both of which see big government as the principal culprit in the welfare mess, this one envisions a role for government in its solution.

Perhaps the principal figure here is Lawrence Mead of New York University. In his book, *The New Politics of Poverty*, Mead argues, against Murray, that the marginal economic disincentives created by welfare do not explain the really staggering extent of non-work and family dissolution in the welfare population. Moreover, having a baby out of wedlock in order to receive a welfare check is not really "rational," in Mead's judgment. Rather, this and other aspects of the behavior of the underclass are the results of a certain personality profile. The non-working poor, says Mead, are defeatist, passive, and psychologically resistant to taking low-skilled jobs. A "culture of poverty" exists that cannot be fully explained by the rationalist model.

What to do? The answer, according to Mead, is workfare, an approach that would require able-bodied recipients of welfare to enter the labor market. By forcing the poor to be like the rest of us, workfare seeks to manage and even (in the words of Congressman Bill Archer) to "transform" them.

The thinking of Mead and others who favor workfare—Mickey Kaus of the *New Republic* is another well-known proponent of such schemes—is evident in the various versions of the Republican welfare-reform bill. All include the basic requirement that for any aid poor people receive from the government, they must work, in the private sphere if possible but in the public sector if not. According to the bill, 50 percent of welfare recipients must be working by 2002; even single mothers with children (over the age of one) should be required to work; and families receiving benefits will be cut off after five years.

Mead argues that workfare represents, in effect, a "new paternalism," a "tutelary regime." And indeed his ideas have alarmed more than a few conservatives, especially those of a libertarian bent. Many believe that any attempt by the government to mold behavior, even that of the poor, marks a break from the American tradition of limited government. Such fears are in Mead's view well-founded. But the appearance of the contemporary underclass itself marks, he believes, a watershed development in our national life, if not "the end . . . of an entire political tradition." That tradition—the tradition of the Founders, and of such classical liberals as Hobbes, Locke, and Montesquieu—"took self-reliance for granted." It assumes that people are, by nature, rational maximizers of their economic interests. But now it appears that many are not; and so a "new tradition," a "new political theory," even a "new political language" is needed.

All this seems somewhat overheated. For some reason, many of those who propose work as a solution to the welfare problem cannot resist militaristic metaphors. (Thus Mickey Kaus, in *The End of Equality*, urges Americans to build a "Work Ethic State.") But we need not really move beyond our own liberal tradition in order to enforce the norm of work. The Founders themselves recognized that humans are frequently irrational, indeed even lazy. And Adam Smith, the classical liberal *par excellence*, was not mincing words when he observed that among the "inferior ranks" of society there was a surfeit of "gross ignorance and stupidity." Rather than positing rational self-interest as a universal human trait, Smith and other classical liberals thought that through persuasion and law, it would be possible to turn men away from their former pursuits of military glory and religious enthusiasm toward "small savings and small gains." A little bit of workfare for those still unmindful of their economic self-interest thus need hardly spell the end of the American political tradition.

What is especially interesting about the three conservative strands of thought about welfare is that despite the theoretical differences among them, together they provide a coherent guide as to how to fix a broken system. As men are not angels, Charles Murray's negative incentives have their place. But neither are men brutes, and hence something more is needed than a "technology" of behavioral change. As Marvin Olasky reminds us, a rebirth of the spirit of religious charity would change many lives for the better. And as Lawrence Mead reminds us, in a commercial republic such as ours, work is the proper condition for all who are able.

Indeed, the politicians have seen the big picture in a way that this perhaps not so easy for the lone social thinker to do. The Republican welfare-reform bills in Congress, along with the many state plans being put into effect by Republican governors, makes use of Murray's incentives, Olasky's religious charities, and Mead's workfare. If there are theoretical and practical difficulties with each of these approaches, it is precisely the combination that may make conservative welfare reform politically palatable and even, in the end, effective.

CONSERVATION AND GRAZING

Mr. ROTH. Mr. President, I rise today to express my strong opposition to President Clinton's actions to open our conservation reserve lands to cattle grazing. As someone who is concerned about the environment, I am disappointed by his decision.

The conservation program pays ranchers to take ecologically fragile land out of grazing.

It has been a very successful program and has put away some 36 million acres away as a nature preserve. By removing these acres of land from cattle grazing and creating areas of undisturbed vegetative cover, the program has created habitat for many types of wildlife across the Great Plains and the Midwest, including waterfowl, pheasants, prairie grouse, raptors, and migratory songbirds. These species need undisturbed cover to nest and raise young successfully.

But good green grass is hard to come by. The price of feed is up and the price of cattle is down. For some, the solution to higher beef prices may be to open up restricted land to grazing.

But as Richard Cohen quickly pointed out in today's *Washington Post*, "First the oil reserves, then the conservation reserves and next—maybe—the Federal Reserve."

In the name of environmental protection, this Congress fought off any attempts to allow grazing on ecologically sensitive land.

In fact, in last month's farm bill we provided significant funding for the Conservation Reserve Program and made sure that wildlife habitat was a primary objective of the reserve program.

By opening all 36 million CRP acres nationwide to grazing and haying with few constraints and little apparent consideration for the scope of the emergency, the Clinton administration has eliminated much of the wildlife value of the Conservation Program.